

FEDERAL REGISTER

VOLUME 21

NUMBER 60

Washington, Wednesday, March 28, 1956

TITLE 3—THE PRESIDENT PROCLAMATION 3129

NATIONAL FARM SAFETY WEEK, 1956
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS more than 14,000 farm residents—men, women, and children—lose their lives each year as the result of accidents; and

WHEREAS there were more accidental deaths among farm workers last year than occurred among the workers of any other major industry; and

WHEREAS in nearly every case human failure is associated with this appalling loss of life; and

WHEREAS experience in industry has proved that accident-prevention measures always pay—in less suffering and sorrow and in fewer injuries and deaths; and

WHEREAS the annual observance of Farm Safety Week has done much to direct national attention to the need for constant observance throughout the year of adequate safety precautions on the part of all residents and workers on the farm:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the Nation to observe the week beginning July 22, 1956, as National Farm Safety Week, and I urgently request all farm workers and those who reside on farms to adopt safe practices that will make every day safety day on the farm.

I also request all persons and organizations interested in the welfare of farm people to join in this annual campaign to reduce the tragic loss of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of March in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 56-2369; Filed, Mar. 27, 1956; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

This bulletin states the requirements with respect to the 1956 incentive payment program for shorn wool and the 1956 payment program for unshorn lambs (pulled wool), formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Commodity Stabilization Service (referred to in this bulletin as CSS).

Subpart A—1956 Incentive Payment Program for Shorn Wool

Sec.	Administration.
472.701	Incentive level and payments.
472.702	Eligibility for incentive payments.
472.703	Marketing within the 1956 marketing year.
472.704	Sales in good faith.
472.705	Rate of incentive payment.
472.706	Computation of payment.
472.707	Filing application for payment.
472.708	Form of application and supporting documents.
472.709	Contents of sales documents.
472.710	Preparation of application.
472.711	Report of purchases of unshorn lambs.
472.712	Signature of applicant.
472.713	Payment.
472.714	Deductions for promotion.
472.715	Appeals.

(Continued on p. 1879)

CONTENTS THE PRESIDENT

Proclamation	Page
National Farm Safety Week, 1956	1877

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Notices:	
Lewis, R. P. & Son Auction Co. and LaJunta Livestock Commission Co.; posting of stockyards	1906
Proposed rule making:	
Milk in Ozarks marketing area; handling	1902
Rules and regulations:	
Grading and inspection, minimum specifications for approved plants and standards for grades of dairy products; U. S. standards for grades of cheddar cheese	1889
Grain standards; revision of official standards of U. S. for barley	1887
Milk in Stark County, Ohio, marketing area; handling	1898
Agriculture Department	
See also Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service.	
Notices:	
Farm Tenant-Mortgage Insurance Fund; Farmers Home Administration; assignment of functions	1907
Coast Guard	
Proposed rule making:	
Navigation and vessel inspection regulations; public hearing on proposed changes	1901
Commodity Stabilization Service	
Rules and regulations:	
Rice; 1956-57 marketing year, definition of rice acreage	1898
Wheat; regulations pertaining to farm acreage allotments for 1957 crop	1895
Wool; 1956 incentive payment program for shorn wool and 1956 payment program for unshorn lambs (pulled wool)	1877



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26: Parts 80-169 (\$0.50)
Title 32: Parts 800-1099 (\$0.40)

Previously announced: Title 3, 1955 Supp. (\$2.00); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 18 (\$0.50); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35); Title 32: Parts 700-799 (\$0.35), Part 1100 to end (\$0.35); Titles 40-42 (\$0.65); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission	Page
Notices:	
Hearings, etc.:	
Albuquerque Broadcasting Co. (KOB)	1907
Apple Valley TV Association, Inc.	1914
Brewster-Pateros TV Association, Inc.	1913
EAO-TV Co., Inc.	1913
Laird, Dorothy J. (WDUX)	1914
Parrish, B. J., et al.	1912
Whitman, Donald F.	1914

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Proposed rule making:	
Main studios and station identification of television broadcast stations	1904
Type acceptance of transmitters, bandwidth and spurious emissions	1903
Rules and regulations:	
Radio broadcast services; statement of certain editorial changes	1900
Stations on shipboard in maritime services; expansion of scope of interim ship station licensing procedure	1900
Federal Power Commission	
Notices:	
Hearings, etc.:	
Southern California Edison Co.	1917
Southern Production Co., Inc.	1916
United Carbon Co. and Columbia Fuel Corp.	1917
Food and Drug Administration	
Rules and regulations:	
Certification of penicillin and penicillin-containing drugs; exemption from certification of benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension for veterinary use	1886
General Services Administration	
Notices:	
Federal office building; prospectus for proposed building in southwestern portion of District of Columbia	1917
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Housing and Home Finance Agency	
Notices:	
Regional Administrative Officer, Region II and Administrative Clerk, Region II (Philadelphia, Pa.); redelegation of authority to execute certain contracts with respect to administrative matters	1918
Indian Affairs Bureau	
Notices:	
Functions relating to general matters; redelegation of authority; publication in newspapers	1906
Functions relating to Indian lands and minerals; redelegation of authority; mineral lands and permits	1905
Interior Department	
See Indian Affairs Bureau; Land Management Bureau; Reclamation Bureau.	
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief (2 documents)	1926, 1927
Motor carrier applications	1919

CONTENTS—Continued

Land Management Bureau	Page
Rules and regulations:	
Wisconsin; public land order	1899
Reclamation Bureau	
Notices:	
Navajo Project, New Mexico; first form reclamation withdrawal	1906
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
New England Electric System	1919
Railway Equipment & Realty Co., Ltd.	1918
Southern Co. and Georgia Power Co.	1918
Treasury Department	
See Coast Guard.	

CODIFICATION GUIDE

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

Title 3	Page
Chapter I (Proclamations):	
3129	1877
Title 6	
Chapter IV:	
Part 472	1877
Title 7	
Chapter I:	
Part 26	1887
Part 45	1889
Part 58	1889
Chapter VII:	
Part 728	1895
Part 730	1898
Chapter IX:	
Part 921 (proposed)	1902
Part 963	1898
Title 21	
Chapter I:	
Part 146a	1886
Title 43	
Chapter I:	
Appendix (Public land orders):	
372 (revoked by PLO 1277)	1899
1277	1899
Title 46	
Chapter I:	
Part 35 (proposed)	1901
Part 111 (proposed)	1901
Title 47	
Chapter I:	
Part 2 (proposed)	1903
Part 3	1900
Proposed (2 documents)	1903, 1904
Part 4 (proposed)	1903
Part 5 (proposed)	1903
Part 6 (proposed)	1903
Part 7 (proposed)	1903
Part 8	1900
Proposed	1903
Part 9 (proposed)	1903
Part 10 (proposed)	1903
Part 11 (proposed)	1903
Part 16 (proposed)	1903
Part 19 (proposed)	1903

- Sec.
472.717 Records and inspection thereof.
472.718 Death, incompetency, or other disability.
472.719 Set-off.
472.720 Assignments.
472.721 Instructions and interpretations.
472.722 Forms.
472.723 Violation of program.
472.724 Definitions.

Subpart B—1956 Payment Program for Unshorn Lambs (Pooled Wool)

- 472.751 Administration.
472.752 Rate of payment.
472.753 Eligibility for payments on lambs.
472.754 Sales in good faith.
472.755 Computation of payment.
472.756 Filing application for payment.
472.757 Form of application and supporting documents.
472.758 Report of purchases of unshorn lambs.
472.759 Contents of sales documents.
472.760 Signature of applicant.
472.761 Payment.
472.762 Deductions for promotion.
472.763 Appeals.
472.764 Records and inspection thereof.
472.765 Death, incompetency, or other disability.
472.766 Set-off.
472.767 Assignments.
472.768 Instructions and interpretations.
472.769 Other forms.
472.770 Violation of program.
472.771 Definitions.

AUTHORITY: §§ 472.701 to 472.771 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912; 15 U. S. C. 714c, 7 U. S. C. 1781-1787, 1446.

SUBPART A—1956 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

§ 472.701 *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (referred to in this subpart as ASC) state and county offices. ASC state and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

§ 472.702 *Incentive level and payments.* For the 1956 marketing year (beginning April 1, 1956, and ending March 31, 1957, both dates inclusive, § 472.724), the price level which has been determined to meet the requirements of the National Wool Act of 1954 is 62 cents per pound of shorn wool, grease basis. Announcement of this price level was made by the Department of Agriculture on September 12, 1955, in accordance with section 703 of the National Wool Act of 1954, which states that the Secretary shall, to the extent practicable, announce the support price levels for wool sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For the 1956 marketing year, price support on shorn wool will be furnished by means of payments to the producer on the shorn wool he markets.

§ 472.703 *Eligibility for incentive payments.* Before payments under this

program can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in § 472.718, the applicant must be the producer and in the case of a joint application, each applicant must be a producer (as defined in § 472.724) of the shorn wool.

(b) The wool must have been shorn in the continental United States, its territories, or possessions on or after January 1, 1955, and must have been marketed within the 1956 marketing year (as defined in § 472.724). For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep, and other off wools, such as black wool, tags and crutchings.

(c) The wool as well as the sheep or lambs from which it was shorn, must have been owned by the producer at the time of shearing, and the sheep or lambs must have been owned by him for not less than 30 days at any time prior to his signing the application for payment (§ 472.708), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the animals pursuant to which the applicant, in return for furnishing labor in connection with caretaking, lamb production, or feeding, is entitled either to a share in the ownership of the wool shorn from such animals or a share of the sales proceeds of the wool: *Provided*, That the owner of the animals who joins in the application meets the ownership requirements. Ownership of wool or animals as used in this paragraph does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it without any other person being entitled to the wool or its proceeds and without his having authorized any other person to sell or otherwise dispose of the wool; (2) when the producer has authorized another person to sell or otherwise dispose of the wool, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the wool; or (3) when the producer is entitled to a share of the wool or of the proceeds thereof pursuant to an agreement described under paragraph (c) of this section though he does not own the animals from which the wool was shorn. If the producer has such beneficial interest, the fact that the wool may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

(e) The producer must either report, in accordance with § 472.712, that the wool sold includes wool obtained by a first shearing of lambs he purchased on or after April 1, 1956, or certify that the wool sold does not include any wool so obtained.

§ 472.704 *Marketing within the 1956 marketing year.* (a) The National Wool Act of 1954 provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. Since this program covers only the 1956 marketing year, payments under this program will be limited to wool marketed during the period beginning April 1, 1956, and ending March 31, 1957.

(b) Marketing shall be deemed to have taken place in the 1956 marketing year if, pursuant to a sale or a contract to sell, the last of the following three events in the process of marketing was completed in the 1956 marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. Any one of the three events may be the last event completed. The factors referred to under subparagraph (3) of this paragraph are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly.

(c) Delivery of wool on consignment to a marketing agency (defined in § 472.724) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Wool delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency. When a producer transfers title to his wool to a marketing agency and provides that such agency shall market the wool and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the wool.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the wool.

§ 472.705 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.706 *Rate of incentive payment.* Upon expiration of the 1956 marketing year and after the Department of Agriculture has determined the national average price for wool received by producers in that marketing year, the Department will announce the rate of the

incentive payment under this program. The rate of payment will be the percentage of the national average price received by producers required to bring such national average price up to the announced incentive price. For example, if the reported national average price received by producers for wool sold during the 1956 marketing year should be 50 cents, the difference between that figure and the incentive price of 62 cents previously announced (§ 472.702) would be 12 cents, and this figure would constitute 24 percent of the national average price of 50 cents. In such a case, the rate of incentive payment would be 24 percent of the net sales proceeds received by each producer.

§ 472.707 Computation of payment.

(a) In order to determine the amount of the incentive payment due to a producer on the wool he marketed during the 1956 marketing year, the percentage computed pursuant to § 472.706 will be applied to the net sales proceeds received by him and adjusted in accordance with paragraph (b) of this section, so as to express the net proceeds received at his farm, ranch, or local shipping point (defined in § 472.724). The amount so computed may be reduced on account of purchases of unshorn lambs, in accordance with paragraph (c) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading, scouring, or carbonizing; or storage. For example, if the producer marketed his clip of 500 pounds at 50 cents per pound, he received \$250 as gross proceeds and, if the marketing deductions totaled \$25, his net proceeds of sale (after marketing deductions) amounted to \$225. For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point. Consequently, charges made for furnishing wool bags or transporting wool to the producer's local shipping point shall not be considered marketing charges. Neither are other charges, not directly related to marketing of the wool, such as interest on advances or dues owing an association, to be considered marketing charges.

(c) If pursuant to § 472.712, the producer reports, in his application for payment, the purchase on or after April 1, 1956, of any unshorn lambs, his incentive payment computed in accordance with paragraph (b) of this section shall be reduced by an amount resulting from multiplying the reported liveweight of the animals purchased on or after April 1, 1956, as unshorn lambs, by the announced rate per hundredweight to be paid producers under the pulled wool program (§ 472.752).

§ 472.708 Filing application for payment—(a) Place of filing.

The application for payment shall be filed by the producer entitled thereto with the ASC county office serving the county where the headquarters of the applicant's farm, ranch or feed lot—as the case may be—

is located. If the producer has more than one farm or ranch or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters, except that if the producer sells his entire clip in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) in any one of these ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his residence or office may be considered the farm or ranch headquarters. Applications by producers located in the territories or possessions shall be filed with the Washington State ASC Office, Spokane, Washington.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of wool for the 1956 marketing year have been completed and must be filed not later than 30 days after the end of the marketing year, that is, not later than April 30, 1957. The ASC county office may waive this 30-day limitation on applications filed before August 1, 1957, if delayed filing is due to causes beyond the control of the applicant.

(c) *Filing joint applications—(1) Joint owners.* When joint owners of the sheep and of the wool apply, all of them must sign any application based on the sale of their wool. When this subpart refers to joint ownership of the sheep or wool, this term also includes ownership in common. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(2) *Producers who did not own the animals from which the wool was shorn.* Each application for payment prepared by producers some of whom did and some did not own the animals from which the wool was shorn, as described in § 472.703

(c), shall be a joint application, irrespective of whether the wool was divided among such producers prior to sale or whether it was sold without division. All producers who are entitled to a share of the wool or a share of the sales proceeds shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed CCC Wool Form 55-1, "Attachment to CCC Wool Form 55 for Producers Who Did Not Own the Animals from Which the Wool Was Shorn."

(3) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be respon-

sible for a division among the applicants of a payment made by CCC to all of them jointly.

§ 472.709 *Form of application and supporting documents—(a) Application.* The application for payment shall be made on CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool." Copies of this form will be available in the ASC county offices. The application will be filed in the original only. It shall be supported by the original sales document (defined in § 472.724) for the wool sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales documents to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon or typewritten copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.717.

(c) *Practice of issuing carbon copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon copy to the seller in place of the original, the producer may submit that carbon copy in support of his application, provided the carbon copy bears a signature, in accordance with § 472.710 (a) (10), of the person or of the representative of the firm that prepared the original sales document. Such carbon copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.710 *Contents of sales documents.* The sales documents attached to each application for an incentive payment must contain a complete accounting for the wool covered by the document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirement. Except as provided in § 472.718, sales documents must cover wool sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except those covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale: In case the producer's shipment to a marketing agency is sold in parts within the 1956 marketing year, the date when final settlement is

made within that marketing year for the wool that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any, see § 472.707 (b). The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what charges were included in that figure. If a sales document indicates charges without specifying their nature they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions.

(7) Non-marketing deductions, such as those for bags, interest, or association dues.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature: The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within the 1956 marketing year shall contain a statement that the wool was marketed during the 1956 marketing year as required by the regulations issued pursuant to the National Wool Act of 1954.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for incentive payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller, date of sale, net weight of wool sold, the net amount received by the producer for the wool, any applicable nonmarketing deductions, such as association dues or interest on advances, the name and address of the purchaser, and the signature of the purchaser or his agent.

§ 472.711 *Preparation of application.* (a) The "Application for Incentive Payment—Shorn Wool", CCC Wool Form 55, consists of two parts. Part I is designed to give the ASC county office general information about the wool production of the applicant and contains his certification as to facts relating to the production and ownership of the wool marketed. Part II contains details about the marketing of the wool which is the basis for the application and contains another

certification which covers these details. If the applicant paid any marketing charges (§ 472.710 (a) (5)) not shown on the sales document, such as for scouring or carbonizing, grading, or freight from the applicant's local shipping point, such charges should be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, in his discretion, fill out both parts and sign both certifications. He may, however, fill out only Part I, sign the certification included therein, forward the application to his marketing agency, and request it to fill out Part II, to sign the certification included in this part, and to file the application with the required attachments on behalf of the applicant in the appropriate ASC county office in accordance with § 472.708 (a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to time and manner of filing the application.

§ 472.712 *Report of purchases of unshorn lambs.* In making application for payment on the sale of shorn wool, the producer shall report as prescribed in this section, the date of purchase, the number, and the liveweight of animals purchased by him on or after April 1, 1956, as unshorn lambs.

(a) *No purchases.* If the applicant knows that his application does not include any wool which was removed in the first shearing of the animals purchased by him on or after April 1, 1956, as unshorn lambs, he will report no purchases of unshorn lambs.

(b) *Report on actual basis.* If wool removed in the first shearing of such lambs is included in the application, and the applicant's operations are conducted in such a manner that he is able to identify the lambs from which such wool was shorn, he shall report the date of purchase as well as the number and liveweight of the animals that he purchased as unshorn lambs on or after April 1, 1956, from which such wool was subsequently shorn and included in the application for payment. Among the lambs purchased he shall include those which died after purchase and from which the wool was removed and included in the application.

(c) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not wool removed from such lambs is included in the application, or knows that some such wool is included, but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as herein-after explained, the date of purchase as well as the number and liveweight of a quantity of unshorn lambs equal to the number of lambs from which wool was shorn and included in the application. The reporting of purchased animals shall be continued in subsequent applications for incentive payment on shorn wool and applications for payment on unshorn lambs until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs, on

which he applies for a payment either on the basis of a sale of the wool shorn therefrom or on the basis of a sale of unshorn lambs.

(2) For example, if the producer's first application for the 1956 marketing year covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 200 animals he purchased on or after April 1, 1956, as unshorn lambs; if, for example his second application covers the sale of 300 unshorn lambs, he shall report in that application the same information for the next 300 animals that he purchased on or after April 1, 1956; and as additional applications are filed under either the shorn wool or the pulled wool program, he shall report his purchases in chronological order until all purchases up to the date of his application are accounted for, to the extent that he has applied for a payment on such animals or on wool shorn therefrom.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has reported his total purchases on or after April 1, 1956, he will report no purchases of unshorn lambs in such an application. On the other hand, if the producer does not have sufficient marketings of wool and unshorn lambs during the 1956 marketing year to cover all of his purchases of unshorn lambs and consequently does not report all of his purchases of unshorn lambs in applications based on sales during the 1956 marketing year, the balance shall be carried forward and reported in succeeding marketing years.

§ 472.713 *Signature of applicant.* No payment will be made unless an application for incentive payment is signed. The ASC county office will determine with respect to each person who signs an application for incentive payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.714 *Payment.* After the ASC county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than \$3.00 to an applicant, or to joint applicants, will not be made. Likewise, payment of less than \$3.00 will not be made to an assignee in connection with any assignment. If the ASC county office determines that for any reason the application for payment should be rejected in whole or in part, including the reason that it was not filed within the 30-day period in accordance with § 472.708 (b), the ASC county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been

rejected for a specified reason and shall retain a copy of such notice.

§ 472.715 Deductions for promotion. If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made from the payment.

§ 472.716 Appeals—(a) To ASC county committee. Within 15 days from the date of mailing of the notice that the application has been rejected in whole or in part (see § 472.714), the applicant may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of wool marketed, the net proceeds involved in the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office was erroneous. If the appeal is from the failure of the ASC county office to waive the 30-day limitation, the applicant shall also state the reason for his delay in filing the application. The ASC county committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 15 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC county office.

(b) To ASC state committee. If the ASC county committee sustains the decision of the ASC county office, the applicant may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. The ASC state committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 30 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC state office.

(c) To Washington office. If the ASC state committee sustains the decision of the ASC county committee, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of mailing of the notice by the ASC state committee. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

(d) Joint applications. If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 472.717 Records and inspection thereof. The applicant and his marketing agency shall maintain, until April 1, 1960, books, records, and accounts showing the purchases of lambs by the applicant on or after April 1, 1956, and the marketing of wool on which an applica-

tion for payment is based; and CCC shall at all times during regular business hours have access to the premises of the applicant or his marketing agency to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.718 Death, incompetency, or other disability—(a) Death, incompetency, or disappearance. Except as provided in paragraph (b) of this section, in case of death, incompetency, or disappearance of a producer entitled to payment, application for any payment under this subpart may be made by any person who would be entitled to such producer's payment under the regulations contained in ACP-122, as amended, 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to payments authorized pursuant to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The number and heading of Standard Form 1055 in the last sentence of 7 CFR 1108.7 shall be deemed to read, "Standard Form No. 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor".

(b) Incompetent Indians. Applications for payment may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. In such cases, the application for incentive payment will be filed in the ASC county office serving the county where the headquarters of the Indian's farm or ranch is located.

(c) Other disability. In cases of bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.719 Set-off. (a) If the county debt register shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office with interest to the date of set-off.

§ 472.720 Assignments—(a) Form. The producer may assign payments which may be determined to be due him under this program for the 1956 marketing year by filing with the ASC county

office the original and two copies of CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954", duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of at least two attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) Provisions. An assignment may only be given as security for cash advanced or to be advanced by a financing agency (as defined in § 472.724) or a marketing agency on sheep, lambs, or wool. An assignment made to a financing agency shall cover all incentive payments earned by the producer under the 1956 shorn wool program. An assignment made to a marketing agency shall cover all incentive payments earned by the producer in connection with all wool marketed by the agency for the producer's account during the 1956 marketing year, but shall not cover payments earned by the producer in connection with his marketing his wool directly or through other marketing agencies during the 1956 marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASC county office in writing that payment be made to the assignor and not to the assignee.

(c) Use of 1955 form. If an assignment executed to a marketing agency on CCC Wool Form 49 (which was prescribed under the 1955 shorn wool program) is submitted to an ASC county office on or before June 30, 1956, it may be accepted by the ASC county office under this program; but the office shall indicate on the assignment as well as on the copies returned to the assignor(s) and assignee that CCC will limit its payment pursuant to the assignment to an amount based on sales by the marketing agency in behalf of the assignor(s) during the 1956 marketing year.

§ 472.721 Forms. CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool"; CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASC county offices. These forms may be reproduced, provided the reproduced forms retain the same language, format, and size as the official forms, except that the printer's identification on the official forms must not be reproduced.

§ 472.722 Instructions and interpretations. CCC shall have the right to

clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 472.723 *Violation of program.* Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 472.724 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation or, if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser.

(c) "Marketing agency" means a person or firm that sells a producer's wool for his account.

(d) "1956 marketing year" means the period beginning April 1, 1956, and ending March 31, 1957, both dates inclusive.

(e) "Producer" of shorn wool under this program includes not only a producer of sheep or lambs, but also a feeder of sheep or lambs, who shears his animals. This term also includes a person participating in the production of wool pursuant to an agreement with a person who owned the sheep or lambs as described in § 472.703 (c). A producer may be an individual, partnership, association, business trust, corporation, or any organized group of persons which is not incorporated, and includes a state and any subdivision thereof.

(f) "Sales document" means the account of sale, bill of sale, invoice, and any other documents evidencing the sales transaction.

(g) "Unshorn lamb", for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth and which has never been shorn. The term "lamb" includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

SUBPART B—1956 PAYMENT PROGRAM FOR UNSHORN LAMBS (PULLED WOOL)

§ 472.751 *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (referred to in this subpart as ASC) state and county offices. ASC state and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

§ 472.752 *Rate of payment.* The National Wool Act of 1954 provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. The support price for shorn wool has been determined to be 62 cents per pound, grease basis (§ 472.702). Payments on shorn wool will be made on a percentage basis, by applying, to the net sales proceeds received by the producer, a percentage which is based on the difference between the national average price received by producers during the 1956 marketing year and the incentive price of 62 cents (§ 472.706). Payments under the pulled wool program will be made in accordance with this subpart for wool on lambs that have never been shorn and will be at a flat rate per hundredweight of live animals. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool and the 1956 incentive price of 62 cents per pound of shorn wool. The exact rate of payment will be determined after the end of the 1956 marketing year. For example, if the reported national average price received by producers for wool sold during the 1956 marketing year should be 50 cents, the rate of payment per hundredweight of live lambs would be 48 cents. For definition of "lamb", "producer", and "1956 marketing year", see § 472.771.

§ 472.753 *Eligibility for payments on lambs.* Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) *Fed or pastured in United States.* The lambs must have been fed or pastured in the continental United States, its territories, or possessions.

(b) *Thirty days' ownership.* If a producer is to qualify for a payment, he must have owned the lambs for 30 days or more, and if a slaughterer is to qualify for a payment, he must have owned the lambs for 30 days or more prior to their moving to slaughter, with the following exception: Ownership interest in the lambs for the 30-day period is not required of an applicant for payment who has an agreement with the owner of the lambs pursuant to which the applicant, in return for furnishing labor in connection with caretaking or feeding of the lambs, is entitled either to a portion of the lamb production or to a share in the proceeds from the sale of the lambs; provided that the owner of the lambs who joins in the application meets the 30-day ownership requirement. Ownership of lambs, as used in this paragraph, does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(c) *Never shorn.* The lambs must never have been shorn at the time of sale or, in the case of an application by

a slaughterer, at the time of moving to slaughter.

(d) *Sold or moved to slaughter in 1956 marketing year.* The lambs must have been sold within the 1956 marketing year or, in the case of lambs that are owned by a slaughterer (as defined in § 472.771) for 30 or more days before moving to slaughter, the lambs must have moved to slaughter within the 1956 marketing year. Lambs are sold or purchased within the meaning of this subpart when title to the lambs passes to the buyer.

(e) *Report of purchased lambs.* The applicant must either report, in accordance with § 472.758, the information concerning his purchases of unshorn lambs on or after April 1, 1956, or certify that the lambs sold do not include any lambs purchased after that date.

§ 472.754 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales executed in good faith, and no payments shall be made on that part of any sale which has been cancelled or on the basis of sales at weights changed in bad faith for the purpose of obtaining higher payments under this program. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.755 *Computation of payment.* In order to determine the amount of the payment due to an applicant, the rate of payment, computed pursuant to § 472.752, shall be applied to the liveweight (defined in § 472.771) of the lambs on which the applicant is entitled to payment. The applicant will be entitled to payment on the liveweight of the lambs sold or moved to slaughter (§ 472.753 (d)), as the case may be, during the 1956 marketing year, but such liveweight shall be reduced by the liveweight of any lambs reported in the application for payment, pursuant to § 472.758, as having been purchased by the applicant on or after April 1, 1956, as unshorn lambs. For example, if the applicant sells, during the 1956 marketing year, 100 unshorn lambs weighing 8,000 pounds which he produced on his farm or ranch, he will be entitled to a payment on a liveweight of 8,000 pounds. On the other hand, if the applicant sells, during the 1956 marketing year, 100 unshorn lambs weighing 8,000 pounds, having purchased those lambs at a weight of 6,000 pounds on June 30, 1956, he will be entitled to a payment on a liveweight of 2,000 pounds (i. e., 8,000 pounds minus 6,000 pounds).

§ 472.756 *Filing application for payment—(a) Place of filing.* The application for payment shall be filed by the person entitled thereto with the ASC county office serving the county where the headquarters of the applicant's farm, ranch, or feed lot—as the case may be—is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters; except that if the producer includes in the same lot of lambs sold, lambs ranged, pastured, or

fed in more than one county, he may file his application(s) in any one of these ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, the residence or office may be considered as the farm or ranch headquarters. Applications by producers located in the territories or possessions shall be filed with the Washington State ASC Office, Spokane, Washington.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of lambs during the 1956 marketing year have been completed or, in accordance with § 472.753 (d), as soon as possible after the lambs moved to slaughter, and must be filed not later than 30 days after the close of the 1956 marketing year that is, not later than April 30, 1957. The ASC county office may waive this 30-day limitation in applications filed before August 1, 1957, if delayed filing is due to causes beyond the control of the applicant.

(c) *Filing joint applications—(1) Joint owners.* When joint owners of the lambs apply, all of them must sign any application based on the sale of their lambs. When this subpart refers to joint ownership of lambs, this term also includes ownership in common. If one of the joint owners refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(2) *Producers who did not own the lambs for 30 days.* Each application for payment prepared by producers some of whom did and some did not own the lambs for 30 days, as described in § 472.753 (b), shall be prepared as a joint application, irrespective of whether the lambs were divided among such producers prior to sale or whether they were sold without division. All producers who are entitled to a share of the lambs or a share of the sales proceeds thereof shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed CCC Wool Form 56-1, "Attachment to CCC Wool Form 56 for Producers Who Did Not Own the Lambs for 30 Days".

(3) *Other provisions.* If a producer entitled to join in an application fails to do so and does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

§ 472.757 *Form of application and supporting documents—(a) Application.* The application for payment shall be

made on CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)". Copies of this form will be available in the ASC county offices. The application will be filed in the original only. It shall be supported by an original sales document, as set forth in paragraph (a) of § 472.759 or, in the case of application by a slaughterer, by the substitute document as set forth in paragraph (b) of that section, and such other evidence as may show compliance with the program.

(b) *Applicant retains original sales document.* If the applicant does not wish the original sales document to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon or typewritten copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.764.

(c) *Practice of issuing carbon copies.* If it is the practice of the person or firm that prepares the sales document to furnish a carbon copy to the seller in place of the original, the producer may submit that carbon copy in support of his application, provided the carbon copy bears a signature, in accordance with § 472.759 (a) (6), of the person or the representative of the firm that prepared the original sales document. Such carbon copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales documents.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.758 *Report of purchases of unshorn lambs.* In making application for payment on the sale of lambs, the producer shall report, as prescribed in this section, the date of purchase, the number, and the liveweight of animals purchased by him on or after April 1, 1956, as unshorn lambs.

(a) *No purchases.* If the applicant knows that his application does not include any animals which were purchased by him on or after April 1, 1956, he will report no purchases of unshorn lambs.

(b) *Report on actual basis.* If lambs purchased by the applicant on or after April 1, 1956, are included in the application, and the applicant's operations are conducted in such a manner that he is able to identify such lambs, he shall report the date of purchase, the number, and the liveweight of the lambs included in the application for payment that he purchased on or after April 1, 1956.

(c) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not the application includes lambs that he purchased on or after April 1, 1956, or if he knows that some such lambs are included, he is

unable to report the exact date of purchase of such included lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase, the number, and the liveweight of a quantity of animals purchased by him on or after April 1, 1956, as unshorn lambs equal to the number of lambs included in the application. This reporting of purchased lambs shall be continued in subsequent applications for payment on unshorn lambs and applications for incentive payment on shorn wool until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs, on which he applies for a payment either on the basis of a sale of the unshorn lambs or on the basis of a sale of the wool shorn therefrom.

(2) For example, if the producer's first application for the 1956 marketing year covers the sale of 300 lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 300 animals he purchased on or after April 1, 1956, as unshorn lambs; if, for example, his second application covers the sale of wool shorn from 200 animals, he shall report in that application the same information for the next 200 animals that he purchased on or after April 1, 1956, as unshorn lambs; and as additional applications are filed under either the pulled wool or the shorn wool program, he shall report his purchases in chronological order until all purchases on or after April 1, 1956, up to the date of each application are accounted for, to the extent that he has applied for a payment on the sale of such purchased lambs or of the wool shorn therefrom.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has accounted for his total purchases on and after April 1, 1956, he will report no purchases of unshorn lambs in such an application. On the other hand, if the producer does not have sufficient marketings of unshorn lambs and wool during the 1956 marketing year to cover all of his purchases of unshorn lambs and consequently does not report all of his purchases of unshorn lambs on applications based on sales during the 1956 marketing year, the balance shall be carried forward and reported in succeeding marketing years.

§ 472.759 *Contents of sales documents—(a) Sales by producers.* Each sales document (defined in § 472.771) supporting the application must cover lambs sold by the applicant, except as provided in § 472.765; must be issued by the purchaser or the producer's marketing agency (defined in § 472.771); and must show the following:

- (1) Name and address of seller.
- (2) Date of sale: The date of the sales document will be presumed to be the date of sale. If, however, CCC determines that there is evidence indicating that the date of the document is not the date of sale, CCC may require proof of the date of sale.
- (3) Number of unshorn lambs sold: If the sales document does not clearly identify the animals as lambs that had

never been shorn at the time of sale, the person issuing the sales document should add a statement to that effect. Likewise, if the document is issued in connection with the sale of unshorn lambs but also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein in some manner the number and the liveweight of unshorn lambs included in the sale.

(4) *Liveweight of unshorn lambs sold:* If the weight is not determined by scales, this weight can be an estimated weight agreed to by the buyer and the seller.

(5) *Name and address of the purchaser or marketing agency issuing the sales document.*

(6) *Signature:* The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Substitute for sales document in case of slaughterer.* If the application is made by a slaughterer who owned the animals for 30 days or more prior to his moving them to slaughter (§ 472.753 (d)), it shall be supported by a scale ticket instead of a sales document. The scale ticket shall indicate that it covers unshorn lambs that moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

§ 472.760 *Signature of applicant.* No payment will be made unless an application for payment is signed. The ASC county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.761 *Payment.* After the ASC county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to payment release the right thereto, payment will be made jointly to the other applicants of the amounts due them. Payment of less than \$3.00 to an applicant, or to joint applicants, will not be made. If the ASC county office determines that for any reason the application for payment should be rejected in whole or in part, including the reason that it was not filed within the 30-day period in accordance with § 472.756 (b), the ASC county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 472.762 *Deductions for promotion.* If the Department of Agriculture has ap-

proved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made from the payment.

§ 472.763 *Appeals—(a) To ASC county committee.* Within 15 days from the date of mailing of a notice that application has been rejected in whole or in part (see § 472.761), the applicant may appeal in writing to the ASC county committee, stating the serial number of the application, the number of head and liveweight of the lambs covered by the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office was erroneous. If the appeal is from the failure of the ASC county office to waive the 30-day limitation, the applicant shall also state the reason for his delay in filing the application. The ASC county committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 15 days after receipt of the appeal. A copy of the notice shall be retained in the ASC county office.

(b) *To ASC State committee.* If the ASC county committee sustains the decision of the ASC county office, the applicant may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. The ASC state committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 30 days after receipt of the appeal. A copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the ASC state committee sustains the decision of the ASC county committee, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of mailing of the notice by the ASC state committee. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive, unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

(d) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 472.764 *Records and inspection thereof.* The applicant as well as any person who furnishes evidence to an applicant for the purpose of enabling him to receive a payment under this program, shall maintain until April 1, 1960, books, records, and accounts which will cover the purchase of unshorn lambs by the applicant on or after April 1, 1956, and the marketing of unshorn lambs on which an application for payment may be based, and CCC shall at all times during regular business hours have access

to the premises of the applicant and of the person who furnishes evidence, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.765 *Death, incompetency, or other disability—(a) Death incompetency, or disappearance.* Except as provided in paragraph (b) of this section, in case of death, incompetency, or disappearance of an applicant entitled to payment, application for any payment hereunder may be made by any person who would be entitled to payment under the regulations contained in ACP-122, as amended, 7 CFR Part 1108, "Payments of Amounts due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent", except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to payments authorized pursuant to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The number and heading of Standard Form 1055 in the last sentence of 7 CFR 1108.7 shall be deemed to read, "Standard Form No. 1055—Revised, Claim Against the United States for Amounts Due in the case of a Deceased Creditor".

(b) *Incompetent Indians.* Applications for payment may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent.

(c) *Other disability.* In cases of bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.766 *Set-off.* (a) If the county debt register shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office, with interest to the date of set-off.

§ 472.767 *Assignments—(a) Form.* The producer may assign payments which may be determined to be due him under this program for the 1956 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 57, "Assignment of Payment under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of at least two

attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment may only be given as security for cash advanced or to be advanced by a financing agency (as defined in § 472.771) on sheep or lambs. CCC will pay the assignee pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, notifies the ASC county office in writing to make payment to the assignor and not to the assignee. An assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section.

§ 472.768 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this regulation by the issuance of instructions or interpretations.

§ 472.769 *Other forms.* CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)"; CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from the ASC county offices. These forms may be reproduced, provided the reproduced forms retain the same language, format and size as the official forms, except that the printer's identification on the official forms shall not be reproduced.

§ 472.770 *Violation of program.* Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 472.771 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Lamb," for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(c) "Liveweight," for the purpose of this program, is the weight of live lambs which a producer purchases or sells during the 1956 marketing year.

(d) "Marketing agency" means a commission firm, auction market, pool man-

ager, or any other person or firm that sells a producer's lambs for his account.

(e) "1956 marketing year" is the period beginning April 1, 1956, and ending March 31, 1957, both dates inclusive.

(f) The "1956 Payment Program for Unshorn Lambs (Pulled Wool)" means the regulations contained in this subpart and identifies the program operated pursuant thereto.

(g) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a state and any subdivision thereof.

(h) "Producer" under this program is a person who is a breeder, feeder, or pasturer of lambs. This term also includes a person participating in the production of lambs pursuant to an agreement with an owner of lambs, as described in § 472.753 (b).

(i) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer on which he bases his application for payment.

(j) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(k) "Unshorn lambs" mean lambs which have never been shorn.

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

Issued this 23d day of March 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture
and President of Commodity
Credit Corporation.

[P. R. Doc. 56-2329; Filed, Mar. 27, 1956;
8:53 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF BENZATHINE PENICILLIN G ORAL SUSPENSION AND BENZATHINE PENICILLIN G FOR ORAL SUSPENSION FOR VETERINARY USE

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR Part 146a) are amended as indicated below:

Section 146a.69 is amended in the following respects:

1. The section headnote is changed to read: "§ 146a.69 Benzathine penicillin

G oral suspension, benzathine penicillin G for oral suspension (benzathine penicillin G powder)."

2. Paragraph (a) *Standards of identity* * * * is amended by inserting at the beginning of the second sentence the clause "Unless it is intended solely for veterinary use."

3. Section 146a.69 is further amended by adding the following new paragraph (f):

(f) *Exemption of benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension for veterinary use from certification.* Benzathine penicillin G oral suspension and benzathine penicillin G for oral suspension that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamins and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (1) and 507 of the act, if they comply with all the following conditions:

(1) They are intended solely for veterinary use and are conspicuously so labeled.

(2) If they contain added vitamins or minerals, the labels bear the name and quantity of each such substance and a statement that such substances are present only for furnishing additional vitamins and minerals while animals are eating less feed.

(3) The labels bear an expiration date that is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(4) The labels bear a statement that solutions prepared with the drugs are stable for not more than 24 hours.

(5) The circular or other labeling within or attached to the package bears information that only the antibiotics are intended for the prevention or treatment of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Chronic respiratory disease (airsac infection) in chickens.

(ii) Blue comb (mud fever, nonspecific infectious enteritis) in poultry.

(iii) Infectious sinusitis in poultry.

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

I further find that the antibiotic drugs exempted from certification in these amendments need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they comply with the provisions specified in the amendments set forth above.

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

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463; 21 U. S. C. 357)

Dated: March 21, 1956.

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

[P. R. Doc. 56-2299; Filed, Mar. 27, 1956;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

REVISION OF OFFICIAL GRAIN STANDARDS OF UNITED STATES FOR BARLEY

On January 19 and February 4, 1956, there were published in the *FEDERAL REGISTER* (21 F. R. 368; 822) notices of a proposal to revise the Official Grain Standards of the United States for barley (7 CFR 26.201 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.). A public hearing on the proposal was held, as announced, at Minneapolis, Minnesota. Interested persons also were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information obtained at the hearing, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information the Official Grain Standards of the United States for barley (7 CFR, 26.201 et seq.) are hereby revised to read as follows:

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR BARLEY¹

- Sec.
26.201 Terms defined.
26.202 Principles governing the application of the standards.
26.203 Grades, grade requirements, and grade designations.

AUTHORITY: §§26.201 to 26.203 issued under sec. 8, 39 Stat. 485; 7 U. S. C. 84. Interpret or apply sec. 2, 39 Stat. 482, as amended; 7 U. S. C. 74.

§ 26.201 *Terms defined.* For the purposes of the Official Grain Standards of the United States for Barley:

(a) *Barley.* Barley shall be any grain which, before the removal of dockage, consists of 50 percent or more of barley, and may contain not more than 25 percent of other grains for which standards have been established under the United States Grain Standards Act. The term "barley" as used in these standards shall not include hullless barley.

(b) *Classes.* Barley shall be divided into the following three classes: Barley, Western Barley, and Mixed Barley.

(c) *Barley.* The class Barley shall be any barley with white hulls grown east

of the Rocky Mountains and may include not more than 10 percent of black barley or of barley of the class Western Barley, either singly or in any combination. This class shall be divided into the following three subclasses:

(1) *Malting Barley.* The subclass Malting Barley shall be six-rowed barley of the class Barley which has 90 percent or more of the kernels with white aleurone layers, which is not semi-steely in mass; which after the removal of dockage, contains not more than 5 percent of two-rowed and/or other types or varieties of barley of unsuitable malting type such as Trobi, 4.0 percent damaged kernels, 3.0 percent foreign material, 10.0 percent skinned and broken kernels, 15 percent thin barley, 2.0 percent black barley, and 5.0 percent other grains; which has a minimum test weight per bushel of 43 pounds; which contains a minimum of 90 percent sound barley; which does not contain barley injured by frost or heat; and which is not smutty, garlicky, weevily, ergoty, or bleached; and which otherwise meets the requirements of grades Nos. 1 to 3 inclusive, of the subclass Barley.

(2) *Blue Malting Barley.* The subclass Blue Malting Barley shall be six-rowed barley of the class Barley which has 90 percent or more of the kernels with blue aleurone layers, and which otherwise meets the requirements of the subclass Malting Barley.

(3) *Barley.* The subclass Barley shall be any barley of the class Barley which does not meet the requirements of the subclass Malting Barley, or Blue Malting Barley.

(d) *Western Barley.* The class Western Barley shall be any barley with white hulls grown west of the Great Plains area of the United States and may include not more than 10 percent of black barley or of barley of the class Barley, either singly or in any combination.

(e) *Mixed Barley.* The class Mixed Barley shall be any mixture of barley which does not meet the requirements of the classes Barley or Western Barley. Black Barley shall be classified as Mixed Barley.

(f) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 26.203.

(g) *Dockage.* Dockage shall be weed seeds, weed stems, chaff, straw, grain other than barley, sand, dirt, and any material other than barley which can be removed readily from the barley by the use of appropriate sieves and cleaning devices; also underdeveloped, shriveled, and small pieces of barley kernels removed in properly separating the material other than barley and which cannot be recovered by properly rescreening or recleaning.

(h) *Sound barley.* Sound barley shall be kernels and pieces of kernels of barley remaining after the removal of dockage, which are not damaged or materially discolored by blight and/or mold, which are not heat damaged, sprouted, malted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(i) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of barley, other grains, and wild oats

which are damaged or materially discolored by blight and/or mold, or which are heat damaged, sprouted, malted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(j) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of barley, other grains, and wild oats, which have been materially discolored and damaged by heat.

(k) *Foreign material.* Foreign material shall be all matter other than barley, other grains, and wild oats, which is not separated from the barley in the proper determination of dockage.

(l) *Other grains.* Other grains shall be wheat, rye, oats, corn, grain sorghums, hull-less barley, flaxseed, emmer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

(m) *Wild oats.* Wild oats shall be seeds of *Avena fatua* and *A. sterilis*.

(n) *Wild brome grasses.* Wild brome grasses shall be the seeds of brome grasses such as *Bromus rigidus* which have harsh awns and which are injurious when fed to livestock.

(o) *Broken kernels.* Broken kernels shall be pieces of barley kernels.

(p) *Skinned kernels.* Skinned kernels shall be any barley kernels from which one-third or more of the hull has been removed, or which has the hull loosened or removed over the germ.

(q) *Black barley.* Black barley shall be barley with black hulls.

(r) *Thin barley.* (1) Thin barley in the class Barley shall be barley and other matter that will pass readily through a 5/64 x 3/4 sieve.

(2) Thin barley in the class Western Barley shall be barley and other matter that will pass readily through a 5 1/2/64 x 3/4 sieve.

(s) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(t) *5/64 by 3/4 sieve.* A 5/64 by 3/4 sieve shall be a metal sieve 0.032 inch thick perforated with slotted perforations 0.0781 (5/64) by 0.750 (3/4) inch with approximately 865 perforations per square foot.

(u) *5 1/2/64 by 3/4 sieve.* A 5 1/2/64 x 3/4 sieve shall be a metal sieve 0.032 inch thick perforated with slotted perforations 0.0858 (5 1/2/64) inch by 0.750 (3/4) inch with approximately 856 perforations per square foot.

§ 26.202 *Principles covering the application of the standards.* The following principles shall apply in the determination of the classes and grades of barley:

(a) *Basis of determination.* Each determination of dockage, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. Each determination of heat-damaged kernels and of white aleurone layers in Malting Barley and blue aleurone layers in Blue Malting Barley shall be upon the basis of the pearled dockage-free grain. All other determinations shall be upon the basis of the grain when free from dockage.

(b) *Percentages.* All percentages shall be upon the basis of weight.

¹ The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *Moisture.*—Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcement No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.*—Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as de-

scribed in Circular 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 26.203. *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) Grades and grade requirements for the subclass Barley of the class Barley. (See also paragraph (g) of this section.)

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel	Sound barley	Total damaged kernels	Heat damaged kernels	Foreign material	Broken kernels	Thin barley	Black barley
	Pounds	Percent	Percent	Percent	Percent	Percent	Percent	Percent
1.....	47	97	2.0	0.2	1.0	5.0	10.0	0.5
2.....	45	94	4.0	.3	2.0	10.0	15.0	1.0
3.....	43	90	6.0	.5	3.0	15.0	25.0	2.0
4.....	40	80	8.0	1.0	4.0	20.0	35.0	5.0
5.....	36	70	10.0	3.0	6.0	30.0	75.0	10.0
Sample grade.....	Sample grade shall include barley of the class Barley, which does not come within the grade requirements of any of the grades from No. 1 to No. 5, inclusive; or which contains more than 10.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.							

¹ Barley that is badly stained or materially weathered, shall not be graded higher than No. 4.

(b) Grades and grade requirements for the subclasses Malting Barley and Blue Malting Barley of the class Barley. (See also paragraph (g) of this section.)

Grade	Minimum limits of—		Maximum limits of—					
	Test weight per bushel	Sound barley	Damaged kernels	Foreign material	Skinned and broken kernels	Thin barley	Black barley	Other grains
	Pounds	Percent	Percent	Percent	Percent	Percent	Percent	Percent
1.....	47	97	2.0	1.0	4.0	7.0	0.5	2.0
2.....	45	94	3.0	2.0	7.0	10.0	1.0	3.0
3.....	43	90	4.0	3.0	10.0	15.0	2.0	5.0

NOTE: Barley of the class Barley which does not meet the requirements of any of the grades 1 to 3, inclusive, for the subclasses Malting Barley and Blue Malting Barley shall be classified and graded according to the grade requirements for the subclass Barley.

(c) Grades and grade requirements for Western Barley. (See also paragraph (g) of this section.)

Grade	Minimum limits of sound barley	Maximum limits of—				
		Heat-damaged kernels (barley, other grains, and wild oats)	Wild Oats	Foreign material	Broken kernels	Black barley
	Percent	Percent	Percent	Percent	Percent	Percent
1.....	98	0.1	1.0	0.5	3.0	0.5
2.....	96	.2	2.0	1.0	6.0	1.0
3.....	93	.3	3.0	2.0	10.0	2.0
4.....	88	.5	5.0	3.0	15.0	5.0
5.....	80	1.0	10.0	4.0	25.0	10.0
Sample grade.....	Sample grade shall include barley of the class Western Barley which does not come within the grade requirements of any of the grades from No. 1 to No. 5, inclusive; or which contains more than 15 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which contains the seeds of wild brome grasses of a character and in a quantity sufficient to cause the grain to be of low quality for feeding purposes; or which is otherwise of distinctly low quality.					

(d) *Grades and grade requirements for the class Mixed Barley.* The class Mixed Barley shall be graded according to the grade requirements of the class Barley which predominates in the mix-

ture. If black barley predominates the grade requirements for the subclass barley of the class Barley shall be used.

(e) *Grade designation.* The grade designation for barley shall include the

number of the grade or the words "Sample grade," as the case may be; the name of the class or subclass; the name of each applicable special grade; and the word "dockage" together with the percentage thereof. In the case of the class Mixed Barley, the grade designation shall also include, following the name of the class, the approximate percentage of Barley, Western Barley, and black barley in the mixture.

(f) *Dockage.* The quantity of dockage shall be calculated in terms of percentage based on the total weight of the grain including the dockage. Dockage shall be stated in terms of whole percent and any fraction of a percent shall be disregarded.

(g) *Special grades, special grade requirements and special grade designations for barley.*—(1) *Test weight of Western Barley.* For barley of the class Western Barley, the test weight per bushel in terms of whole pounds shall be added to, and made a part of, the grade designation, following the name of the class. A fraction of a pound shall be disregarded.

(2) *Tough barley.*—(i) *Requirements.* Tough barley shall be (a) barley of the class Barley which contains more than 14.5 percent but not more than 16 percent of moisture and (b) barley of the class Western Barley which contains more than 13.5 percent but not more than 15 percent of moisture.

(ii) *Grade designation.* Tough barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not tough, and there shall be added to, and made a part of, the grade designation, the word "Tough."

(3) *Two-rowed Barley.*—(i) *Requirements.* Two-rowed Barley shall consist of two-rowed barley of the class Barley, or of the class Western Barley, which does not meet the requirements for the special grades Choice Malting Two-rowed Western Barley and Malting Two-rowed Western Barley, and may contain not more than 10 percent of six-rowed barley.

(ii) *Grade designation.* Two-rowed Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not two-rowed, and there shall be added to, and made a part of, the grade designation, preceding the name of the class, the word "Two-rowed."

(4) *Choice malting Two-Rowed Western Barley.*—(i) *Requirements.* Choice Malting Two-rowed Western Barley shall be two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 3 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for grade No. 1 except that the limitations on seeds of wild brome grasses shall be disregarded; which has a test weight per bushel of 52 pounds or more; which contains 90 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 5 percent of thin barley; which contains not more than 5 percent of skinned and/or broken kernels; which does not

contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, smutty, garlicky, weevily, ergoty, or bleached.

(ii) *Grade designation.* Choice Malting Two-rowed Western Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not Choice Malting Two-rowed, and there shall be added to, and made a part of, the grade designation, preceding the name of the class, the words, "Choice Malting Two-rowed."

(5) *Malting Two-rowed Western Barley*—(i) *Requirements.* Malting Two-rowed Western Barley shall be Two-rowed Barley of the class Western Barley which consists of the Hannchen or Hanna varietal types; which contains not more than 5 percent of varietal types of barley other than Hannchen or Hanna; which meets the requirements for any of the grades No. 1 to No. 3, inclusive, except that the limitation on seeds of wild brome grasses shall be disregarded; which does not meet the requirements for the special grade Choice Malting Two-rowed Western Barley; which has a test weight per bushel of 50 pounds or more; which contains 70 percent or more of mellow kernels; which is not semi-steely in mass; which contains not more than 10 percent of thin barley; which contains not more than 10 percent of skinned and/or broken kernels; which does not contain barley injured by frost, by heat, or by mold; and shall not include barley of the special grades stained, blighted, smutty, garlicky, weevily, ergoty, or bleached: *Provided*, That Malting Two-rowed Western Barley of the grade No. 1 shall contain not less than 80 percent of mellow kernels; and may contain not more than 3 percent of varietal types of barley other than Hannchen or Hanna, not more than 7 percent of thin barley, and not more than 7 percent of skinned and/or broken kernels.

(ii) *Grade designation.* Malting Two-rowed Western Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not Malting Two-rowed, and there shall be added to, and made a part of, the grade designation, preceding the name of the class, the words "Malting Two-rowed."

(6) *Bright Western Barley*—(i) *Requirements.* Bright Western Barley shall be barley of the class Western Barley, except Bleached Barley, that is of good natural color.

(ii) *Grade designation.* Bright Western Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not bright, and there shall be added to, and made a part of, the grade designation, preceding the name of the class, the word "Bright."

(7) *Stained Western Barley*—(i) *Requirements.* Stained Western Barley shall be barley of the class Western Barley, except Bleached Barley, that is badly stained or weathered.

(ii) *Grade designation.* Stained Western Barley shall be graded and designated according to the grade require-

ments of the standards applicable to such barley if it were not stained, and there shall be added to, and made a part of, the grade designation, the word "Stained."

(8) *Blighted Barley*—(i) *Requirements.* Blighted Barley shall be barley which contains more than 4 percent of barley damaged or materially discolored by blight and/or mold.

(ii) *Grade designation.* Blighted Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not blighted, and there shall be added to, and made a part of, the grade designation, the word "Blighted."

(9) *Smutty Barley*—(i) *Requirements.* Smutty Barley shall be barley which has the kernels covered with smut spores, or which contains smut masses in excess of 0.2 percent.

(ii) *Grade designation.* Smutty Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not smutty, and there shall be added to, and made a part of, the grade designation, the word "Smutty."

(10) *Garlicky Barley*—(i) *Requirements.* Garlicky Barley shall be barley which contains 3 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of barley.

(ii) *Grade designation.* Garlicky Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not garlicky, and there shall be added to, and made a part of, the grade designation, the word "Garlicky."

(11) *Weevily Barley*—(i) *Requirements.* Weevily Barley shall be barley which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not weevily, and there shall be added to, and made a part of, the grade designation, the word "Weevily."

(12) *Ergoty Barley*—(i) *Requirements.* Ergoty Barley shall be barley which contains ergot in excess of 0.3 percent.

(ii) *Grade designation.* Ergoty Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not ergoty, and there shall be added to, and made a part of, the grade designation, the word "Ergoty."

(13) *Bleached Barley*—(i) *Requirements.* Bleached Barley shall be barley which, in whole, or in part, has been treated by the use of sulphurous acid or any other bleaching agent.

(ii) *Grade designation.* Bleached Barley shall be graded and designated according to the grade requirements of the standards applicable to such barley if it were not bleached, and there shall be added to, and made a part of, the grade designation, the word "Bleached."

The principal purposes of the revision are to emphasize malting quality of barley and to improve the quality represented by the grades for barley for other

purposes. The revision incorporates certain changes in the standards which were made subsequent to the notices published in the *FEDERAL REGISTER* on January 19 and February 4, 1956. The majority of such changes were made for the purpose of clarification and to eliminate unnecessary duplication of provisions. The United States Grain Standards Act requires that public notice be given of the modification of standards adopted under its provisions not less than 90 days in advance of the effective date of such modification. In order for the revised standards to be of maximum benefit in the marketing of barley they should be made effective on July 1, 1956. Therefore, to the extent that changes incorporated in the standards subsequent to the notices published in the *FEDERAL REGISTER* on January 19 and February 4, 1956, may be of a substantive nature it is found upon good cause pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that further notice and other public procedure with respect thereto are impracticable and contrary to the public interest and are therefore unnecessary.

The foregoing revised standards shall become effective July 1, 1956.

Done at Washington, D. C., this 23d day of March 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-2327; Filed, Mar. 27, 1956;
8:53 a. m.]

PART 45—UNITED STATES STANDARDS FOR GRADES OF CHEDDAR CHEESE

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

MISCELLANEOUS AMENDMENTS

A notice of proposed rule making covering issuance of United States Standards for Grades of Cheddar Cheese was published in the *FEDERAL REGISTER* of January 28, 1956 (21 F. R. 648) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Grades of Cheddar Cheese are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) to become effective May 1, 1956.

These standards are approximately the same as published under proposed rule making with minor changes and additions as follows: For the purpose of clarification slight changes in wording were made in §§ 58.502 (b), 58.505 (a) (3) and (b) (3) and 58.506 (b) (13) (14) (20), (c) (5) (15), (e) (9) (20) (21) and (22). For the purpose of being more complete and applicable, certain changes were made in Tables II, III, IV, V, VI, VII, VIII and § 58.506 as follows: Added "very slight onion" flavor to

Tables III and V and "flat" flavor to Tables III, IV and V; "coarse" body to Tables III, IV and VI; "salt spots" to Tables III, IV and VII and "sour rind" to Tables III, IV and VIII. Deleted "crumbly" body from medium cured in Tables II and VI and "fermented" flavor from Tables III, IV and V. Changes were made in § 58.506 to correspond with the above.

These standards will supersede the current "Official United States Standards for Grades of Cheddar Cheese," (7) CFR Part 45, effective December, 1950, and hereinafter will be contained in 7 CFR Part 58, Subpart K. Subparts C to J, inclusive, are being held open for insertion of Minimum Specifications for Approved Plants manufacturing or processing certain specific dairy products.

The amendment is as follows:

1. Delete the heading, "Grading and Inspection of Dairy Products" contained in Part 58 and substitute therefor the following: "Grading and Inspection, Minimum Specifications for Approved Plants and Standards for Grades of Dairy Products."

2. Delete Part 45—United States Standards for Grades of Cheddar Cheese and substitute therefor a new Subpart K of Part 58 to read as follows:

SUBPART K—UNITED STATES STANDARDS FOR GRADES OF CHEDDAR CHEESE¹

- Sec.
58.501 Cheddar cheese.
58.502 Types of packaging.
58.503 Nomenclature of U. S. Grades.
58.504 Basis for determination of U. S. Grades.
58.505 Specifications for U. S. Grades of cheddar cheese.
58.506 Explanation of terms.

AUTHORITY: §§ 58.501 to 58.506 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

§ 58.501 *Cheddar cheese.* "Cheddar cheese" is cheese made by the cheddar process or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the cheddar process and is made from cow's milk with or without the addition of coloring matter and with common salt, contains not more than 39 percent of moisture, and in the water-free substance, contains not less than 50 percent of milk fat and conforms to the provisions of § 19.500, *Definitions and Standards of Identity for Cheese and Cheese Products.* Food and Drug Administration (21 CFR 19.500).

§ 58.502 *Types of packaging.* The following are the types of packaging for cheddar cheese:

(a) *Bandaged and paraffin-dipped.* The cheese is bandaged and dipped in a refined paraffin, amorphous wax, microcrystalline wax or any combination of such or any other suitable substance. Such coating is a continuous, unbroken and uniform film adhering tightly to the entire surface of the cheese.

(b) *Rindless.* The cheese is properly wrapped in a wrapper or covering, or by

any other means of handling, which will not impart any color or objectionable odor or flavor to the cheese. The wrapper or covering is sealed with a sufficient overlap or satisfactory closure to prevent air leakage. The wrapper or covering is of sufficiently low permeability to water vapor and air so as to prevent the formation of rind and prevent the entrance of air during the curing and holding periods.

§ 58.503 *Nomenclature of U. S. Grades.* The nomenclature of U. S. grades is as follows: (a) U. S. Grade AA; (b) U. S. Grade A; (c) U. S. Grade B; and (d) U. S. Grade C.

§ 58.504 *Basis for determination of U. S. Grades.* The determination of U. S. Grades of cheddar cheese, according to the degree of curing, shall be on the basis of rating (a) flavor, (b) body and texture, (c) color, (d) finish and appearance. The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese. The final U. S. Grade shall be established on the basis of the lowest rating of any one of the quality characteristics.

§ 58.505 *Specifications for U. S. Grades of cheddar cheese.* The general specifications for the U. S. Grades of cheddar cheese, according to the degree of curing, are as follows:

(a) *U. S. Grade AA.* U. S. Grade AA cheddar cheese shall conform to the following requirements and specifications:

(1) *Flavor.* Fine and highly pleasing, free from undesirable flavors and odors. May possess very slight feed flavors. For detailed specifications and classification of flavor characteristics according to the degree of curing see Tables I and V.

(2) *Body and texture.* A plug drawn from the cheese shall be firm and appear solid, smooth, compact, close and should be translucent, although it may have a few small mechanical openings. May possess limited sweet holes in accordance with the degree of curing but free from other gas holes. For detailed specifications and classification of body and texture characteristics according to the degree of curing see Tables I and VI.

(3) *Color.* May be colored or uncolored but if colored, it should be a medium yellow-orange. May possess numerous tiny white specks associated with aged cheese. Very slight seaminess is permitted. For detailed specifications and classification of color characteristics according to the degree of curing see Tables I and VII.

(4) *Finish and appearance.*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm and smooth providing a good protection to the cheese. The bandage shall be evenly placed on the end of the cheese and free from unnecessary overlapping and wrinkles and not burst or torn. The surface shall be smooth, bright, and have a good coating of paraffin or wax that adheres firmly to all surfaces of the cheese but may have mold under the bandage and paraffin within certain limited tolerances for the degree of curing. There shall be no indication that mold has entered the cheese. Shall be free from high edges,

huffing and lopsidedness. For detailed specifications and classification of finish and appearance characteristics according to the degree of curing see tables I and VIII.

(ii) *Rindless.* The wrapper or covering shall adequately and securely envelop the cheese, be neat, unbroken and fully protect the surface but may be slightly wrinkled. The cheese shall be free from huffing and lopsidedness and may have very slight mold under the wrapper or covering in medium and cured classifications. There shall be no indication that mold has entered the cheese. For detailed specifications and classification of finish and appearance characteristics of rindless according to the degree of curing see Table I and VIII.

(b) *U. S. Grade A.* U. S. Grade A cheddar cheese shall conform to the following requirements and specifications:

(1) *Flavor.* Pleasing and free from undesirable flavors and odors. May possess feed, acid and bitter flavors within limited tolerances as the cheese ages. For detailed specifications and classification of flavor characteristics according to the degree of curing see Tables II and V.

(2) *Body and texture.* A plug drawn from the cheese shall appear reasonably solid, compact, close and should be translucent although it may have a few mechanical openings but may not be large and connecting. May not have more than two sweet holes on a plug but free from other gas holes. For detailed specifications and classification of body and texture characteristics according to the degree of curing see Tables II and VI.

(3) *Color.* May be colored or uncolored but if colored it should be a medium yellow-orange. May possess numerous tiny white specks, associated with aged cheese. May possess seaminess and waviness to a limited degree. For detailed specifications and classification of color characteristics according to the degree of curing see Tables II and VII.

(4) *Finish and appearance.*—(i) *Bandaged and paraffin-dipped.* The rind shall be sound, firm and smooth, providing a good protection to the cheese. The bandage may be slightly uneven, overlapped or wrinkled, but not burst or torn. The surface shall be practically smooth, bright and have a good coating of paraffin or wax that adheres firmly to all surfaces of the cheese, with certain allowable tolerances for mold and other defects according to the degree of curing. There shall be no indication that mold has entered the cheese. Shall be free from huffing, but may have slightly high edges and be slightly lopsided. For detailed specifications and classification of finish and appearance characteristics according to the degree of curing see Tables II and VIII.

(ii) *Rindless.* The wrapper or covering shall adequately and securely envelop the cheese, be neat, unbroken and fully protect the surface but may be slightly wrinkled. The cheese shall be free from huffing but may be slightly lopsided and may have very slight mold under the wrapper or covering in medium and

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

cured classifications. There shall be no indication that mold has entered the cheese. For detailed specifications and classification of finish and appearance characteristics of rindless according to the degree of curing see Tables II and VIII.

(c) *U. S. Grade B.* U. S. Grade B cheddar cheese shall conform to the following requirements and specifications:

(1) *Flavor.* May possess certain undesirable flavors to a limited degree in accordance with the aging of the cheese. For detailed specifications and classification of flavor characteristics according to the degree of curing see Tables III and V.

(2) *Body and texture.* A plug drawn from the cheese may be loose and open and may have numerous sweet holes, scattered yeast holes and other scattered gas holes; and may possess various body characteristics in accordance with degree of curing but pinny gas holes are not permitted. For detailed specifications and classification of body and texture characteristics according to the degree of curing see Tables III and VI.

(3) *Color.* May be colored or uncolored and possess various characteristics. For detailed specifications and classification of color characteristics according to the degree of curing see Tables III and VII.

(4) *Finish and appearance—(i) Bandaged and paraffin-dipped.* The rind shall be sound, may be slightly weak, but free from soft spots, rind rot, cracks and openings of any kind. The bandage may be uneven and wrinkled but not burst or torn. The surface may be rough and unattractive but shall possess a fairly good coating of paraffin or wax. The

paraffin may be scaly or blistered with mold and certain other characteristics permitted in accordance with the degree of curing but there shall be no indication that mold has entered the cheese. May be huffed, lopsided and have high edges. For detailed specifications and classification of finish and appearance characteristics according to the degree of curing see Tables III and VIII.

(ii) *Rindless.* The covering or wrapper shall adequately and securely envelop the cheese, be fairly neat, unbroken and protect the surface but may be wrinkled. The cheese may be huffed, lopsided and have slight mold under the wrapper or covering in medium and cured classifications. There shall be no indication that mold has entered the cheese. For detailed specifications and classification of finish and appearance characteristics of rindless according to the degree of curing see Tables III and VIII.

(d) *U. S. Grade C.* U. S. Grade C cheddar cheese shall conform to the following requirements and specifications:

(1) *Flavor.* May possess somewhat objectionable flavors and odors with certain increased tolerances in accordance with the degree of curing. For detailed specifications and classification of flavor characteristics according to the degree of curing see Tables IV and V.

(2) *Body and texture.* May be loose with large and connecting mechanical openings; possess various gas holes and body characteristics, with certain limitations and varying with the degree of curing. The cheese, however, shall be sufficiently compact to permit the drawing of a plug. For detailed specifications

and classification of body and texture characteristics according to the degree of curing see Tables IV and VI.

(3) *Color.* May be colored or uncolored and possess various characteristics but not to the extent that the color is particularly unattractive. For detailed specifications and classification of color characteristics according to the degree of curing see Tables IV and VII.

(4) *Finish and appearance—(i) Bandaged and paraffin-dipped.* The rind may be weak and possess characteristics such as soft spots, rind rot, cracks, and openings, with certain limitations and varying with the degree of curing. The bandage may be uneven and wrinkled but not burst or torn. May have a very rough, unattractive appearance and the paraffin may be scaly and blistered, with mold and other characteristics permitted, varying with the degree of curing, but there shall be no evidence that mold has entered the cheese. May be huffed and lopsided and have high edges to a degree not permitted in the higher grades. For detailed specifications and classification of finish and appearance characteristics according to the degree of curing see Tables IV and VIII.

(ii) *Rindless.* The wrapper or covering shall adequately and securely envelop the cheese, be unbroken and protect the surface but may be wrinkled and soiled. The cheese may be huffed, lopsided and have mold under the wrapper or covering in accordance with the degree of curing. There shall be no indication that mold has entered the cheese. For detailed specifications and classification of finish and appearance characteristics of rindless according to the degree of curing see Tables IV and VIII.

TABLE I—DETAILED SPECIFICATIONS FOR U. S. GRADE AA

Fresh or current	Medium cured	Cured or aged
(a) <i>Flavor:</i> Fine and highly pleasing. May be lacking in flavor development or may possess slight characteristic cheddar cheese flavor. May possess a very slight feed flavor, but shall be free from any undesirable flavors and odors. (b) <i>Body and texture:</i> A plug drawn from the cheese shall be firm, appear smooth, compact, close and should be slightly translucent, but may have a few small mechanical openings. The texture may be definitely curdy or may be partially broken down if more than 3 weeks old. Shall be free from sweet holes, yeast holes and gas holes of any kind. (c) <i>Color:</i> Shall have a uniform, bright attractive appearance; practically free from white lines or seams. May be colored or uncolored but if colored it should be a medium yellow-orange. (d) <i>Finish and appearance:</i> <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with a smooth bandage and paraffin coating adhering tightly but may possess soiled surface to a very slight degree. The cheese shall be even and uniform in shape. <i>Rindless.</i> The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese. May be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. Shall be free from mold under wrapper or covering and shall not be huffed or lopsided.	Fine and highly pleasing. Possesses a moderate degree of characteristic cheddar cheese flavor. May possess a very slight feed flavor but shall be free from any undesirable flavors and odors. A plug drawn from the cheese shall be firm, appear smooth, waxy, compact, close, flexible and translucent, but may have a few mechanical openings if not large and connecting. May be slightly or not entirely broken down. May possess not more than one sweet hole per plug but shall be free from other gas holes. Shall have a uniform, bright attractive appearance; practically free from white lines or seams. May be colored or uncolored, but if colored it should be a medium yellow-orange. <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with a smooth bandage and paraffin coating adhering tightly but may possess very slight mold under bandage and paraffin, and the following other characteristics to a slight degree: soiled surface and surface mold. The cheese shall be even and uniform in shape. <i>Rindless.</i> Same as for current, except very slight mold under wrapper or covering permitted.	Fine and highly pleasing characteristic cheddar cheese flavor showing moderate to well-developed degrees of flavor or sharpness. May possess a very slight feed flavor but shall be free from any undesirable flavors and odors. A plug drawn from the cheese shall be firm, appear smooth, waxy, compact, close and translucent but may have a few mechanical openings if not large and connecting. Should be free from curdiness and possess a cohesive velvet-like texture. May possess not more than one sweet hole per plug but shall be free from other gas holes. Shall have a uniform, bright attractive appearance; practically free from white lines or seams. May show numerous tiny white specks. May be colored or uncolored, but if colored it should be a medium yellow-orange. <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with a smooth bandage and paraffin coating adhering tightly but may possess the following characteristics to a slight degree: soiled surface and mold under bandage and paraffin; and surface mold to a definite degree. The cheese shall be even and uniform in shape. <i>Rindless.</i> Same as for medium.

RULES AND REGULATIONS

TABLE II—DETAILED SPECIFICATIONS FOR U. S. GRADE A

Fresh or current	Medium cured	Cured or aged
(a) <i>Flavor:</i> Shall possess a pleasing flavor. May be lacking in flavor development or may possess slight characteristic cheddar cheese flavor. May possess very slight acid, slight feed but shall not possess any undesirable flavors and odors. (b) <i>Body and texture:</i> A plug drawn from the cheese shall be firm, appear smooth, compact, close and should be slightly translucent but may have a few mechanical openings if not large and connecting. May possess not more than two sweet holes per plug but shall be free from other gas holes. May be definitely curdy or partially broken down if more than 3 weeks old. (c) <i>Color:</i> Shall have a fairly uniform, bright attractive appearance. May have slight white lines or seams or be very slightly wavy. May be colored or uncolored but if colored, it should be a medium yellow-orange. (d) <i>Finish and appearance:</i> <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with the bandage and paraffin coating adhering tightly, but may possess the following characteristics to a very slight degree: soiled surface and surface mold; and to a slight degree: rough surface, irregular bandaging, lopsided and high edges. <i>Rindless.</i> The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese. May be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. Shall be free from mold under the wrapper or covering and shall not be huffed but may be slightly lopsided.	Shall possess a pleasing characteristic cheddar cheese flavor and aroma. May possess a very slight bitter flavor and the following flavors to a slight degree: feed and acid. A plug drawn from the cheese shall be reasonably firm, appear reasonably smooth, waxy, fairly close and translucent but may have a few mechanical openings if not large and connecting. May be slightly curdy or not entirely broken down. May possess not more than two sweet holes per plug but shall be free from other gas holes. May possess the following other characteristics to a slight degree: mealy, short and weak. Shall have a uniform, bright attractive appearance. May have slight white lines or seams. May be colored or uncolored but if colored, it should be a medium yellow-orange. <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with the bandage and paraffin coating adhering tightly but may possess very slight mold under bandage and paraffin and the following other characteristics to a slight degree: soiled surface, surface mold, rough surface, irregular bandaging, lopsided and high edges. <i>Rindless.</i> Same as for current, except very slight mold under wrapper or covering permitted.	Shall possess a pleasing characteristic cheddar cheese flavor and aroma with moderate to well developed degrees of flavor or sharpness. May possess the following flavors to a slight degree: bitter, feed and acid. A plug drawn from the cheese should be fairly firm, appear smooth, waxy, fairly close and translucent but may have a few mechanical openings. Should be free from curdiness. May possess not more than two sweet holes per plug but shall be free from other gas holes. May possess the following other characteristics to a slight degree: crumbly, mealy, short, weak and pasty. Shall have a uniform, bright attractive appearance. May have slight white lines or seams and numerous tiny white specks. May be colored or uncolored, but if colored, it should be a medium yellow-orange. <i>Bandaged and paraffin dipped.</i> Shall possess a sound, firm rind with the bandage and paraffin coating adhering tightly but may possess the following characteristics to a slight degree: soiled surface, rough surface, mold under bandage and paraffin, irregular bandaging, lopsided and high edges; and surface mold to a definite degree. <i>Rindless.</i> Same as for medium.

TABLE III—DETAILED SPECIFICATIONS FOR U. S. GRADE B

Fresh or current	Medium cured	Cured or aged
(a) <i>Flavor:</i> Should possess a fairly pleasing characteristic cheddar cheese flavor, but may possess very slight onion and the following flavors to a slight degree: acid, flat, bitter, fruity, utensil, whey-taint, yeasty, malty, old milk, weedy, barny and lipase; feed flavor to a definite degree. (b) <i>Body and texture:</i> A plug drawn from the cheese may possess the following characteristics to a slight degree: coarse, short, mealy, weak, pasty, crumbly, gassy, slitty and corky; the following to a definite degree: curdy open, and sweet holes. (c) <i>Color:</i> May possess the following characteristics to a slight degree: wavy, acid-cut, mottled, salt spots, dull or faded; and definitely seamy. May be colored or uncolored but if colored, may be slightly unnatural. (d) <i>Finish and appearance:</i> <i>Bandaged and paraffin dipped.</i> Shall possess a reasonably firm sound rind, but may possess very slight mold under bandage and paraffin. The following characteristics to a slight degree: soiled surface, surface mold, defective coating, checked rind, huffed, weak rind, and sour rind; and to a definite degree: rough surface, irregular bandaging, lopsided and high edges. <i>Rindless.</i> The wrapper or covering shall be fairly smooth and properly sealed with adequate overlapping at the seams or by other satisfactory type of closure. The wrapper or covering shall be fairly neat and adequately and securely envelop the cheese. May be definitely wrinkled but shall be of such character as to protect the surface of the cheese and not detract from its initial quality. Shall be free from mold under wrapper or covering but may be slightly huffed and slightly lopsided.	Should possess a fairly pleasing characteristic cheddar cheese flavor and aroma. May possess very slight onion and the following flavors to a slight degree: flat, yeasty, malty, old milk, weedy, barny and lipase; the following to a definite degree: feed, acid, bitter, fruity, utensil, and whey-taint. A plug drawn from the cheese may possess the following characteristics to a slight degree: curdy, coarse, gassy, slitty, and corky; the following to a definite degree: Open, short, mealy, weak, pasty, crumbly, and sweet holes. May possess a very slight bleached surface; and the following characteristics to a slight degree: wavy, acid-cut, mottled, salt spots, dull or faded; and definitely seamy. May be colored or uncolored but if colored, may be slightly unnatural. <i>Bandaged and paraffin dipped.</i> Shall possess a reasonably firm sound rind, but may possess the following characteristics to a slight degree: surface mold, mold under bandage and paraffin, checked rind, huffed, weak rind, and sour rind; the following to a definite degree: soiled surface, rough surface, irregular bandaging, lopsided, high edges and defective coating. <i>Rindless.</i> Same as for current, except slight mold under wrapper or covering permitted.	Should possess a fairly pleasing characteristic cheddar cheese flavor and aroma, with moderate to well developed degrees of flavor or sharpness. May possess very slight onion and the following flavors to a slight degree: flat, yeasty, malty, old milk, weedy, barny, lipase and sulfide; the following to a definite degree: feed, acid, bitter, fruity, utensil, and whey-taint. A plug drawn from the cheese may possess the following characteristics to a slight degree: gassy and slitty; the following to a definite degree: open, sweet holes, short, mealy, weak, pasty and crumbly. May possess the following characteristics to a slight degree: wavy, acid-cut, mottled, salt spots, dull or faded and bleached surface; and definitely seamy. May be colored or uncolored but if colored, may be slightly unnatural. <i>Bandaged and paraffin dipped.</i> Shall possess a reasonably firm sound rind, but may possess the following characteristics to a slight degree: checked rind, huffed, weak rind, and sour rind; the following to a definite degree: soiled surface, surface mold, mold under bandage and paraffin, rough surface, irregular bandaging, lopsided, high edges and defective coating. <i>Rindless.</i> Same as for medium.

TABLE IV—DETAILED SPECIFICATIONS FOR U. S. GRADE C

Fresh or current	Medium cured	Cured or aged
(a) <i>Flavor:</i> May possess the following flavors to a slight degree: sour, metallic onion; and to a definite degree: acid, flat, bitter, fruity, utensil, whey-taint, yeasty, malty, old milk, weedy, barny, and lipase; feed flavor to a pronounced degree. (b) <i>Body and texture:</i> A plug drawn from the cheese may possess the following characteristics to a definite degree: curdy, coarse, corky, crumbly, mealy, short, weak, pasty, gassy, slitty, pinny; and to a pronounced degree: open and sweet holes. The cheese shall be sufficiently compact to permit the drawing of a plug.	May possess the following flavors to a slight degree: metallic, onion, and sulfide; and to a definite degree: flat, sour yeasty, malty, old milk, weedy, barny and lipase; and to a pronounced degree: feed, acid, bitter, fruity, utensil, and whey-taint. A plug drawn from the cheese may be slightly curdy and may possess the following other characteristics to a definite degree: coarse, corky, gassy, slitty and pinny; and to a pronounced degree: open, sweet holes, short, weak, pasty, crumbly and mealy. The cheese shall be sufficiently compact to permit the drawing of a plug.	May possess the following flavors to a slight degree: metallic, and onion; and to a definite degree: flat, sour, yeasty, malty, old milk, weedy, barny, lipase and sulfide; and to a pronounced degree: feed, acid, bitter, fruity, utensil and whey-taint. A plug drawn from the cheese may possess the following characteristics to a definite degree: gassy, slitty, pinny; and to a pronounced degree: open, sweet holes, short, weak, pasty, crumbly and mealy. The cheese shall be sufficiently compact to permit the drawing of a plug.

TABLE IV—DETAILED SPECIFICATIONS FOR U. S. GRADE C—Continued

Fresh or current	Medium cured	Cured or aged
(c) <i>Color:</i> May have a slight bleached surface and possess the following other characteristics to a definite degree: wavy, acid-cut, mottled, salt spots, dull or faded; and seamy to a pronounced degree. May be colored or uncolored but if colored, may be definitely unnatural. The color shall not be particularly unattractive. (d) <i>Finish and appearance:</i> <i>Bandaged and paraffin dipped.</i> May possess the following characteristics to a slight degree: cracks in rind, soft spots and wet rind; and to a definite degree: surface mold, surface mold, defective coating, checked rind, weak rind, sour rind and huffed; and to a pronounced degree: rough surface, irregular bandaging, lopsided and high edges. <i>Rindless.</i> The wrapper or covering shall be fairly smooth and properly sealed with adequate overlapping at the seams or by other satisfactory type of closure. The wrapper or covering shall adequately and securely envelop the cheese. May be definitely soiled and wrinkled but shall be of such character as to protect the surface of the cheese and not detract from its initial quality. May have slight mold under the wrapper or covering and may be definitely huffed and lopsided.	May possess the following characteristics to a definite degree: wavy, acid-cut, mottled, salt spots, bleached surface, dull or faded; and seamy to a pronounced degree. May be colored or uncolored but if colored may be definitely unnatural. The color shall not be particularly unattractive. <i>Bandaged and paraffin dipped.</i> May possess very slight rind rot and the following other characteristics to a slight degree: cracks in rind, soft spots and wet rind; and to a definite degree: surface mold, mold under bandage and paraffin, checked rind, weak rind, sour rind and huffed; and to a pronounced degree: soiled surface, rough surface, defective coating, irregular bandaging, lopsided and high edges. <i>Rindless.</i> Same as for current, except definite mold under the wrapper or covering permitted.	Same as for medium. <i>Bandaged and paraffin dipped.</i> May possess the following characteristics to a slight degree: rind rot, cracks in rind; and to a definite degree: checked rind, weak rind, sour rind, wet rind, soft spots and huffed; and to a pronounced degree: rough surface, soiled surface, surface mold, mold under bandage and paraffin, defective coating, irregular bandaging, lopsided and high edges. <i>Rindless.</i> Same as for medium.

TABLE V—CLASSIFICATION OF FLAVOR ACCORDING TO DEGREE OF CURING

Identification of flavor characteristics	AA			A			B			C		
	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged
Feed	VS	VS	VS	S	S	S	D	D	D	P	P	P
Acid				VS	S	S	S	D	D	D	P	P
Fat					VS	S	S	D	D	D	P	P
Bitter						S	S	D	D	D	P	P
Fruity						S	S	D	D	D	P	P
Utensil						S	S	D	D	D	P	P
Metallic						S	S	D	D	D	P	P
Sour						S	S	D	D	D	P	P
Whey-Taint						S	S	D	D	D	P	P
Yeasty						S	S	D	D	D	P	P
Malty						S	S	D	D	D	P	P
Old Milk						S	S	D	D	D	P	P
Weedy						S	VS	VS	VS	S	S	S
Onion						S	S	S	S	D	D	D
Barny						S	S	S	S	D	D	D
Lipase						S	S	S	S	D	D	D
Sulfide						S	S	S	S	D	D	D

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

TABLE VI—CLASSIFICATION OF BODY AND TEXTURE ACCORDING TO DEGREE OF CURING

Identification of body and texture characteristics	AA			A			B			C		
	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged
Curdy	D	S		D	S		D	S		D	S	
Coarse		S			S		S	D		P	P	P
Open	VS	VS	VS	S	S	S	D	D	D	P	P	P
Sweet holes				S	S	S	S	D	D	P	P	P
Short				S	S	S	S	D	D	P	P	P
Mealy				S	S	S	S	D	D	P	P	P
Weak					S	S	S	D	D	P	P	P
Pasty					S	S	S	D	D	P	P	P
Crumbly						S	S	D	D	P	P	P
Gassy						S	S	S	S	D	D	D
Slitty						S	S	S	S	D	D	D
Corky						S	S	S	S	D	D	D
Pinny						S	S	S	S	D	D	D

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

TABLE VII—CLASSIFICATION OF COLOR ACCORDING TO DEGREE OF CURING

Identification of color characteristics	AA			A			B			C		
	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged
Seamy	VS	VS	VS	S	S	S	D	D	D	P	P	P
Wavy				VS	S	S	S	S	S	D	D	D
Acid-cut						S	S	S	S	D	D	D
Unnatural						S	S	S	S	D	D	D
Mottled						S	S	S	S	D	D	D
Salt spots						S	S	S	S	D	D	D
Dull or faded						S	S	S	S	D	D	D
Bleached surface (rindless)						S	VS	S	S	S	D	D

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

RULES AND REGULATIONS

TABLE VIII—CLASSIFICATION OF FINISH AND APPEARANCE ACCORDING TO DEGREE OF CURING

Identification of finish and appearance characteristics	AA			A			B			C		
	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged	Fresh or current	Medium cured	Cured or aged
Boiled surface	VS	S	S	VS	S	S	S	D	D	D	P	P
Surface mold		S	D	VS	S	D	S	D	D	D	D	P
Mold under bandage and paraffin		VS	S		VS	S	VS	S	D	D	D	P
Mold under wrapper or covering (rindless)		VS	S		VS	S		S	S	S	D	P
Rough surface				S	S	S	D	D	D	F	P	P
Irregular bandaging (uneven, wrinkled and overlapping)				S	S	S	D	D	D	P	P	P
Lopsided				S	S	S	D	D	D	P	P	P
Lopsided (rindless)				S	S	S	S	S	S	D	D	D
High edges				S	S	S	D	D	D	P	P	P
Huffed							S	S	S	D	D	D
Defective coating (scaly, blistered and checked)							S	D	D	D	P	P
Cracks in rind							S	S	S	D	S	S
Checked rind							S	S	S	D	D	D
Soft spots										S	S	D
Weak rind							S	S	S	D	D	D
Sour rind							S	S	S	D	D	D
Wet rind							S	S	S	D	D	D
Rind rot										S	S	S

VS—Very Slight. S—Slight. D—Definite. P—Pronounced.

§ 58.506 *Explanation of terms*—(a) *With respect to packaging*—(1) *Paraffin*. Refined paraffin, amorphous wax, microcrystalline wax or any combination of such or any other suitable substance.

(2) *Rindless*. Cheese which has not formed a rind due to the impervious type of wrapper, covering, or container, enclosing the cheese, or by any other means of handling.

(b) *With respect to flavor*—(1) *Very slight*. Detected only upon very critical examination.

(2) *Slight*. Detected only upon critical examination.

(3) *Definite*. Not intense but detectable.

(4) *Pronounced*. So intense as to be easily identified.

(5) *Lacking in flavor development*. No undesirable and very little, if any, cheddar cheese flavor development.

(6) *Feed*. Feed flavors (such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into the cheese.

(7) *Acid*. Sharp and puckery to the taste, characteristic of lactic acid.

(8) *Flat*. Insipid, practically devoid of any characteristic cheddar cheese flavor.

(9) *Bitter*. Distasteful, similar to taste of quinine. Most frequently found in aged cheese.

(10) *Fruity*. A sweet fruit-like flavor resembling apples; generally increasing in intensity as the cheese ages.

(11) *Utensil*. A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils or factory equipment.

(12) *Metallic*. A flavor having qualities suggestive of metal, imparting a puckery sensation.

(13) *Sour*. An acidly pungent flavor resembling vinegar.

(14) *Whey-taint*. A slightly acid flavor and odor characteristic of fermented whey caused by too slow expulsion of whey from the curd.

(15) *Yeasty*. A flavor indicating yeasty fermentation.

(16) *Malty*. A distinctive, harsh flavor suggestive of malt.

(17) *Old Milk*. Lacks freshness.

(18) *Weedy*. A flavor due to the use of milk which possesses a common weedy

flavor. Present in cheese when cows have eaten weedy hay or grazed on common weed-infested pastures.

(19) *Onion*. This flavor is recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when the cows have eaten onions, garlic or leeks.

(20) *Barny*. A flavor characteristic of the odor of a cow stable.

(21) *Lipase*. A flavor suggestive of rancidity or butyric acid, sometimes associated with a bitterness.

(22) *Sulfide*. An objectionable flavor of hydrogen sulfide similar to the flavor of water with a high sulfur content.

(c) *With respect to body and texture*—

(1) *Broken down*. Changed from a firm, smooth, or coarse, curdy or rubbery condition to a waxy condition similar to that of cold butter or to a mealy, or pasty condition.

(2) *Smooth*. Feels silky; not dry and coarse or rough.

(3) *Solid, compact and close*. Practically free from openings of any kind.

(4) *Firm*. Feels solid, not soft or weak.

(5) *Reasonably firm*. Somewhat less firm but not to the extent of materially injuring the keeping quality of the cheese.

(6) *Waxy*. When worked between the fingers, molds well like wax or cold butter.

(7) *Translucent*. The appearance of being partially transparent.

(8) *Curdy*. Smooth but firm; when worked between the fingers is rubbery and not waxy.

(9) *Coarse*. Feels rough, dry and sandy.

(10) *Open*. Mechanical openings that are irregular in shape and are caused by workmanship and not gas fermentation.

(11) *Sweet holes*. Spherical gas holes, glossy in appearance; usually about the size of BB shots; also referred to as shot or Swiss holes.

(12) *Short*. No elasticity to the plug and when rubbed between the thumb and fingers it tends toward meanness.

(13) *Mealy*. Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(14) *Weak*. Requires little pressure to crush, is soft but is not necessarily sticky like a pasty cheese.

(15) *Pasty*. Usually weak body and when the cheese is rubbed between the thumb and fingers it becomes sticky and smeary.

(16) *Crumbly*. Loosely knit and tends to fall apart when rubbed between the thumb and fingers.

(17) *Gassy*. Gas holes of various sizes and may be scattered.

(18) *Slitty*. Narrow elongated slits generally associated with a cheese that is gassy or yeasty. Sometimes referred to as "fish-eyes."

(19) *Corky*. Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(20) *Pinny*. Numerous very small gas holes.

(d) *With respect to color*—(1) *Uncolored*. Absence of artificial coloring.

(2) *Seamy*. White thread-like lines that form if the pieces of curd are not properly joined together.

(3) *Wavy*. Unevenness of color which appears as layers or waves.

(4) *Acid-cut*. Bleached or faded appearance which sometimes varies throughout the cheese, appearing most often around mechanical openings.

(5) *Unnatural*. Deep orange or reddish color.

(6) *Mottled*. Irregular shaped spots or blotches in which portions are light colored and others are higher colored. Also an unevenness of color due to combining the curd from two different vats, sometimes referred to as "mixed curd."

(7) *Salt spots*. Large light colored spots or areas.

(8) *Dull or faded*. A color condition lacking in lustre or translucency.

(9) *Bleached surface*. A faded color beginning at the surface and progressing inward.

(10) *Tiny white specks*. Specks resembling grains of salt scattered throughout the cheese. They are generally associated with aged cheese.

(11) *Unattractive*. Abnormal or unappetizing appearance.

(e) *With respect to finish and appearance*—(1) *Wax or paraffin that adheres firmly to the surface of the cheese*. Thin

or thick coating with no indication of cracking, breaking, or loosening.

(2) *Rind*. Hard coating caused by the desiccation of the surface of the cheese.

(3) *Firm sound rind*. Possessing a firmness and thickness (not easily dented or damaged) consistent with the size of the cheese and which is dry, smooth, and closely knit, sufficient to protect the interior quality from external defects; free from checks, cracks, breaks or soft spots.

(4) *Burst or torn bandage*. A severance of the bandage usually occurring at the side seam or is otherwise snagged or broken.

(5) *Wrapper or covering*. Transparent or opaque material (plastic film type or foil) next to the surface of the cheese, used as an enclosure or covering of the cheese.

(6) *Adequately and securely envelop*. Wrapper or covering properly sealed, and entirely enclosing the cheese, with sufficient adherence for ample protection and prevention of mold.

(7) *Smooth bright surface*. Clean, glossy surface.

(8) *Smooth surface*. Not rough or uneven.

(9) *Soiled surface*. Milkstone, rust spots or other discoloration on the surface of the cheese.

(10) *Surface mold*. Mold on the paraffin or the exterior of the cheese.

(11) *Mold under bandage and paraffin*. Mold spots or areas that have formed under the paraffin or mold that has penetrated from the surface and continued to develop.

(12) *Mold under wrapper or covering*. Mold spots or areas that have formed under the wrapper or on the cheese.

(13) *Rough surface*. Lacks smoothness.

(14) *Bandage evenly placed*. Overlapping the edges evenly about one inch.

(15) *Irregular bandaging*. Bandage improperly placed in the hoop resulting in too much bandage on one end and insufficient on the other causing overlapping; wrinkled and loose fitting.

(16) *Lopsided*. One side of the cheese is higher than the other side.

(17) *High edge*. A rim or ridge on the follower side of the cheese, which is raised in varying degrees. In extreme cases it may bend over.

(18) *Defective coating*. Brittle coating of paraffin that breaks and peels off in the form of scales or flakes; flat or raised blisters or bubbles under the surface of the paraffin; checked paraffin, including cracks, breaks or hairline checks in the paraffin or coating of the cheese.

(19) *Cracks in the rind*. Openings or breaks in the rind.

(20) *Checked rind*. Numerous small cracks or breaks in the rind, sometimes following the outline of curd particles, sometimes referred to as "curd openings."

(21) *Soft spots*. Soft to the touch and the spots are usually faded and moist.

(22) *Huffed*. Swollen because of gas fermentation. The cheese becomes rounded or oval in shape instead of being flat.

(23) *Weak rind*. Thin and possessing little or no resistance to pressure.

(24) *Sour rind*. A fermented rind condition, usually confined to the faces of the cheese.

(25) *Wet rind*. A wet rind is one in which the moisture adheres to the surface of the rind and which may or may not soften the rind or cause discoloration.

(26) *Rind rot*. Soft spots on the rind that have become discolored and have decayed or decomposed.

Done at Washington, D. C., this 21st day of March 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.
[F. R. Doc. 56-2264; Filed, Mar. 27, 1956;
8:45 a. m.]

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

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1957 CROP

Sec.	
728.710	Basis and purpose.
728.711	Definitions.
728.712	Extent of calculations and rule of fractions.
728.713	Instructions and forms.
728.714	Method of apportioning county allotments.
728.715	Data for old wheat farms.
728.716	Determination of base acreages for old farms.
728.717	Determination of acreage allotments for old farms.
728.718	Determination of base acreages for new farms.
728.719	Determination of acreage allotments for new farms.
728.720	Reallocation of allotments released from farms removed from agricultural production.
728.721	Supervision, review and approval by the State committee, and mailing of allotment notices.
728.722	Farms divided or combined.
728.723	Review.
728.724	Applicability of §§ 728.710 to 728.724.

AUTHORITY: §§ 728.710 to 728.724 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 334, 52 Stat. 38, 53; 7 U. S. C. 1301, 1334.

§ 728.710 *Basis and purpose*. The regulations contained in §§ 728.710 to 728.724 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1957 farm acreage allotments for wheat. The purpose of the regulations in §§ 728.710 to 728.724 is to provide the procedure for establishing farm wheat acreage allotments for 1957. Prior to preparing the regulations in this subpart, public notice (20 F. R. 10062) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 728.710 to 728.724 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.711 *Definitions*. As used in the regulations in this subpart and in all

instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Director" means the Director of the Grain Division, Commodity Stabilization Service, U. S. Department of Agriculture.

(d) *Committees*:

(1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(f) "Cropland" means farmland which in 1956 was tilled or was in regular crop rotation, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding

(1) bearing orchards and vineyards (except the acreage of cropland therein),

(2) plowable non-crop open pasture, and

(3) any land which constitutes or will constitute if tillage is continued, a wind erosion hazard to the community.

(g) "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland acreage for a

farm by the ratio of historical wheat acreage determined pursuant to § 728.716 (b) for all farms in the community or county to the cropland acreage for all farms in the community or county; *Provided*, That if the State committee finds that the historical wheat acreage as determined for the community is abnormally low due to widespread abnormal weather, then the ratio for the community may be the ratio determined or which could have been determined under § 728.611 (i) of the regulations for determining farm acreage allotments for the 1956 crop of wheat (20 F. R. 1632); or a ratio determined on the basis of the average of the acreages for the years 1952, 1953, 1954, and 1955 which the State committee determines is normal. County ratio determinations will be made and used only upon approval of the State committee, which may be required because of inadequate historical acreage or other factors affecting the community history.

(h) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, a political subdivision of a State, the Federal Government, or any agency thereof.

(i) "Operator" means the person who is in charge of the supervision, and conduct of the farming operations on the entire farm.

(j) "Wheat cover crop" means the acreage of wheat which in compliance with applicable regulations did not reach maturity because it was, while still green, turned under, cut off or pastured off, to the extent that wheat did not mature as grain.

(k) "Wheat mixture" means a mixture of wheat and other small grains (excluding flax, Austrian winter peas, rough peas, and vetch) containing, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight.

(l) "Mixture exemption counties" means counties in which the seeding of wheat mixtures has been determined to be a normal farming practice as follows: all counties in the States of Arkansas, Georgia, Kentucky, Minnesota, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(m) "Wheat acreage" for the purpose of establishing 1957 wheat acreage allotments means any acreage seeded to wheat, together with any acreage of volunteer wheat which reaches maturity, excluding (1) wheat cover crop acreage; (2) the acreage of wheat mixtures in mixture exemption counties; (3) any acreage of seeded or volunteer wheat of the 1954, 1955, or 1956 crop, as the case

may be, in excess of the 1954, 1955, or 1956 farm wheat acreage allotment respectively which was not classified as wheat acreage under the 1954, 1955, or 1956 wheat marketing quota regulations issued by the Secretary (19 F. R. 202, 972, 1481, 6134; 20 F. R. 1621, 9475; 21 F. R. 1258); and (4) any acreage of wheat grown for experimental purposes only by a publicly owned agricultural experiment station.

(n) "Old farm" means a farm on which there was wheat acreage for one or more of the 3 years 1954, 1955, and 1956.

(o) "New farm" means a farm on which there will be wheat acreage for the 1957 crop and there was no wheat acreage for the three years 1954, 1955, and 1956.

(p) "Commercial wheat-producing area" means all States in the United States exclusive of States for which the wheat acreage allotment for 1957 will be 25,000 acres or less and which may be designated by the Secretary as being outside the commercial wheat-producing area.

§ 728.712 *Extent of calculations and rule of fractions.* All acreage determinations shall be rounded to whole acres. Fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped.

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

§ 728.714 *Method of apportioning county allotments.* The county acreage allotment shall be apportioned to old farms in the county pro rata according to the farm base acreages which shall be established on the basis of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography.

§ 728.715 *Data for old wheat farms—*
(a) *Reports by producers.* To the extent that data are not available in the county ASC office, the owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the county ASC office of the county in which the farm is regarded as located if there was wheat acreage on the farm for the 1954, 1955, or 1956 crops:

- (1) The names and addresses of the owner and operator.
- (2) The total acreage of all land.
- (3) The acreage of cropland.
- (4) The wheat acreage for the years 1952, 1953, 1954, 1955, and 1956.
- (5) The acreage of wheat mixtures seeded for harvest as grain for the years 1952, 1953, 1954, 1955, and 1956.
- (6) The acreage of wheat utilized for wheat cover crop for the years 1952, 1953, 1954, 1955, and 1956.

(7) Other pertinent information requested by the county committee relative to the operations of the farm.

(b) *Other available information.* Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county office, available production and sales records, or other available information.

§ 728.716 *Determination of base acreages for old farms.* The county committee shall determine a base acreage for each old farm which will reflect the factors of past acreage of wheat, tillable acres, crop-rotation practices, type of soil, and topography. Each base acreage determined shall be fair and equitable when compared with the base acreages for all other farms in the county. In arriving at the base acreage, consideration shall be given to the wheat acreage on the farm during the years 1952 through 1955 where available, tillable acres, type of soil, topography, the producers' crop-rotation system for the farm, including the equipment and other facilities available for carrying out such system of crop-rotation, and the base acreages for other farms in the community which are similar with respect to tillable acres, types of soil, and topography, and which are similarly operated. Such base acreages shall be established as follows:

(a) With prior approval of the State committee, the 1956 base acreage, or the 1955 base acreage if appropriate for 1957 due to the crop-rotation system established for the farm, determined for the farm under the regulations issued by the Secretary for establishing farm acreage allotments for the respective years (19 F. R. 3250; 20 F. R. 1632) may be used as the 1957 base acreage for the farm if the county committee determines that such use will result in a base acreage for 1957 which meets the requirements prescribed above.

(b) Historical average acreage: (1) If the 1957 base acreage is not established under paragraph (a) of this section the county committee shall establish for each farm a historical average acreage which shall be the average of the wheat acreages on the farm for 1952, 1953, 1954 and 1955. The acreage for 1954 shall be the 1954 wheat acreage plus the acreage diverted under the 1954 wheat acreage allotment program and shall be determined as follows: (i) If the 1954 farm wheat acreage allotment was knowingly exceeded the acreage for 1954 shall be the farm wheat acreage allotment established under § 728.417 of the regulations issued by the Secretary for establishing 1954 farm acreage allotments (18 F. R. 3161), plus the wheat acreage in excess of the farm wheat acreage allotment; (ii) if the applicable farm wheat acreage allotment established under said regulations was not knowingly exceeded, and the wheat acreage was 90 per centum or more of such allotment the wheat acreage shall be the base acreage established for the farm under the said regulations; and (iii) if the wheat acreage was less than 90 per centum of the farm wheat acreage allotment established under said regulations,

the acreage shall be the smaller of the farm base acreage, or the acreage obtained by multiplying the wheat acreage by a diversion credit factor. In such cases the diversion credit factor will be the reciprocal of a decimal fraction which is 90 per centum of the county proration factor as determined under said regulations.

(2) The acreage for 1955 shall be the 1955 wheat acreage plus the acreage diverted under the 1955 wheat acreage allotment program and shall be determined as follows: (i) If the 1955 farm wheat acreage allotment established under paragraph § 728.517 of the 1955 farm wheat acreage allotment regulations (19 F. R. 3250), as increased or decreased under § 728.518 of said regulations, was knowingly exceeded, the acreage for 1955 shall be the farm wheat acreage allotment plus the wheat acreage in excess of the farm wheat acreage allotment, less the acreage for Durum Wheat Class II as determined under § 728.529 of said regulations (20 F. R. 1508); (ii) if the applicable farm wheat acreage allotment established under § 728.517, as increased or decreased under § 728.518, of said regulations was not knowingly exceeded and the wheat acreage was 90 per centum or more of such allotment, the wheat acreage shall be the base acreage established for the farm under the applicable regulations; (iii) if the wheat acreage was less than 90 per centum of the farm wheat acreage allotment established under § 728.517, as increased or decreased under § 728.518, of said regulations the acreage shall be the smaller of the farm base acreage or the acreage obtained by multiplying the wheat acreage by a diversion credit factor. In such cases, the diversion credit factor will be the reciprocal of a decimal fraction which is 90 per centum of the county proration factor as determined under said regulations.

(c) Adjusted acreage: (1) The county committee shall adjust the historical average acres for any farm by eliminating from the period of years used in determining the historical average acreage the year or years for which it finds that the wheat acreage was:

- (i) Abnormally low due to excessive wet weather or flood.
- (ii) Abnormally low due to drought.
- (iii) Abnormally high because in previous years wheat or other crops failed or could not be planted.

(iv) No longer representative because of a change in operations which results in a substantial change in the established crop-rotation system for the farm.

(v) Not appropriate for 1957 because of a definitely established crop-rotation system being carried out on the farm.

(2) When one or more of the years are eliminated in accordance with the provisions of subdivisions (i) through (v) of subparagraph (1) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted acreage. If all four years are eliminated the adjusted acreage shall be zero.

(3) The county committee may further adjust the historical average or the adjusted average, as the case may be, so as to make such acreage comparable with those acreages for other farms which are

similar with respect to tillable acres, type of soil, and topography, and which are similarly operated with respect to the rotation of crops, within the following limitations:

(i) If such acreage is abnormally low, when compared to similar farms, similarly operated, it may be adjusted upward not to exceed 25 percent. If the adjusted acreage is zero because one of the years in the applicable period was eliminated under subparagraph (1) (i), (ii), (iii) or (iv) of this paragraph, the twenty-five percent limitation will not apply and the adjusted acreage may be adjusted upward. In no event shall the adjustments made herein exceed the acreage indicated by cropland, unless approval is first obtained from the State committee. If all the years in the applicable period are eliminated under subparagraph (1) (v) of this paragraph, the adjusted acreage may be adjusted upward but not above the acreage of cropland for the farm.

(ii) If such acreage is excessively high, when compared to similar farms similarly operated, it may be adjusted downward not to exceed 25 percent. Such adjustment may not result in an acreage below the acreage indicated by cropland unless approval is first obtained from the State committee.

(d) 1957 base acreage: The 1957 base acreage shall be that acreage determined under paragraphs (a) through (c) of this section. A zero base acreage may be established for a farm only if the committee determines that there will be no wheat acreage for 1957 under the crop-rotation system for the farm.

§ 728.717 *Determination of acreage allotments for old farms.* The 1957 county acreage allotment, after deduction of appropriate reserves for appeals and correction of errors and missed farms, as determined by the county committee with approval of the State committee, shall be apportioned pro rata among all farms within the county on the basis of the base acreages determined under § 728.716.

§ 728.718 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a wheat acreage allotment for each eligible new farm for which an acreage allotment is requested prior to a closing date which shall not be later than September 30, 1956, in the winter wheat area, and March 1, 1957, in the spring wheat area. Earlier closing dates may be established by the respective State committees with the approval of the Secretary if such earlier dates will afford reasonable opportunity for filing of such application. Each request for such allotment shall be in writing, shall be made by the owner or operator, and shall contain statements as to the location and identification of the farm, the names and addresses of the owner and operator, if known, the total acreage of land, the identification and location of any other farms in which the operator will have an interest in 1957, the location of the farm or farms and the wheat acreage in which the operator had an interest during the years 1952 through 1956, the acreage of wheat

planned for 1957 under the crop-rotation system for the farm, the reason for requesting a wheat allotment, the reason there was no wheat acreage on the farm for 1954, 1955, or 1956, and a statement that the operator expects to derive fifty percent or more of his livelihood from the farm.

(b) Eligibility for new farm allotments shall be conditioned upon the following:

(1) The committee determines that the land for which the allotment is requested will ordinarily produce a good crop of wheat without appreciable erosion; and

(2) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that wheat rather than other small grains will be included in such system for 1957, the operator will not operate any other farm for which a 1957 wheat acreage allotment will be determined, and the operator expects to derive 50 percent or more of his livelihood from the farm covered by the application; or

(ii) The established rotation system followed on the farm will include wheat for 1957.

(c) In determining the base acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided*, That the base acreage so established shall not exceed the wheat acreage for the farm for 1957 under the planned crop-rotation system. The base acreage recommended by the county committee may not exceed the acreage indicated by cropland unless approval of a base acreage in excess thereof is obtained from the State committee.

§ 728.719 *Determination of acreage allotments for new farms.* The county committee shall, after approval by the State committee of the base acreages established for new wheat farms, determine a 1957 wheat acreage allotment for each new farm by multiplying the base acreage so established by a pro rata adjustment factor which shall be the smaller of the factor determined under § 728.717 or a factor obtained by dividing that portion of the State reserve for new farms allocated by the State committee to the county by the sum of the base acreages determined for new farms under § 728.718. The sum of all new farms acreage allotments in the State shall not exceed the State reserve set aside for new farm acreage allotments by the State committee, which in no case shall exceed 3 percent of the State allotment.

§ 728.720 *Reallocation of allotments released from farms removed from agriculture production.* The allotment determined for any farm which is removed from agricultural production by acquisition in 1950 or thereafter by a United States agency for national defense purposes shall be placed in a State pool and

shall be available to the State committee for use in providing equitable allotments for farms owned or acquired by the owners displaced because of acquisition of their farms by the United States. Upon application to the county committee any owner so displaced shall be entitled to have an allotment for any other farm owned or acquired by him equal to an allotment which shall be comparable to the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

§ 728.721 *Supervision, review, and approval by the State committee and mailing of allotment notices.* (a) The State committee shall be responsible for the work of the county committees under the regulations in this part in the apportionment of the county wheat acreage allotments to farms, the review of all allotments and the revision of any determination it considers necessary. All acreage allotments shall be approved by or on behalf of the State committee and no official notice of an acreage allotment shall be mailed until such allotment has been approved by or on behalf of the State committee.

(b) Notice of the farm acreage allotment shall be mailed by the county committee to the operator of the farm and to each other producer indicated by the records of the county committee as having an interest in the wheat crop. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date on which the referendum to determine whether farmers who would be subject to farm marketing quotas favor or oppose such quotas will be held. All allotment notices in a county, insofar as practicable, shall be mailed on the same date.

§ 728.722 *Farms divided or combined.* (a) The 1957 wheat acreage allotment determined for a farm, if there is a division, shall be apportioned to each part on the basis of the acreage of cropland on each part. If the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

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

§ 728.723 *Review.* (a) *Application for review.* (1) Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota,

file application in writing with the secretary of the county committee from which the notice was received to have such allotment reviewed by a review committee.

(2) The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

(b) *Action by county committee prior to review hearing.* If a producer has applied for review, the county committee should reconsider the case. In its reconsideration, the committee may hear the producer and other persons who have knowledge of the matters involved either informally or at a scheduled hearing. If the county committee determines that the producer is entitled in whole or in part to the relief sought in the review procedure, it shall notify the clerk of the review committee in writing of the nature of the relief which the county committee has determined can be granted. The clerk of the review committee shall promptly notify the producer in writing of the relief which the county committee has determined can be granted and that if he will withdraw his application for review in writing within 15 days of the mailing of the notice, the county committee will then grant the relief indicated and will so inform him by issuing and mailing a revised Form MQ-93—Wheat. If the producer withdraws the application for review in accordance with the foregoing provisions, the county committee shall promptly issue and mail the properly revised Form MQ-93—Wheat. If the county committee determines that no relief can be granted to the producer or if the producer fails to withdraw his application for review, in cases where the county committee indicates relief can be granted, the review hearing shall be scheduled in the usual manner.

§ 728.724 *Applicability of §§ 728.710 to 728.724.* Sections 728.710 to 728.724 shall govern the establishment in the commercial wheat-producing area of farm acreage allotments for the 1957 crop of wheat for use in connection with farm price support programs, and farm marketing quotas if applicable to the 1957 crop of wheat.

The regulations in this subpart are contingent upon the proclamation of a national acreage allotment of wheat for 1957 by the Secretary pursuant to section 333 of the Agricultural Adjustment Act of 1938, as amended.

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

Done at Washington, D. C., this 23d day of March 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-2296; Filed, Mar. 27, 1956; 8:45 a. m.]

PART 730—RICE

SUBPART—1956-57 MARKETING YEAR

DEFINITION OF RICE ACREAGE

The amendment herein is based on the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of revising the definition of "rice acreage" so as to (1) exclude any rice acreage grown for experimental purposes only by any publicly owned agricultural experiment station, and (2) make clear that any rice acreage grown for wildlife feed under contract with the Fish and Wildlife Service will be excluded only if such contract is entered into prior to planting of the rice.

Since rice producers are currently in the process of planting 1956 crop rice, it is imperative they be notified as soon as possible of this amendment. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is contrary to the public interest, and the amendment herein shall become effective upon the date of filing this document with the Director, Division of the Federal Register.

Paragraphs (n) of § 730.711 of the farm acreage allotment regulations for 1956 crop rice is hereby amended to read as follows:

(n) "Rice acreage" for the purpose of establishing 1956 rice acreage allotments means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding any acreage of non-irrigated rice of three acres or less, any acreage planted to rice in 1955 in excess of the 1955 farm acreage allotment, any acreage of sweet, glutinous, or candy rice, commonly known as Mochi Gomd, any acreage of rice grown for experimental purposes only by a publicly owned agricultural experiment station, and any acreage planted to rice under a contract which was entered into prior to planting with the Fish and Wildlife Service for wildlife feed which was not harvested.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353.)

Done at Washington, D. C., this 23d day of March 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-2297; Filed, Mar. 27, 1956; 8:45 a. m.]

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

PART 963—MILK IN STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on April 1, 1956. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Stark County, Ohio, marketing area.

Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on February 13, 1956, and a decision containing the terms and provisions of the order having been issued on March 16, 1956. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the *FEDERAL REGISTER*. (See section 4 (c) Administrative Pro-

cedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended), of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (December 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Revise § 963.51 (a) and (b) to read as follows:

§ 963.51 *Class I price.* (a) Through January 31, 1957, the minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be 5 cents less than the Class I price as determined pursuant to § 975.61 (a) of this chapter (order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area; Order No. 75): *Provided*, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated in this paragraph.

(b) The "supply-demand adjustment" referred to in § 975.61 (a) of this chapter shall be considered as the "supply-demand adjustment" under this part.

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

Issued at Washington, D. C., this 23d day of March to be effective on and after the 1st day of April 1956.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-2326; Filed, Mar. 27, 1956; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1277]

[Misc. 2118017]

WISCONSIN

REVOKING PUBLIC LAND ORDER NO. 372 OF MAY 26, 1947, WHICH RESERVED PUBLIC LANDS FOR USE OF DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 372 of May 26, 1947, temporarily withdrawing from settlement, location, sale or entry, the following-described lands in Wisconsin for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Black River Project, LU-WI-6, is hereby revoked:

FOURTH PRINCIPAL MERIDIAN

T. 21 N., R. 1 W.,
Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 22 N., R. 1 W.,
Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 20 N., R. 2 W.,
Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 21 N., R. 2 W.,
Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 22 N., R. 2 W.,
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 20 N., R. 3 W.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 21 N., R. 3 W.,
Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 561.09 acres.

All the lands, except the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 8, T. 20 N., R. 3 W., have been classified for disposal pursuant to the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869). They are not, therefore, subject to appropriation under any other public-land law.

The SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 8, T. 20 N., R. 3 W., is non-agricultural in character and is unsuitable for homestead or small tract development.

No application for the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 8, T. 20 N., R. 3 W., may be allowed under the homestead, small tract, or any other non-mineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the

consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any valid existing rights and the requirements of applicable law, the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 8, T. 20 N., R. 3 W., is hereby opened to filing of applications, selections, and locations in accordance with the following:

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

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

(2) All valid applications under the Homestead and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on April 26, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 26, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on June 26, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metaliferous minerals. They will be open to location for non-metaliferous minerals under the United States mining laws beginning at 10:00 a. m. on June 26, 1956.

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

Inquiries concerning the lands shall be addressed to the Eastern States Super-

visor, Bureau of Land Management, Washington 25, D. C.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

MARCH 21, 1956.

[P. R. Doc. 56-2302; Filed, Mar. 27, 1956;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

STATEMENT OF CERTAIN EDITORIAL CHANGES

In the matter of amendment of Part 3 of the Commission's rules governing radio broadcast services to effect certain editorial changes therein.

Part 3 was revised November 3, 1955, effective January 2, 1956, and published December 9, 1955 (20 F. R. 9041), as F. R. Doc. 55-9821.

Effective January 6, 1956, the note to § 3.614 (b) (1) adopted by Order, FCC 55-1198, of November 30, 1955 (published December 7, 1955, 20 F. R. 8989, as F. R. Doc. 55-9791) will be added to Part 3 as published in the December 9, 1955 issue of the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 56-2314; Filed, Mar. 27, 1956;
8:50 a. m.]

[Docket No. 11597; FCC 56-251]

[Rules Amdt. 8-12]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EXPANSION OF SCOPE OF INTERIM SHIP STATION LICENSING PROCEDURE

In the matter of amendment of Part 8 to expand the scope of the interim ship station licensing procedure.

1. On January 5, 1956, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice was published in the FEDERAL REGISTER on January 10, 1956 (21 F. R. 203), and the time for filing comments has now expired. The amendment proposed to expand the interim ship station license procedure (1) by allowing applicants for frequencies not now covered by the interim license procedure to use the procedure, and (2) by deleting the restriction which makes vessels that are compulsorily equipped with radiotelephone ineligible to use the interim licensing procedure. Comments supporting the proposal were filed by the Lorain County Radio Corporation, Southern California Marine Radio Council and the Central Committee on Radio Facilities of the American Petroleum Institute. No other comments were received in the Docket.

2. As stated above, the Southern California Marine Radio Council supported the proposal. In addition, it asked the

Commission to consider expanding the interim license procedure still further by including therein certain high seas radio-telephone frequencies. The Commission has considered this request and finds that an extension of the interim license procedure is feasible so as to include in that procedure all of the high seas radio-telephone frequencies. The 4 and 8 Mc frequencies on the Great Lakes and the 4, 6, and 8 Mc frequencies in the Mississippi River Valley area will also be covered by the interim license procedure, as proposed.

3. The comments of the Central Committee on Radio Facilities of the American Petroleum Institute also were in support of the proposal. The Committee particularly noted that portion of the proposal extending the interim licensing procedure to applicants using 4, 6 and 8 Mc frequencies in the Mississippi River Valley area. In this connection, the Committee said: "This portion of the proposal brings to mind the proceeding in Docket No. 11374 now pending, and the Committee notes with satisfaction this proposal in Docket No. 11597 which appears to contemplate the continued use of the 6 megacycle frequencies in the Mississippi River Valley area." The Committee's conclusion in this respect is incorrect. The proposal in this Docket does not purport to supersede the pending proposal in Docket 11374, with respect to the 6 Mc frequencies in the Mississippi River Valley area or to indicate in any way the nature of the decision to be made in that proceeding. The 6 MC frequencies are available for assignment in that area at the present time and the instant rule making, which is being finalized herein, is in accord with such present availability of the 6 Mc frequencies.

4. In view of the foregoing, and pursuant to the authority contained in section 303 (c) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 1, 1956, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1068, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062, as amended; 47 U. S. C. 303)

Adopted: March 21, 1956.

Released: March 23, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 8 is amended as follows:

1. Section 8.35 (a) is amended by deleting the words "not required by any statute or international agreement to be fitted with a radiotelephone installation".

Section 8.35 (a), as amended, reads as follows:

§ 8.35 *Request for interim ship station license.* (a) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radio-telephone transmitting apparatus (but not including renewal of station license), to authorize the use of telephony on

board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission.

2. Section 8.35 (b) is amended by deleting the words "(not required by any statute or international agreement to be fitted with a radiotelephone installation)". Section 8.35 (b), as amended, reads as follows:

(b) Such application as prescribed in paragraph (a) of this section may be filed, without regard to the filing time specified in §§ 8.24 (b) and 8.33 whenever need arises for necessary authority to use a ship station for telephony under the limitations of an interim ship station license on board any vessel pending action by the Commission at Washington, D. C. on the related formal application for regular license or modification of license.

3. Section 8.64 is amended by deleting from the first sentence of this section the words "on board a vessel not required by any statute or international agreement to be fitted with a radiotelephone installation". The section, as amended, reads as follows:

§ 8.64 *Interim ship station license.* Upon request made in accordance with § 8.35, an interim ship station license may be granted by the Commission at any of its Engineering Field Offices to authorize solely the use of a ship station for telephony in conformity with the conditions and limitations of § 8.369 for an interim period of three months pending action by the Commission at Washington, D. C., on the related formal application for regular ship station license or modification of license filed at such Engineering Field Office as prescribed

by §§ 8.35 and 8.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if, in the discretion of the Commission, the need for such action arises.

4. Section 8.369 is amended to read as follows:

§ 8.369 *Operation under interim ship station license.* (a) The use and operation of a station on board ship under the authority conferred by an interim ship station license shall be subject to and in accordance with all applicable rules of the Commission: *Provided*, That the class of station, the use of frequencies, the class of emission, and the transmitting equipment shall be limited at all times under such license to the authorization hereinafter designated:

(1) Class of ship station;
(i) Public, if equipped to operate on one or more of the frequencies designated by this section for transmission to public coast stations;

(ii) Limited, if not equipped to operate as prescribed in subdivision (i) of this subparagraph.

(2) Authorized carrier frequencies:
(i) 2182 kc for calling and distress; 156.8 Mc for calling and safety communication;

(ii) For ship-to-ship communication:
2638 kc and 156.3 Mc: For use in all areas;
2738 kc: For use in all areas except the Great Lakes and the Gulf of Mexico; provided that, unless a certification in accordance with § 8.351 (d) has been submitted, use of this frequency is limited to test purposes as set forth in § 8.351 (d);

2830 kc: For use in the Gulf of Mexico; provided that, unless a certification in accordance with § 8.351 (d) has been submitted,

use of this frequency is limited to test purposes as set forth in § 8.351 (d);

2003 kc: For use in the Great Lakes area, exclusively.

(iii) For communication between ships and public coast stations:

Frequencies below 30 Mc as set forth in §§ 8.354 and 8.355;

Frequencies above 156 Mc as set forth in § 8.356 (a) and § 14.260 (b) of this chapter.

(iv) In addition in the Alaska area:

1622 kc: For communication between ship stations aboard vessels of less than 500 gross tons and for communication between public ship stations on board vessels of any size and public coast stations;

2134 kc: For communication between ship stations and coast stations of the Alaska Communications System open to public correspondence;

2382 kc: For communication between ship stations aboard vessels of 500 gross tons or more and for communication between public ship stations on board vessels of any size and public coast stations.

(3) Authorized classes of emission.
A3 on frequencies herein designated below 30 Mc; F3 on frequencies herein designated above 156 Mc; and for brief operating signals A2 and F2 respectively.

(4) Equipment: The equipment shall be the same as the particular equipment which is described in the related formal application simultaneously filed at the Field Office for regular ship station license or modification of license, and which is capable of being operated with class A3 or F3 emission (according to the frequency band to be used under the provisions of this section) in accordance with all applicable rules and regulations on one or more radio-channels of which the authorized carrier frequencies are designated by this section.

[F. R. Doc. 56-2315; Filed, Mar. 27, 1956; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 35, 111]

[CGFR 56-13]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. In accordance with an announcement and notice of proposed rule making published in the *FEDERAL REGISTER* dated March 1, 1956 (21 F. R. 1350-1356), the Merchant Marine Council will hold a public hearing on Tuesday, April 24, 1956, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets, N. W., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the navigation and vessel inspection regulations as generally described in that announcement as Items I to XVI, inclusive. In addition Items XVII and XVIII as de-

scribed in this document will be considered as a part of the Agenda for this public hearing.

2. Comments on the proposed regulations described in this document are invited. Written comments containing constructive criticism, suggestions, or views are welcomed; however, acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel is not available to handle the necessary correspondence involved. Each oral or written comment received is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed regulation or amendment, it is changed accordingly and after adoption by the Commandant the regulation is published in the *FEDERAL REGISTER*. Each person who desires to submit written comments, data, or views in connection with the proposed regulations set forth in this document should submit them so that they will be received prior

to April 24, 1956, by the Commandant (CMC), United States Coast Guard Headquarters, Washington 25, D. C. Comments, data, or views may be presented orally or in writing at the hearing before the Merchant Marine Council on April 24, 1956.

ITEM XVII—VENTS ON CARGO TANKS OF TANK BARGES

3. Assembled motor vehicles are being transported as deck cargo on tank barges. The present requirement in 46 CFR 35.35-60 (b) requires the vents on cargo tanks of tank barges which transport general cargo directly over bulk cargo spaces to be extended to an elevation above that at which the general cargo is stowed over such bulk cargo spaces. When such tank barges transport assembled motor vehicles as deck cargo this regulation has required the vents to be extended to excessive heights. These extended vents are sometimes in the way of handling lines and have been broken off, creating a much more serious hazard

than the shorter vents would have caused. In most cases the lower vents are located in a manner which precludes the accumulation of vapors from the vents in pockets about the deck. Therefore, it is deemed desirable to rescind the requirement regarding the extension of vents on cargo tanks of tank barges. To accomplish this it is proposed to amend 46 CFR 35.35-60 to read as follows:

§ 35.35-60 *Transfer of other cargo or stores on tank barges—B/ALL.* (a) Tank barges may be permitted to transport deck cargoes directly over bulk cargo spaces when the nature of such deck cargoes and the method of loading and unloading same do not create an undue hazard. Such tank barges shall have their decks properly dunnaged to prevent chafing between the steel parts of the vessel and the deck cargo.

4. The authority for the regulations with respect to tank vessels is in R. S. 4405, as amended, 4417a, as amended, and 4462, as amended, 46 U. S. C. 375, 391a, 416. These regulations also interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952, Supp.

ITEM XVIII—RECEPTACLE OUTLETS AND ATTACHMENT PLUGS

5. It has been brought to the attention of the Coast Guard that the present requirement in 46 CFR 111.60-30 (c) may permit receptacle outlets and attachment plugs which may introduce a personnel hazard which should be corrected with the minimum of delay. At present it is possible by accidental manipulation of an attachment plug to energize electrically the external metal parts of a portable electrical apparatus. To reduce this possibility of personnel hazard it is proposed that the receptacle outlet and attachment plug shall be of such a design as to reduce the hazards involved. To accomplish this it is proposed to amend 46 CFR 111.60-30 (c) to read as follows:

§ 111.60-30 *Receptacle outlets and attachment plugs.* * * *

(c) Receptacle outlets of the type providing a grounding pole shall be of a distinctive design that will not permit the dead metal parts of portable apparatus to be connected to a live conductor.

6. The regulations with respect to electrical engineering are issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333,

463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Dated: March 22, 1956.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 56-2313; Filed, Mar. 27, 1956;
8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A6]

HANDLING OF MILK IN OZARKS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Springfield, Missouri, on February 24, 1956, pursuant to notice thereof which was issued on February 10, 1956 (21 F. R. 1070), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Ozarks marketing area.

The material issues of record related to:

1. Increasing the Class I price for the months of April, May and June;
2. Increasing the Class II price; and
3. The existence of an emergency which requires that the amendment be made effective on April 1, 1956.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. *Level of the Class I price.* The Class I price should be fixed at the level of the St. Louis Class I price, less 10 cents, for the period from the effective date hereof through June 1956. Evidence in the hearing record shows that, historically, the relationship between the St. Louis and the Ozarks Class I prices has been rather closely maintained during the months of April through June, with the Ozarks price in the neighborhood of 10 cents below the St. Louis price. This relationship has resulted in approximately equal blend prices to producers located in the overlapping milkshed areas. This relationship has been necessary to avoid uneconomic shifting of producers between the two markets. It is evident that most of the producers who supply Ozarks handlers could ship readily to St. Louis plants without materially affecting their cost of hauling to the plant. Almost all of the Ozarks milkshed area overlaps with the St. Louis milkshed.

As a result of the amendatory action of the St. Louis order effective December 1, 1955, certain adjustments were made

to the St. Louis Class I pricing provisions. These adjustments are reflected in the Ozarks Class I price during all months, except April, May and June. Because the present language of the Ozarks order does not follow the St. Louis Class I price during the months of April through June, the historical alignment of prices under the two orders will be interrupted unless a further change is made. It is necessary to amend the Ozarks order, therefore, to insure a continuation in the appropriate relationship between the two Class I prices during the months of April through June 1956.

Past experience has shown that whenever St. Louis blend prices in this area exceeded the Ozarks blend prices by more than a few cents, premiums were necessarily paid by the Ozarks handlers in order to maintain their supply. Because of the operations of the market-wide pool, such premiums were paid with respect to all milk received by the handler, including that utilized for Class II purposes. The Ozarks Class II price is presently fixed at adequate levels under the order to encourage orderly marketing of milk, and to provide maximum available returns to producers from the sale of such milk. Any requirement that handlers pay in excess of this class price as a result of the need to pay premiums for producer milk, would increase the cost of Class II milk and might result in their inability to accept milk beyond their Class I needs. The record indicates that such marketing conditions would result in uneconomic dislocations and would seriously jeopardize the orderly marketing of milk by producers supplying Ozarks handlers.

The record shows that the reasons for making the adjustments to the St. Louis Class I price was the result of an amendment to the St. Louis Health Department regulations which increased the investment necessary to produce milk for the St. Louis market. Similar changes have been made, also, in regulations applying to most of the milk for the Ozarks marketing area. Changes in the health department ordinance in Springfield, adopted January 30, 1956, are the same as those adopted in the St. Louis market, and may be expected, therefore, to result in similar increases in cost of Springfield producers. The record shows that over 50 percent of producers supplying one major handler in the Ozarks market now have insufficient cooling capacities to comply with the revised Springfield health ordinance. The record shows, also that at least four-fifths of the milk regulated under the Ozarks order is received at the plants subject to the regulations of the Springfield Health Department.

The need for adjustment of Ozarks Class I prices after June 1956 will depend upon, in part, future changes in the St. Louis Class I price which cannot be predicted at this time.

2. *The level of the Class II price.* The proponents of the proposed amendment which would have increased the Class II price abandoned their proposal at the hearing. No testimony was presented with respect to it, hence, no consideration has been given to it.

3. *The need for emergency action.* The record indicates that because of the recent amendment to the order regulating the handling of milk in the St. Louis, Missouri, marketing area, the normal difference of prices between the Ozarks marketing area and the St. Louis marketing area will be greatly increased during the months of April, May and June. Producers for the Ozarks marketing area are intermingled to a very great extent with producers for the St. Louis market. Milk control regulations for the two markets have been identical, thus it has been possible for producers to shift from one market to the other as they desired. In January of this year both the city of St. Louis and the city of Springfield amended their milk ordinances to provide a maximum temperature of 50 degrees on milk delivered from the farm to the plant. As noted above, compliance with this requirement will in many cases result in a substantial investment on the part of producers. If a wide disparity in the price under the two orders in the areas where the milksheds overlap is permitted to exist, a substantial shift of producers from the Ozarks market to the St. Louis market could result. In order to prevent this dislocation of producers it is necessary that action be taken to make the proposed amendment effective no later than April 1 so that the existing alignment between prices in the two markets will continue. It is concluded, therefore, that the due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator of the Agricultural Marketing Service and exceptions thereto.

The hearing record established that immediate action must be taken if the amendment is to meet effectively the threatened dislocation of producers with respect to such problem. A critical situation will be aggravated on and after April 1, 1956. The delay necessarily involved in the preparation, filing, and publication of the recommended decision and exceptions thereto would defeat the purpose of the amendment.

The omission of the recommended decision and the filing of exceptions was requested on the record.

General findings. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as

and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Ozarks marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in the said order.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Ozarks Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Ozarks Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met;

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 23d day of March 1956.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Ozarks Marketing Area

§ 921.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amend-

* This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Ozarks marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended and all of the terms and provisions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, and as hereby further amended as follows:

Amend § 921.51 (a) by deleting that portion which reads: "and for the months of April, May and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents", and substituting therefor "and for the months of April, May and June, 1956 the price for Class I milk shall be the price for Class I milk computed pursuant to § 903.51 (a) of this chapter (order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area) for such month minus 10 cents".

[P. R. Doc. 56-2325; Filed, Mar. 27, 1956; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2-11, 16, 19]

[Docket No. 11654; FCC 56-253]

TYPE ACCEPTANCE OF TRANSMITTERS, BANDWIDTH AND SPURIOUS EMISSIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16 and 19 of the Commission's rules concerning type acceptance of transmitters, bandwidth and spurious emissions.

1. The Commission has under consideration changes in the requirements of § 2.524 of the Commission's rules con-

cerning measurement of occupied bandwidth and spurious emissions of transmitters for type acceptance purposes.

2. Section 2.524 (c) requires measurement of the bandwidth occupied and § 2.524 (d) requires measurement of spurious emissions. Measurement of bandwidth occupied involves an analysis of the signal spectrum in the vicinity of the carrier. In measurements of spurious emissions, according to § 2.524 (e): "... the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of the multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported."

3. Although the measurement of bandwidth occupied pursuant to § 2.524 (c) necessarily involves an analysis of the signal spectrum in the vicinity of the carrier, the rule does not state just how far from the carrier frequency this analysis should be carried. Parts 5, 6, 7, 8, 10, 11, and 16 of the rules specify a region between 50 and 100 percent of the authorized bandwidth removed from the carrier frequency within which omissions are required to be attenuated at least 25 decibels below the level of the unmodulated carrier. Beyond 100 percent of the authorized bandwidth removed from the carrier, emissions are required by Parts 5, 6, 7, 8, 10, 11 and 16 to be attenuated by a greater number of decibels, depending on the transmitter power. Section 2.524 (c) requires sufficient test data to establish the occupied bandwidth. Section 2.524 (e), however, does not include explicit mention of the sidebands outside of the authorized bandwidth among the sources of spurious emissions which are identified therein and for which test data are required.

4. To specify in more detail the requirement for measurement of occupied bandwidth, it is proposed to amend § 2.524 (c) so as to require measurement of the signal components within 100 percent of the authorized bandwidth removed from the carrier frequency. With regard to spurious emissions, it is proposed to amend § 2.524 (e) so as to change the second sentence thereof to read: "Particular attention should be paid to sidebands removed from the carrier by 100 percent or more of the authorized bandwidth, harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency."

5. It is recognized that the attenuation of emissions beyond 50 percent of the authorized bandwidth removed from the carrier presents special problems, particularly under the test conditions prescribed by § 2.524. Accordingly, the Commission will concurrently consider

amendment of the spurious omission requirements in Parts 3 (see also Docket 11233), 4, 5, 6, 7, 8 (see also Docket 10887), 9 (see also Docket 11619), 10, 11, 16 and 19 to revise the specifications for suppression of omissions within about 2 percent of the carrier frequency but removed from the carrier by more than 50 percent of the authorized bandwidth. Comments and engineering data pertaining to emission suppression in this region are invited. Pending resolution of this question in these proceedings, type acceptance requests should show that omissions removed from the carrier by more than 100 percent of the authorized bandwidth but less than 2 percent of the carrier frequency are attenuated a reasonable amount below the level of the unmodulated carrier.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted as proposed here, may file with the Commission on or before June 1, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within ten days from the last date for filing said original comments. No additional comments may be filed unless: (1) specifically requested by the Commission, or (2) good cause for the filing of additional comments is established. The Commission will consider all such comments prior to taking final action in this matter; and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. This proposal is issued under the authority contained in section 4 (i) and section 303 of the Communications Act of 1934, as amended.

8. Pursuant to the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: March 21, 1956.

Released: March 23, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2316; Filed, Mar. 27, 1956;
8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11660; FCC 56-265]

MAIN STUDIOS AND STATION IDENTIFICATION OF TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3 of the Commission's rules and regulations governing main studios and station identification of television broadcast stations.

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

2. There are before the Commission two petitions for rule making to amend

the Commission's rule so as to permit television stations, under certain conditions, to maintain more than one main studio, to serve more than one principal community and to include more than one principal community in their station identification. One of these petitions, filed on July 22, 1955 by Peninsula Broadcasting Corporation, permittee of television station WVEC-TV, Hampton, Virginia requests that the rules be amended by the addition of § 3.613 (c), to read as follows:

(c) A television station will only be licensed to serve more than one city when under the Table of Assignments (§ 3.606) the channel used by the station is available for use in each of the cities to be served, and upon a satisfactory showing that main studios will be maintained in each city and that each city will receive an adequate signal in accordance with the provisions of § 3.685 (a). Where a station is licensed to serve more than one city, its location shall be considered the cities it is licensed to serve, and it shall be permitted to identify itself in this manner under § 3.652.

3. The other petition, filed on November 14, 1955, by Northwest Publications, Inc., licensee of WDSM-TV, Superior, Wisconsin, requests amendment of the rules by the addition of § 3.613 (c) to read as follows:

(c) Where a television broadcast station operates on a channel assigned to hyphenated cities, it may maintain a main studio in each such city to which it provides an adequate signal in accordance with § 3.685 (a); in such case, each such city in which a main studio is maintained shall be considered a principal community, and such a station shall be located in both such principal communities.

An opposition to the latter petition was filed on December 1, 1955, by Red River Broadcasting Company, licensee of KDAL-TV, Duluth, Minnesota. Northwest filed a Reply to the Opposition on December 7, 1955.

4. The Commission now licenses television broadcast stations to serve only a single "principal" community. Section 3.652 of the rules requires that all station identification announcements contain the name of the principal community where the station is located and which it is authorized to serve. Section 3.613 requires that the main studio of television broadcast stations be located in the principal community to be served, except where, on a showing of good cause, the Commission permits the main studio to be located outside such principal community. Such permission has been granted only in circumstances where, because the studio location would be conveniently accessible to the principal community, its location outside the principal community would not be inconsistent with the public interest, and more specifically, with the interest of the principal community in having convenient facilities for local expression and local service.

5. Petitioners seek relaxation of the present requirements so as to permit a television station authorized to use a

channel assigned to hyphenated cities to establish main studios in and identify itself with any of the hyphenated cities or to any other cities coming within the "15-mile" rule. A single station, they allege, is capable of rendering service to cities which adjoin or are close to one another. This contention is based partly on allegations of a community of interest between two cities such as Duluth and Superior, and partly on the alleged need of local service in a second city—Norfolk—which can be provided by a station located in Hampton, Virginia, through a studio located in Norfolk. These examples, cited by the petitioners, indicate that their proposals have a dual aspect: on the one hand, the provision of programs which serve the common interests of two communities, and on the other hand, the rendition, by a single station, of separate local services to two cities.

6. Such a departure from the present requirement that all television broadcast stations be located in, licensed to serve and identified with a single principal community raises a number of questions concerning the basic principles which have heretofore governed the licensing and operation of television broadcast stations under the Table of Assignments. The first question is whether it would be in the public interest to permit a single television station to locate main studios in and identify itself with more than one "principal" community without determining whether there are substantial common interests between the communities concerned. If it should be determined that identification of a television station with more than one principal community would be in the public interest only if a substantial community of interest existed among the "principal" communities to be served, the question arises as to whether the category of hyphenated cities (plus cities within the 15-mile rule) is appropriate. While two "hyphenated" cities may in some instances share common interests to a degree which might justify a dual television station authorized to serve both cities as principal communities, it does not appear certain that they would in all cases necessarily do so merely by virtue of the fact that the communities are hyphenated for purposes of channel assignments. In view of this, the suggested eligibility of all hyphenated cities may be excessively broad. On the other hand, to limit eligibility to "hyphenated" cities might exclude some communities which, despite the fact that they were not "hyphenated" under the Table of Assignments, do have a substantial community of interest. This possibility would remain even if the eligible category were broadened to include hyphenated cities plus those for which the channels in question are available under the "15-mile" rule. The Commission did not utilize the flexibilities afforded by hyphenation, for assignment purposes, in all instances where cities were located close together. Thus it appears that the limitations suggested by petitioners may be too broad in some respects, and too narrow in others. The question is raised, therefore, whether the

category of hyphenated cities (plus additional cities within the 15-mile rule) is suitable for establishing the limitations for allocation of the amendment proposed by the petitioners.

7. The proposal of the petitioners here raises a number of additional questions including the following:

(a) Would it be in the public interest to permit a television station to serve and identify itself with more than two "principal" communities?

(b) Should permission to maintain a second main studio and identify a station with two communities be granted by the Commission only after a determination in each such case that a sufficient community of interest exists to justify the authorization?

(c) What criteria should govern a determination in each case concerning the existence of a sufficient community of interest?

(d) Should a television station authorized to build and operate a second main studio and identify itself with a second "principal" community be required to originate some minimum percentage—such as 35 percent—of its local live programs (calculated by duration) from each of its main studios?

(e) What provision should be made for crediting local live programs originating from remote points to the appropriate studio?

(f) Should station identification with both "principal" communities be authorized and required?

8. In order that the Commission may have the benefit of the views of interested parties, their comments are invited on the proposals of the petitioners, taking into account the foregoing questions.

9. The Commission's attention has also been called to a situation where the main studio of a television station is located astride the boundary of two hyphenated cities, the channel being assigned to both cities under the Table of Assignments. Owing to the convenient access which such a studio location affords to both cities, and the opportunity to render service to both cities, the question has been raised whether it would not be in

the public interest to permit such a station to include the names of both cities in its station identification. The Commission believes it would be appropriate to consider in this rule making proceeding whether the public interest would be served by including situations of this kind within the scope of amendments permitting dual city location and station identification.

10. Authority for the issuance of the instant Notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

11. Any interested person who is of the view that the proposal herein should not be adopted may file with the Commission on or before May 23, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

12. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 21, 1956.

Released: March 23, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2317; Filed, Mar. 27, 1956;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 21]

FUNCTIONS RELATING TO INDIAN LANDS AND MINERALS

REDELEGATIONS OF AUTHORITY: MINERAL LEASES AND PERMITS

Order 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 7416; 20 F. R. 1562, 2694, 2894, 5442, 6590; and 21 F. R. 222, 503, 1455, is further amended as hereinafter indicated:

SEC. 16. Mineral leases and permits.
(a) The approval of coal, sand, gravel, pumice and building stone leases and

permits of tribal and trust or restricted individually owned lands.

(b) The approval of oil and gas leases on Forms 5-154h (allotted), 5-157 (tribal), 5-157h (Crow tribal) and 5-157c (Blackfeet tribal), of tribal lands and of trust or restricted individually owned land in accordance with advertisements soliciting bids therefor and pursuant to 25 CFR, Parts 186, 189 and 195.

(c) The approval of tribal and allotted prospecting permits including those with a preferential right to a lease, tribal mining leases on Forms 5-157b and 5-157i (Crow tribal) and allotted mining leases on Form 5-154, for minerals other than those specified in (a) and (b), covering tribal land and trust or restricted indi-

vidually owned land, pursuant to 25 CFR Parts 186, 189 and 195, provided that the royalty rates have been approved by the Commissioner of Indian Affairs.

(d) As to oil and gas and other mining leases now or hereafter in force on tribal and trust or restricted individually owned land, the approval of or other appropriate administrative action required on (1) assignments, (2) bonds, (3) other instruments required in connection with such leases or assignments thereof, (4) acceptance of voluntary surrender of leases, (5) cancellation of leases for violation of the terms thereof, and (6) agreements for settlement of claims for damages to Indian lands resulting from mining operations.

(e) The authority delegated in this section does not include:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute,

(2) Approval of leases on lands purchased or reserved for agency or school purposes,

(3) Approval of leases on any form except those enumerated in subparagraphs (b) and (c) of this section,

(4) Modification of any form enumerated in subparagraphs (b) and (c) of this section,

(5) Approval of amendments to oil and gas and other mining leases or to assignments,

(6) Extension of time for drilling,

(7) Approval of instruments providing for the payment of overriding royalty,

(8) Approval of operating and unit agreements, and

(9) Assignments of separate horizons.

GLENN L. EMMONS,
Commissioner.

MARCH 19, 1956.

[F. R. Doc. 56-2300; Filed, Mar. 27, 1956;
8:46 a. m.]

[Billings Area Office Redlegation Order 1,
Amdt. 1]

FUNCTIONS RELATING TO GENERAL MATTERS REDELEGATION OF AUTHORITY; PUBLICATION IN NEWSPAPERS

Order 1 (20 F. R. 277) is amended to add:

New heading entitled "Functions Relating to General Matters" to Part 2 and a new section 2.351 *Publication in newspapers* to read as follows:

FUNCTIONS RELATING TO GENERAL MATTERS

SEC. 2.351 *Publication in newspapers.* The publication of advertisements, notices, and proposals, in newspapers pursuant to the provisions of section 3827 of the Revised Statutes (44 U. S. C. 324).

J. M. COOPER,
Area Director.

Approved: March 6, 1956.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 56-2301; Filed, Mar. 27, 1956;
8:46 a. m.]

Bureau of Reclamation

NAVAJO PROJECT, NEW MEXICO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 21, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 5 W.,
Sec. 5: S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7: Lots 1 and 2, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8: W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 30 N., R. 6 W.,
Sec. 4: S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 5: NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 6: Lots 9, 10, and 11, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8: NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 31 N., R. 6 W.,
Sec. 1: Lot 8, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 2: Lots 5 to 8, incl., N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3: Lots 5 to 9, incl., NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 4: Lots 5, and 9, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10: Lots 1, 2, and 3, E $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$;
Sec. 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12: Lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 15: Lots 1 and 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16: Lot 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$; also all of Tract 40 (comprising parts of Sections 16, 21 and 22);
Sec. 17: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 21: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 22: N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29: N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 32 N., R. 6 W.,
Sec. 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 16: E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 21: E $\frac{1}{2}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 22: NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and SW $\frac{1}{4}$;
Sec. 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 26: S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
Sec. 27: E $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 28: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33: NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 35: S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 30 N., R. 7 W.,
Sec. 1: Lot 5, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 2: Lots 6, 7, and 8;
Sec. 10: W $\frac{1}{2}$;
Sec. 14: W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 15: N $\frac{1}{2}$, and SW $\frac{1}{4}$;
Sec. 20: N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21: N $\frac{1}{2}$.

T. 31 N., R. 7 W.,
Sec. 5: Lots 8, and 9;
Sec. 6: Lots 8, 9, 13, 14, and 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7: Lots 5 to 9, incl., W $\frac{1}{2}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18: Lots 5, and 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19: W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 20: W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27: W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29: W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 32: Lots 1 to 4, incl.
T. 32 N., R. 7 W.,
Sec. 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18: E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19: SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20: W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30: E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 31: N $\frac{1}{2}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 30 N., R. 8 W.,
Sec. 1: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24: SE $\frac{1}{4}$.
T. 31 N., R. 8 W.,
Sec. 1: SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12: E $\frac{1}{2}$ E $\frac{1}{2}$.

The above areas aggregate 12,858.52 acres.

W. A. DEXHEIMER,
Commissioner.

[New Mexico 013679]

MARCH 22, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Navajo Project, New Mexico

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of New Mexico, for use in connection with the Navajo Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 56-2303; Filed, Mar. 27, 1956;
8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

R. P. LEWIS & SON AUCTION CO. AND
LAJUNTA LIVESTOCK COMMISSION CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the R. P. Lewis & Son Auction Co., LaJunta, Colorado, and the LaJunta Livestock Commission Co., LaJunta, Colorado, are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 23d day of March 1956.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.
[F. R. Doc. 56-2328; Filed, Mar. 27, 1956;
8:53 a. m.]

Office of the Secretary

FARM TENANT-MORTGAGE INSURANCE FUND;
FARMERS HOME ADMINISTRATION

ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, sections 1400 and 1401a (7) of the Secretary's Order, dated December 24, 1953 (19 F. R. 77), as amended, are amended hereby to assign to the Farmers Home Administration the authority to issue notes to the Secretary of the Treasury pursuant to section 13 (b) of the Bankhead-Jones Farm Tenant Act, as amended, (7 U. S. C. 1005c) (b)). The amendments to sections 1400 and 1401a (7) read as follows:

1. SEC. 1400. *Assignment of functions.*

q. Authority to issue notes to the Secretary of the Treasury, authorized by sec. 13 (b) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1005c (b)); provided, that the aggregate unpaid principal balance on notes issued and outstanding under this authorization shall not exceed \$5,000,000.

2. SEC. 1401. *Reservations—*a. *Reservations to the Secretary.*

(7) Requests to the Secretary of the Treasury for loans for the prosecution and administration of any programs enumerated herein, except as otherwise provided in paragraph q of section 1400.

Done at Washington, D. C., this 22d day of March 1956.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-2298; Filed, Mar. 27, 1956;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 56-246]

ALBUQUERQUE BROADCASTING CO. (KOB)

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albu-

querque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit.

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

1. The Commission has before it for consideration the following pleadings filed in the above-entitled proceeding: (1) Petition for rehearing, for waiver and motion for change of issues filed on June 17, 1955, by Westinghouse Broadcasting Company (WBZ, Boston, Massachusetts); (2) motion for leave to intervene and for enlargement of issues filed on June 17, 1955, by Baptist General Convention, licensee of Station KWBU, Corpus Christi, Texas; (3) petition for removal of its application (File No. BP-5735) from the pending file and to designate said application for consolidated hearing in the above-entitled proceeding filed on June 30, 1955 by KXA, Inc., licensee of Station KXA, Seattle, Washington; (4) petition to change, clarify and expand issues filed on July 5, 1955 by American Broadcasting Company (WABC, New York, New York); (5) petition for change of issues filed on July 5, 1955 by Albuquerque Broadcasting Company (KOB, Albuquerque, New Mexico); (6) petition for oral argument and for postponement of proceeding filed on September 2, 1955 by Westinghouse Broadcasting Company; and (7) the various oppositions, comments and responses filed to the above pleadings.

BACKGROUND

2. The Commission on May 26, 1955, in conformance with the mandate of the Circuit Court of Appeals for the District of Columbia Circuit in the case of American Broadcasting Company, Inc. v. FCC (191 F. 2d 492), adopted a Memorandum Opinion and Order ordering further hearing on the applications of Albuquerque Broadcasting Company (KOB) for modification of construction permit (File No. BMP-1738, Docket No. 6584) and for license to cover construction permit as modified and authority to determine operating power by direct measurement (File Nos. BL-1799 and BZ-1583, Docket No. 6585). Thereafter, the above pleadings were filed. As a consequence thereof the Examiner on October 4, 1955 continued the hearing without date pending disposition of these pleadings. The pleadings, together with the various oppositions, responses and replies, total in excess of 30, not considering 8 additional requests for extensions of time in which to file certain of these pleadings. Consequently, due to the voluminous nature of these documents, attempt will not be made to set forth in this Memorandum Opinion and Order in detail all of the contentions and allegations made by the various parties. However, full consideration has been given to each pleading filed.

SUMMARY OF PETITIONS OF PRESENT PARTIES TO PROCEEDING

3. In its pleadings filed herein, Westinghouse Broadcasting Company re-

quests that the issues be modified as follows: (a) By deletion of issue 19 to exclude evidence of network affiliations or, in the alternative, enlargement of this issue to include evidence of all programming of all stations serving the areas involved; (b) by deletion of issue 18 relative to overlap of service areas of Westinghouse owned and operated stations; (c) by deletion of issues 1, 4, 11, 12, 13, 15, and 16.

4. Westinghouse Broadcasting Company, in addition to its request for modification of issues, also requests a waiver of the provisions of the Commission's standards which require that the 10 percent and 50 percent skywave field intensity values of a station be computed on the basis of figure 1 of the standards; requests further the rescission of the direction that the previous record made in this proceeding be considered in view of the fact that Westinghouse was not a party at the time of compiling such record; and requests oral argument on the various pleadings filed herein and postponement of the hearing until after final disposition of these pleadings.

5. American Broadcasting Company requests that the issues be modified as follows: (a) by enlargement of issues to permit a showing of all possible operations of station KOB on frequency 1030 kc with 4 particular operations specified; (b) by enlargement of issues to permit a showing of possible operation by KOB on channels other than 770 kc and 1030 kc, with frequencies 660 kc, 880 kc, 1020 kc, 1100 kc and 1180 kc being specified; (c) by deletion or change of all issues calling for information on operation by KOB with 25 kw power (the issues involved would be 2, 5 and 19); (d) by modification of all coverage issues in such manner as not to require a showing of the daytime coverage of station KOB; (e) by modification of issues to specify that only interference of KOB to WBZ resulting from operation with power greater than 10 kw shall be considered material; (f) by enlargement of issues to require a showing of overlap between stations KOB and KLZ.

6. American Broadcasting Company in addition requests (a) the issuance of show cause orders to the licensees of stations WBZ and KOB and of all other stations that would be involved if additional channels are considered, said orders to command them to show cause why their licenses should not be modified as specified under the various proposals herein, and (b) that the Commission immediately order a return of station KOB to operation on its licensed facilities pending final determination of the instant proceeding.

7. Albuquerque Broadcasting Company requests that the issue be modified as follows: (a) That issues 17 and 19 relative to programming and network affiliations be deleted; (b) to require a showing by American Broadcasting Company as to service from other ABC owned or affiliated stations in the areas station WABC would lose with station KOB operating on frequency 770 kc; (c) by enlargement of issues to permit a showing as to the operation of station KOB as the dominant I-B station on frequencies 770 kc and 1030 kc; (d) by

modification of issue 8 in such manner as not to limit the showing required to the operation proposed in the pending applications of Albuquerque Broadcasting Company; (e) by modification of issue 7 in such manner as not to limit the showing required to the operation proposed in the pending applications of Albuquerque Broadcasting Company.

SUMMARY OF PETITION OF BAPTIST GENERAL CONVENTION

8. Baptist General Convention requests that it be named a party intervenor in the present proceeding on the basis of alleged interference under certain of the proposals herein to the presently licensed operation of its station KWBU. Modification of issues is also requested to include issues designed to determine (a) the extent of any interference to the primary or secondary service areas of stations KWBU and KOB under certain of the specified operations; (b) the service lost from restriction of KWBU's operating hours should new standards be adopted as a result of the daytime skywave hearing (Docket No. 8333); (c) whether, in the event KOB is ordered to operate on 1030 kc, KWBU's authorization should be modified to permit operation on 770 kc.

SUMMARY OF PETITION OF KXA, INC.

9. KXA, Inc., requests that its pending application (File No. BP-5735) for a construction permit to change facilities of station KXA, Seattle, Washington, from 770 kc, 1 kw, limited hours to 770 kc, 50 kw DA-2 unlimited, be removed from the pending file and consolidated for hearing in the instant proceeding. Modification of issues is also requested to include 6 additional issues and to amend present issues 7 and 17. In its reply to the oppositions of the other parties, KXA, Inc. also requests oral argument on its petition.

PURPOSE OF PROCEEDING

10. Initially, from the statements and matters contained in their pleadings, all parties appear to recognize that the instant proceeding and the determinations made therein are subject to modification by such changes as may result from the overall clear channel proceeding in Docket No. 6741. This factor was also recognized in the Court decision resulting in this further hearing, the Court stating "it is true that those proceedings [clear channel] may ultimately lead to very different conclusions regarding KOB than those which might be reached in this case. And that in turn might result in KOB having to incur additional expenses and frequency changes..." The Court however issued its mandate to the Commission holding that the American Broadcasting Company, in view of the delay which had arisen in the clear channel proceeding, must be afforded a full hearing at this time regardless of these possibilities.¹

¹ Westinghouse Broadcasting Company will hereinafter sometimes be referred to as WBZ; American Broadcasting Company as WABC; Albuquerque Broadcasting Company as KOB; KXA, Inc., as KXA; and Baptist General Convention as KWBU.

REQUEST FOR ORAL ARGUMENT AND FOR CONTINUANCE

11. WBZ, by its petition filed on September 2, 1955, requests oral argument on the various pleadings here under consideration and postponement of the proceeding until after disposition of these pleadings. The request for oral argument is based primarily on the complexities of the matters here presented and to permit each party to state its position on these matters and the course to be followed in the proceeding. We do not believe oral argument by the parties, in which their diverse viewpoints and positions would be reiterated, would be of benefit to the Commission. These positions and viewpoints were fully presented by the multitudinous petitions, oppositions, comments and replies filed herein, each of which has received careful and detailed consideration. We therefore believe oral argument would serve only to add to the volume of material without compensating benefit. With reference to the request for postponement of the hearing until after disposition of these pleadings, on October 4, 1955 the Examiner continued the hearing without date pending their disposition. Accordingly, this pleading of Westinghouse Broadcasting Company will be denied.

VALIDITY OF ORIGINAL RECORD

12. We here have different contentions advanced by two parties, WBZ and KXA, both questioning the validity of the Commission's action in reopening the record and ordering further hearing. WBZ contends it cannot be bound by the former record as it was not a party to the proceeding. KXA contends that a hearing de novo is required as the former proceeding was in violation of the provisions of former section 409 (a) of the Communications Act and therefore a nullity, one issue having been included (issue 7) which looked toward a determination as to whether § 3.25 of the Commission's rules should be amended so as to permit the operation of Station KOB as proposed in Application BMP-1738. This contention is based on the provision of former section 409 (a) "that in the administration of Title III an examiner may not be authorized to exercise such powers [hold hearings and receive evidence] with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies." It is asserted that "No argument is required to demonstrate that the amendment of a substantive rule, going beyond mere editorial changes, is a change of policy and that while this restriction of the authority of examiners has now been removed and evidence can now be received on issue 7, the evidence in the January 1945 record is not available for use."

13. We recognize that WBZ, not having participated in the earlier portion of this hearing and being a party respondent, cannot be bound by the record made without being afforded opportunity to present evidence on its own behalf and to cross-examine witnesses. However,

now being a party to the proceeding it may present admissible evidence on all issues and witnesses previously testifying may be recalled should WBZ wish to cross-examine them. We therefore, in order to expedite this proceeding, adhere to our directions to the Examiner contained in paragraph 3 of our Memorandum Opinion and Order of May 26, 1955, that competent evidence taken in the earlier portion of this hearing need not be resubmitted, but such direction shall be subject to the condition that any witness or witnesses through whom such evidence was adduced shall be recalled for cross-examination upon demand by Westinghouse Broadcasting Company.

14. We turn now to the contention of KXA that the Commission must order a hearing de novo in this proceeding. Section 3.25 of the Commission's rules does nothing more than specify the frequencies to which Class I and Class II stations will be assigned. Of the 47 frequencies there specified the only change contemplated within said issue 7 is the shift of frequency 770 kc from Class I-A to Class I-B. Only one station operates nighttime on Class I-A Channels. One or more may operate nighttime on Class I-B Channels. Whether or not Station KOB shall be permitted to operate nighttime on frequency 770 kc is of course contingent upon the ultimate determinations made in this proceeding. If the ultimate determination is to permit operation by KOB on frequency 770 kc it would not necessarily lead to any change in § 3.25 of the rules so as to permit stations other than WABC and KOB to operate on this frequency. This entire proceeding has arisen as the result of unusual circumstances and events arising out of the original North American Regional Broadcasting Agreement. Rather than shifting frequency 770 kc from Class I-A to Class I-B and thereby opening it for possible nighttime operation by stations other than WABC and KOB, the ultimate determination may well be that, due to these unusual circumstances, the provisions of § 3.25 may be waived as to Station KOB so as to permit it to operate nighttime on this frequency together with Station WABC. We are not here attempting to state what the ultimate determination would be as, should it be found that Station KOB should operate on frequency 1030 kc, the problem may not even arise. However, we are pointing out that it may be determined that no change whatever should be made in this section of the rules. Also, assuming issue 7 did contemplate matters which an Examiner was formerly precluded from hearing, the fact that the evidence received relative to this single issue is not available for use would not serve to invalidate the proceeding insofar as the other nine issues on which evidence was taken are involved. We therefore cannot agree with KXA that a hearing de novo is required.

KXA, INC., APPLICATION

15. Having rejected the contention of KXA relative to the necessity of ordering a hearing de novo, we now consider whether its said application (File No.

BP-5735) is entitled to comparative consideration in this proceeding. Comparative consideration is demanded on the ground that this application was co-pending with the applications herein of KOB at the time of their designation for hearing. The contention is premised on the fact that KXA did at that time have pending its application B5-P-3815 which requested modification of license to specify operation full time on 770 kc, with 1 kw power. On September 19, 1944, the Commission denied the petition of KXA requesting that this application be designated for hearing in a consolidated proceeding with the application of KOB; but KXA was permitted to intervene in the KOB proceeding. No appeal from this action was taken. On September 22, 1944 the application was designated for separate hearing. Thereafter KXA filed a petition for Leave to Amend to specify 10 kw DA-N power. The petition was granted, the amendment accepted, and the application as amended removed from the hearing docket. By letter of November 16, 1945, KXA was informed that action had been deferred on its application, and in February of 1946 was informed that, under the February 5, 1946, statement of policy (1 RR 53:902), the application had been dismissed without prejudice to the filing of a petition for reinstatement after the conclusion of the clear channel proceeding. The application of KOB herein was specifically excepted from this policy and retained on file.

16. Thereafter, on August 9, 1946 the Commission issued a Public Notice relative to applications requesting operation on channels 770 kc and 1030 kc, those here involved. (1 RR 53:905-906.) In this notice it was stated that, due to the anomalous situation existing relative to frequencies 770 kc and 1030 kc due to retention on file of the KOB application, the KOB application and all other applications for operation on either 770 kc or 1030 kc would be put in the pending files until after a decision in the clear channel hearing; and that "any application which may be filed in the future for operation on either of these two frequencies will likewise be put in the pending files * * * KXA at no time after issuance of this notice requested reinstatement of its dismissed application, as did others whose application had been dismissed under the February 5, 1946 statement of policy. However, on February 4, 1947 KXA filed another application for construction permit to increase power to 50 kw, install directional antenna DA-1, install new transmitter, change transmitter location and change hours of operation. This application was accepted, assigned File No. BP-5735 and placed in the pending file. KXA now contends that the Commission's said notice of August 9, 1946 automatically reinstated its previously dismissed application File No. B5-P-3815 and that its application filed on February 4, 1947, was in effect an amendment of its original application or a continuation of it. It is therefore asserted that under the doctrine of the Ashbacker case, 326 U. S. 327, it is entitled to comparative consideration.

17. We do not agree with this contention of KXA. The notice of August 9, 1946, did not automatically reinstate the previously dismissed applications for operation on Channels 770 kc and 1030 kc and no such applications have been reinstated except upon specific request therefor. Nor do we believe that KXA, Inc. can contend that its application of February 4, 1947, was an amendment to or continuation of its dismissed application. It was not submitted in the form of an amendment. The facilities requested differ radically from those requested in its dismissed application. The February 4, 1947, application was complete in and of itself except for incorporation by reference of certain information contained in the Commission's ownership files, in application File No. B5-AL-500 for Assignment of License to KXA, Inc., and in application File No. B5-S-59 for Renewal of License of Station KXA. At no place in the application is reference made to the application previously dismissed. Further, the Commission on February 20, 1947 notified applicant's attorney as follows: "You are advised that the application you filed on behalf of Station KXA is in direct conflict with § 3.25 (a) of the Commission's rules and regulations of practice and procedure. The application has been accepted for filing and file number BP-5735 has been assigned; however, it will be placed in our pending file in accordance with Public Notice dated August 9, 1946 (copy attached)." Thus the application was submitted and accepted as a new application, petitioner was informed it had been accepted as a new application and at no time was this action questioned. Thus there is no merit to petitioner's contention that this application was co-pending with that of KOB and is therefore entitled to comparative consideration. It was filed long after commencement of the instant proceeding. The said petition of KXA must be denied together with its request for oral argument thereon. The fact that KXA, Inc. is presently a party intervenor in this proceeding on the basis of possible interference to its licensed operation is not, as urged, a valid consideration in this matter.

PETITION OF BAPTIST GENERAL CONVENTION

18. Baptist General Convention in its petition for intervention, has made a showing adequate to entitle it to participate in the instant proceeding as a party intervenor. We further believe that Baptist General Convention should be required to show cause in this proceeding as to why the license of Station KWBU should not be modified to specify daytime only operation at Corpus Christi, Texas, in accordance with the Commission's rules and to include a condition to require Station KWBU to operate with a directional antenna designed to adequately protect Station KOB from receiving interference should there be any, if KOB ultimately is required to operate on the frequency of 1030 kc as a result of this proceeding. In arriving at this determination, we have taken into consideration the equities involved as to the original grant of the KWBU license. On February 4, 1941, the Commission issued

to KOB a license to operate on 1030 kc. KWBU was granted a Special Service Authorization on November 9, 1944, to operate on 1030 kc with a directional antenna, and on August 25, 1945, the Authorization was modified to specify nondirectional operation after five of KWBU's six towers had been blown down in a hurricane. KWBU's Special Service Authorization was extended regularly to December 2, 1954, when the original license was granted. Clearly KWBU's rights are subordinate to those of KOB and the Commission's grant of the KWBU license should not therefore have authorized operation of KWBU from sunrise at Boston. We further believe, in view of KOB's potential operation on 1030 kc, and also in view of the provisions of the Commission's rules, the license granted KWBU should properly have been "daytime only" rather than one which affords KWBU additional morning operation hours. With a license to operate daytime only, as a Class II station in accordance with the Commission's rules, KWBU, under existing conditions, would be authorized to operate from sunrise to sunset at Corpus Christi, Texas, and would also be privileged to operate from sunrise at Boston under and subject to the provisions of the Commission's rules. However, under its existing license, specifying operation from sunrise at Boston, KWBU may operate from sunrise at Boston as a matter of right. Although a separate "Show Cause" proceeding against the licensee of Station KWBU might properly be instituted in this matter, we believe it more expeditious to order such proceeding to be consolidated with the instant proceeding.

19. We see no merit, however, to the request that the issues herein be enlarged so as to permit consideration of possible operation of Station KWBU on 770 kc. There are no equities present in KWBU entitling it to such consideration, and to include such issue would unnecessarily broaden the scope of the proceeding, with the consequent necessity of bringing in other parties. Should Station KWBU subsequently desire to request operation on this frequency, it may make application therefor consistent with the provisions of stated Commission policy with reference to the still pending clear channel proceeding (see paragraphs 15 and 16) and the rules and regulations of the Commission. The other requests for enlargement of issues made in the said petition of KWBU will be subsequently dealt with in connection with the other requests made herein for modification of issues.

WESTINGHOUSE BROADCASTING COMPANY REQUEST FOR WAIVER OF § 3.182 (1) OF THE COMMISSION'S RULES WITH RESPECT TO THE REQUIREMENT THAT THE 10 PERCENT AND 50 PERCENT SKYWAVE FIELD INTENSITY BE COMPUTED ON THE BASIS OF FIGURE 1 OF THE STANDARDS

20. Westinghouse Broadcasting Company requests that paragraph 11 of the Commission's Memorandum Opinion and Order of May 26, 1955 ordering the further hearing herein, be revised so as not to limit the showing of skywave signal intensities to Figure 1 of the Com-

mission's standards.* This request is predicated upon a provision of the standards still in effect (now § 3.185 (j) of the rules). Without passing upon the materiality or competency of the evidence to be presented we believe, in order to avoid any subsequent question as to the adequacy of the hearing afforded herein, such request should be granted. Therefore, this direction to the Examiner is modified to the extent that Westinghouse Broadcasting Company shall be permitted to make this requested showing. This, however, does not alter our previous ruling that skywave measurements are not to be considered. This is without prejudice to the actions taken in this proceeding by the Examiner relative to the showings as to possible changed transmitter locations or to the appeal of such actions by Westinghouse Broadcasting Company to the Commission.

**AMERICAN BROADCASTING COMPANY REQUEST
TO INCLUDE CHANNELS OTHER THAN 770
KC AND 1030 KC**

21. American Broadcasting Company requests that the scope of the instant proceeding be enlarged to consider operation of Station KOB on channels other than 770 kc and 1030 kc. The Commission considered this same request in its Memorandum Opinion and Order of May 26, 1955. It was there pointed out that consideration of other clear channels in this matter would effect a reattachment of the subject proceeding to the voluminous and complex clear channel hearing. It was the delay occasioned by the Commission's action in originally tying the instant proceeding to the clear channel hearing that resulted in the Court's mandate to the Commission to afford American Broadcasting Company the expeditious hearing to which it was entitled. We stated in this Memorandum Opinion and Order that "whatever equities there are for considering other clear channels, and there are some, they are dwarfed by the compelling need for the earliest termination of this proceeding possible, consistent with a fair and judicious hearing and decision." These considerations are still applicable and the request of American Broadcasting Company for considering channels other than 770 kc and 1030 kc must be denied.

**REQUEST FOR ISSUANCE OF SHOW CAUSE
ORDERS**

22. American Broadcasting Company requests the issuance of show cause orders to the licensees of Stations WBZ, KOB and of all other stations that would be involved if additional channels are considered. We have previously considered this matter as it affects Station KWBU and have determined that, in view of the distinct possibility that modification of this station's license may be required in a definitely determined manner, that a show cause order should be issued against the licensee of this station. However, there is presently no degree of certainty as to what, if any,

modification of the licenses of Stations WABC, WBZ or KOB may be required. Petitioner also apparently recognized this bar as no effort was made to specify any specific modification to which such orders should be directed. We therefore believe it premature to issue show cause orders at this time to the licensees of these stations. In view of our determination that it is necessary to limit the instant proceeding to the frequencies historically involved rather than considering all clear channels, that part of the request for issuance of show cause orders requires no further consideration.

23. WABC also requests that the Commission immediately order a return of Station KOB to operation on its licensed facilities pending final determination of the instant proceeding. The Commission has previously considered this request on several occasions and refused to issue such order. No new matters have been presented here which we believe alter the considerations leading to the previous denials and this request must therefore again be denied.

REQUESTS FOR MODIFICATION OF ISSUES

24. We turn initially to the requests for modification of issues made by Baptist General Convention in its petition for intervention. The request for inclusion of an issue designed to determine the effect upon Station KWBU should its operating hours be restricted through adoption of new standards in Docket No. 8333 (daytime skywave proceeding) must be rejected. The standards proposed therein will of course be applicable to Station KWBU as well as other stations, if adopted. However, we do not believe such matter proper for consideration in the instant proceeding as to do so would be to enter the field of supposititious eventualities which may never arise, in addition to bringing incomplete rule making matters into this adjudicatory proceeding. We have previously rejected the request for consideration of the operation of Station KWBU on frequency 770 kc and therefore the issue requested looking toward a determination as to the areas and populations that would be served under such operation requires no further consideration. However, an issue must be adopted directing the licensee to show cause why the license of Station KWBU should not be modified. Accordingly, on the Commission's own motion, the issues will be modified to include the following issues:

To determine whether the license of Station KWBU should be modified to specify daytime only operation and whether such license should be made subject to the condition that Station KWBU shall operate with a directional antenna designed to adequately protect Station KOB from interference, if any, if Station KOB is ultimately required to operate on the frequency 1030 kc.

25. WABC requests enlargement or clarification of issues to permit the introduction of evidence on all possible operations by KOB on 1030 kc with four particular operations specified. We believe that, in order to avoid any question as to the reasonableness of the extent of the hearing afforded herein, consideration should be given to the particular operations specified. However, we can-

not blindly enlarge issues to encompass all possible operations on frequency 1030 kc. Such action would in our opinion be directly contrary to the provision of section 309 (b) of the Communications Act of 1934, as amended which prohibits the Commission from including "issues or requirements phrased generally." WABC specified the operations on which it desires to adduce evidence as follows:

Case I—Operation by KOB so as to afford complete Class I-B protection to the present directional antenna operation of WBZ, which radiates approximately 100 kw in the direction of KOB.

Case II—Operation by KOB with the same directional antenna as in Case I, while WBZ operates with a directional antenna which would restrict radiation in the direction of KOB to 50 kw.

Case III—Operation by KOB with 50 kw and a directional antenna which restricts the radiation to 10 kw in the direction of WBZ, while WBZ operates with a directional antenna which would restrict radiation to 50 kw in the direction of KOB.

Case IV—KOB and WBZ each affording complete Class I-B protection to the other.

Made a part of this request, by incorporation, is the petition of WABC filed on December 10, 1952 in Docket No. 10336. This petition requests consideration of the alternative proposals with KOB operating with power of 50 kw DA-N and therefore we believe the above Case I and Case IV are presently within the scope of issues 13 and 11 respectively. To include Case II and Case III the issues will be enlarged as follows:

20. To determine the directional antenna pattern that Station WBZ operating with 50 kw power as a Class I-B station could use to restrict radiation from WBZ in the direction of KOB to 50 kw, what areas and populations would receive primary as well as secondary service from Station WBZ, under such operation, and what areas and populations would gain or lose primary or secondary service from Stations WBZ under such operation and the other services available to such areas and populations.

21. To determine the areas and populations which would receive service from Station KOB operating with 50 kw on 1030 kc, employing the same directional antenna as in Issue 13, and operating simultaneously with WBZ employing the directional antenna determined in Issue 20, and the other services available to such areas and populations.

22. To determine the directional antenna patterns that Stations WBZ and KOB operating with 50 kw power could use to restrict radiation from WBZ in the direction of KOB to 50 kw and to restrict radiation from KOB in the direction of WBZ to 10 kw, what areas and populations would receive primary as well as secondary service from Stations WBZ and KOB under such operations, what areas and populations would gain or lose primary as well as secondary service from Stations WBZ and KOB under such operations and the other services available to such areas and populations.

26. KOB requests enlargement of issues to permit consideration of the operation of Station KOB as the dominant station on frequencies 770 kc and 1030 kc. On the basis of the same considerations which have led us to grant the request of WABC to permit a showing of other possible operations on the frequencies involved, we believe this request should be granted. Accordingly, the issues will be enlarged as follows:

* By a recent amendment, the provision of the standards to which reference is made, is now § 3.182 (t) of the rules.

23. To determine the directional antenna patterns that Stations WBZ and WABC operating on 1030 kc and 770 kc, respectively, with 50 kw could use, each protecting Station KOB as a Class I-B station operating on 1030 kc and 770 kc, respectively, with 50 kw non-directionally in accordance with the Commission's rules, regulations and Standards.

24. To determine the areas and populations which would receive primary as well as secondary service from Station KOB operating with 50 kw power, non-directionally on 770 kc or 1030 kc with protection as a Class I-B station, what other broadcast services are available to those areas and populations, the areas and populations which would lose primary as well as secondary service particularly from Station WBZ or Station WABC operating as specified under Issue 23 and what other broadcast services are available to those areas and populations.

27. WABC also requests enlargement of issues to include an issue designed to determine the extent of any overlap that may exist between the operations of Station KOB as contemplated under the issues herein and the operation of Station KLZ, Denver, Colorado and whether such overlap, if any, would be in violation of § 3.35 (a) of the Commission's rules. Detailed study of engineering data relative to this matter indicates that, with Station KOB operating non-directionally on 770 kc with 50 kw power, there would be an overlap only of the 0.1 mv/m contour of Station KOB with the 0.5 mv/m contour of Station KLZ.² However, here again to avoid future questions as to the extent of the hearing afforded herein, we will accede in this request. Accordingly, the issues will be enlarged to include the following issue:

25. To determine the overlap, if any, that will exist between the service areas of Station KOB operating as proposed under the issues herein and the service areas of Station KLZ, Denver, Colorado, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 (a) of the Commission's rules.

28. KOB requests clarification of Issues 7 and 8 so as to include not only the operation proposed in its applications but also those contemplated under the various issues in this proceeding. We believe the requested clarification is necessary as, at the time of ordering the further hearing, there was no intent to exclude evidence under these issues as to all operations contemplated in this proceeding. Accordingly, Issues 7 and 8 will be amended as follows:

7. To determine whether § 3.25 of the Commission's rules should be amended so as to permit the operation of Station KOB in a manner contemplated by the issues.

8. To determine which, if any, of the KOB operations contemplated by the issues would best tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

29. WBZ requests that Issues 1, 4, 11, 12, 13, 15, 16 and 18 be deleted on the procedural ground that they contemplate possible operation of Station KOB on frequency 1030 kc with 50 kw and

there is no application pending before the Commission for such operation. It is contended that this is a statutory prerequisite under section 308 of the Communications Act. We believe this contention to be highly technical in nature and of no validity. Should the ultimate determination made in this proceeding be that KOB should operate on 1030 kc with 50 kw power procedural steps may have to be taken to implement the determination made before a construction permit, license or modification of license issues. It may have been this same procedural question that occasioned WABC to request the Commission to now issue show cause orders looking toward modification of the licenses of Stations WABC, WBZ and KOB. As stated with regard to that request, there is presently no certainty as to what, if any, changes in the facilities of existing stations may be required. Under the most limited construction of section 308 of the act, it could not be construed as prohibiting the Commission from making inquiry into alternative solutions to this controversy. The issues in this proceeding are designed to determine the assignment to be made for KOB. Once this determination is made, any procedural steps necessary to implement it can effectively be taken. At this stage of the proceeding it is extremely impracticable, if not impossible, to do this. This request of WBZ will therefore be denied except that, for reasons subsequently set forth, Issue 18 will be deleted. (See paragraph 33, *infra*.)

30. WABC requests deletion or change of all issues calling for information on operation of Station KOB with 25 kw power (Issues 2, 5 and 19); modification of all coverage issues so as not to require a showing of the daytime coverage of Station KOB; and modification of issues to specify that only interference of KOB to WBZ resulting from operation with power greater than 10 kw shall be considered material. The basis of the objection to all issues calling for information on operation of Station KOB with 25 kw power is the same as that advanced by WBZ for deletion of issues. (Paragraph 29.) For the same reasons given in connection with this request of WBZ, the request of WABC will also be denied. In support of the request to modify issues so as to eliminate consideration of daytime coverage of KOB, it is pointed out that no daytime interference either from or to KOB will exist on either frequency. It is asserted that to consider such coverage will prejudice WABC, as it is obvious that operating with the same power on these frequencies, KOB will provide greater daytime service on frequency 770 kc than on 1030 kc, that the only claimed justification for removing KOB from 1030 kc to 770 kc was nighttime interference, and therefore the Commission, if it considers this factor, "will place itself in another anomalous and erroneous position in this proceeding, i. e., deciding an application filed for the alleged purpose of increasing nighttime coverage on the basis of comparative daytime coverage, an issue in no respect pertinent." We cannot agree with this position. The evidence called for is material to Issue 8 of the

proceeding. It may also prove to be material to other issues and the Commission may properly consider both day and nighttime coverage in determining the ultimate question of public interest in this proceeding. Therefore this request of WABC will also be denied. The request for modification of issues to specify that "only interference of KOB to WBZ resulting from operation with power greater than 10 kw shall be considered material" is based on the contention that, as KOB is presently licensed to operate on 1030 kc with 10 kw power and WBZ did not object to such authorization, it cannot now do so. This argument however considers only the possible equities of the parties. The Commission must ultimately resolve this matter in terms of the public interest as well as the equities of the parties. While such evidence may ultimately be found not to be critical, we cannot permit the equities which may exist between the parties to be determinative as to what is or is not material. Therefore this request will also be denied.

31. WBZ requests deletion of Issue 19 so as to exclude evidence of network affiliations or in the alternative enlargement of this issue so as to include evidence of all programming of all stations serving the areas involved. WBZ bases its request for deletion of Issue 19 on the ground that any station may change its network affiliation or become a station operating independently of network affiliation, and further, that evidence as to network affiliations is meaningless in the absence of evidence as to the actual network programs broadcast. The Commission set forth fully its reasons for the type of programming issues adopted in this proceeding in paragraph 8 of its said Memorandum Opinion and Order ordering the further hearing. The overall network affiliations of stations within large areas such as those here involved do not change overnight. Further, the general type of network contract grants to the network an option on a specified number of hours in each of the four segments of the broadcast day which option includes so-called "key" evening hours. No facts are here presented showing any wide variance as to network programs carried by stations affiliated with the same network. The only example given by WBZ of variance between the network programs carried is by one of its own stations during daytime hours. No other facts or examples of any kind are even attempted to be presented. It is nighttime interference that is here involved. In view of the extensive areas here involved and the hundreds of stations serving portions of these areas, to attempt to adduce evidence as to each and every program carried by each station would be an unconscionable burden to place on the parties and one which it would be virtually impossible for them to meet. However, it is this same large number of stations involved which should give probative weight to evidence as to network affiliations as, over a large number of stations, variation by a few stations from normal network programming would have little effect on the overall showing. The request for dele-

² A signal intensity of 0.1 mv/m is not considered under Commission policy as affording primary service. See *Courier-Journal and Louisville Times Co.*, 5 RR 348.

tion or modification of Issue 19 will therefore be denied.

32. KOB requests deletion of all issues calling for programming information on the ground that this proceeding involves solely a 307 (b) problem and further, that all interference involved will be co-channel. In the circumstances of this case involving two different frequencies and the problems in connection therewith, we believe programming evidence may be of value in determining the best allocation of the facilities involved. In paragraph 8 of the order for further hearing the Commission recognized that "the matter is primarily an allocation problem and therefore must be primarily concerned with the engineering considerations pertinent to the best possible utilization of the frequencies and facilities involved." However, it was further stated "This does not necessarily imply, however, that due consideration cannot or should not be given to the programming involved, or that such information, kept within bounds, could not be pertinent and helpful in reaching a decision in this matter. Thus information as to the number of stations and their classification and network affiliations—especially the clear channel stations—providing service to all or part of the potential primary and secondary service areas of Stations KOB, WABC and WBZ warrants considerations." We also held that the existing programming of Stations KOB, WABC and WBZ may be of importance and therefore included an issue relative to such programming. As was there stated "The particular weight that such information may have in our ultimate decision must, of course, depend upon a complete review of the record at the time of our decision." We adhere to this view. The issues specified are capable of proof and we cannot at this point in the proceeding rule that evidence adduced under such issues will have no materiality to the factors that must be considered in reaching our ultimate determination. The request of KOB for deletion of all programming issues will therefore be denied.

33. WBZ requests revision of paragraph 9 of the order for further hearing and deletion of Issue 18 which is predicated on this paragraph. KOB requests that the issues be amended to require the same showing of WABC as to American Broadcasting Company owned and affiliated stations as that required of WBZ under this issue. Upon reconsideration, we believe Issue 18 should be deleted. Evidence as to the extent to which the present secondary service area of Station WBZ may be affected by the simultaneous operation of Stations WBZ and KOB may be adduced under other issues in the proceeding. The extent to which other stations serve the areas involved and the network affiliation of these stations are also contemplated within other issues. Thus, the extent to which other Westinghouse owned stations serve the areas involved is required together with a showing as to all other stations serving these areas. That some of these stations may be under common ownership we believe to be a matter proper for consideration only insofar as they are controlled by our

multiple ownership rules. There is no question present in this proceeding as to possible violation of these rules as to WBZ, WABC or other licensees controlling more than one station which may serve portions of the areas involved. The request of WBZ for deletion of Issue 18 will therefore be granted and the request of KOB to include a similar issue as to WABC will be denied.

34. Accordingly, it is ordered, That the petition of Westinghouse Broadcasting Company for oral argument and for postponement of proceedings and the petition of KXA, Inc. for removal of its application (File No. BP-5735) from the pending files and to designate it for consolidated hearing together with the request of KXA, Inc. for oral argument on its petition are denied; and that the motion of Baptist General Convention for leave to intervene and for enlargement of issues is granted insofar as it requests leave to intervene and is denied in all other respects.

35. It is further ordered, That Baptist General Convention is directed to show cause why the license of Station KWBU should not be modified to specify daytime only operation and on the Commission's own motion the issues are enlarged to include the following:

26. To determine whether the license of Station KWBU, Corpus Christi, Texas should be modified to specify daytime only operation and whether such license should be made subject to the condition that Station KWBU shall operate with a directional antenna designed to adequately protect Station KOB from interference, if any, if Station KOB ultimately is required to operate on the frequency 1030 kilocycles.

36. It is further ordered, That the request of Westinghouse Broadcasting Company requesting waiver and modification of paragraph 11 of the Memorandum Opinion and Order of May 26, 1955, designating the instant proceeding for further hearing is granted to the extent set forth in paragraph 20 herein; that the requests of American Broadcasting Company to include channels other than 770 kc and 1030 kc in this proceeding, for issuance of show cause orders and that the Commission order an immediate return of Station KOB to operation on its licensed facilities are denied; that the request of Westinghouse Broadcasting Company for deletion of Issue 18 herein is granted and said issue is deleted and the request of Albuquerque Broadcasting Company for inclusion of a similar issue as to American Broadcasting Company is denied and that in all other respects the requests of Westinghouse Broadcasting Company and of Albuquerque Broadcasting Company for deletion or modification of issues as set forth in paragraphs 29, 30, 31 and 32 herein are denied.

37. It is further ordered, That the issues in this proceeding are amended to include the following issues:

20. To determine the directional antenna pattern that Station WBZ operating with 50 kw power could use to restrict radiation from WBZ in the direction of KOB to 50 kw as a Class I-B station, what areas and populations would receive primary as well as secondary service from Station WBZ under

such operation and what areas and populations would gain or lose primary or secondary service from Station WBZ under such operation and the other services available to such areas and populations.

21. To determine the areas and populations which would receive service from Station KOB operating with 50 kw on 1030 kc, employing the same directional antenna as in Issue 13, and operating simultaneously with WBZ employing the directional antenna determined in Issue 20, and the other services available to such areas and populations.

22. To determine the directional antenna patterns that Stations WBZ and KOB operating with 50 kw power could use to restrict radiation from WBZ in the direction of KOB to 50 kw and to restrict radiation from KOB in the direction of WBZ to 10 kw, what areas and populations would receive primary as well as secondary service from Stations WBZ and KOB under such operations, what areas and populations would gain or lose primary as well as secondary service from Stations WBZ and KOB under such operations and the other services available to such areas and populations.

23. To determine the directional antenna patterns that Stations WBZ and WABC operating on 1030 kc and 770 kc, respectively, with 50 kw could use, each protecting Station KOB as a Class I-B station operating on 1030 kc and 770 kc, respectively, with 50 kw nondirectionally in accordance with the Commission's Rules, Regulations and Standards.

24. To determine the areas and populations which would receive primary as well as secondary service from Station KOB operating with 50 kw power, nondirectionally on 770 kc or 1030 kc with protection as a Class I-B station, what other broadcast services are available to those areas and populations, the areas and populations which would gain or lose primary as well as secondary service particularly from Station WBZ or Station WABC operating as specified under Issue 23 and what other broadcast services are available to those areas and populations.

25. To determine the overlap, if any, that will exist between the service areas of Station KOB operating as proposed under the issues herein and the service areas of Station KLZ, Denver, Colorado, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 (a) of the Commission's rules.

38. It is further ordered, That Issues 7 and 8 are amended to read as follows:

7. To determine whether § 3.25 of the Commission's rules should be amended so as to permit the operation of Station KOB in a manner contemplated by the issues.

8. To determine, which, if any, of the KOB operations contemplated by the issues would best tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

Adopted: March 21, 1956.

Released: March 23, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2318; Filed, Mar. 27, 1956;
8:51 a. m.]

[Docket No. 11323 etc.; FCC 56M-276]

B. J. PARRISH ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; Southern Empire

Broadcasting Company, Inc., Pine Bluff, Arkansas, Docket No. 11325, File No. BP-8726; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana; Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia; Docket No. 11328, File No. BP-9260; for construction permits.

The Hearing Examiner having under consideration the motion of the applicant James A. Noe (KNOE), filed March 16, 1956, that the hearing conference in the above-entitled proceeding, which is presently scheduled for March 28, 1956, be continued to April 3, 1956;

It appearing that the motion is supported by a showing of good and sufficient cause and that all parties to the proceeding agree to the continuance sought therein;

It is ordered, This 21st day of March 1956, that the motion is granted and that the hearing conference presently scheduled for March 28, 1956, in the above-entitled proceeding, is continued to April 3, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2319; Filed, Mar. 27, 1956;
8:51 a. m.]

[Docket No. 11655; FCC 56-254]

BREWSTER-PATEROS TV ASSOCIATION, INC.
ORDER TO SHOW CAUSE

In the matter of cease and desist order to be directed against Brewster-Pateros TV Association, Inc., Brewster, Washington.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1956;

The Commission having under consideration the issuance of an order directed to Brewster-Pateros TV Association, Inc., Brewster, Washington, to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that Brewster-Pateros TV Association, Inc., is operating television broadcast stations on channels 2, 4, and 6 at Brewster, Washington, without having been granted a license by this Commission to operate such stations, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that the actual operation of said television broadcast stations is in violation of section 318 of the Communications Act of 1934 as amended, not being carried on by a person holding an appropriate operator's license issued by this Commission; and

It further appearing that said television broadcast stations are rebroadcasting, in violation of section 325 (a) of the Communications Act of 1934 as amended, the programs or parts thereof originated by television broadcast stations KREM-TV operating on channel 2 at Spokane, Washington, KXLY-TV operating on channel 4 at Spokane, Wash-

ington and KHQ-TV operating on channel 6 at Spokane, Washington without the express authority of these stations to do so; and

It further appearing that Brewster-Pateros TV Association, Inc. has been notified in writing by the Commission that it was operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but has failed to do so;

It is ordered, That pursuant to section 312 (c) of the Communications Act of 1934, as amended, Brewster-Pateros TV Association, Inc., be and is hereby directed to show cause why an order should not be issued commanding said Brewster-Pateros TV Association, Inc., and all and each of its officers or agents immediately to cease and desist:

(a) From operating said television broadcast stations without having first obtained a license from this Commission;

(b) From carrying on the operation of said stations without a person holding an appropriate operator's license from this Commission.

(c) From rebroadcasting the programs or parts thereof of television broadcast station KREM-TV, channel 2, KXLY-TV, channel 4, KHQ-TV, channel 6 or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held at a place to be specified later in Wenatchee, Washington at 10 a. m., May 7, 1956 in order to determine whether said cease and desist order should be issued and that Brewster-Pateros TV Association, Inc., is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That Brewster-Pateros TV Association, Inc. is directed on or before the 25th day of April, 1956, to inform the Commission in writing in triplicate whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above proposed cease and desist order will forthwith be issued. Failure to respond by the 25th day of April, 1956, or failure to appear at the hearing will be deemed a waiver of a right to a hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested, to said Brewster-Pateros TV Association, Inc.

Released: March 22, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-2320; Filed, Mar. 27, 1956;
8:51 a. m.]

[Docket No. 11656; FCC 56-255]

EAO-TV Co., Inc.

ORDER TO SHOW CAUSE

In the matter of cease and desist order to be directed against EAO-TV Company, Inc., Entiat, Washington.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1956;

The Commission having under consideration the issuance of an order directed to EAO-TV Company, Inc., Entiat, Washington, to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that EAO-TV Company, Inc., is operating television broadcast stations on channels 2, 4 and 6 at Entiat, Washington, without having been granted a license by this Commission to operate such stations, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that the actual operation of said television broadcast stations is in violation of section 318 of the Communications Act of 1934, as amended, not being carried on by a person holding an appropriate operator's license issued by this Commission; and

It further appearing that said television broadcast stations are rebroadcasting, in violation of section 325 (a) of the Communications Act of 1934, as amended, the programs or parts thereof originated by television broadcast stations KREM-TV operating on channel 2 at Spokane, KXLY-TV operating on channel 4 at Spokane, Washington and KHQ-TV operating on channel 6 at Spokane, Washington without the express authority of these stations to do so; and

It further appearing that EAO-TV Company, Inc. has been notified in writing by the Commission that it was operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but has failed to do so;

It is ordered, That pursuant to section 312 (c) of the Communications Act of 1934, as amended, EAO-TV Company, Inc., be and is hereby directed to show cause why an order should not be issued commanding said EAO-TV Company, Inc. and all and each of its officers or agents immediately to cease and desist:

(a) From operating said television broadcast stations without having first obtained a license from this Commission;

(b) From carrying on the operation of said stations without a person holding an appropriate operator's license from this Commission.

(c) From rebroadcasting the programs or parts thereof of television broadcast station KREM-TV, channel 2, KXLY-TV, channel 4, KHQ-TV, channel 6 or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held at a place to be specified later in Wenatchee, Washington, at 10 a. m., May 3, 1956, in order to determine whether said cease and desist order should be issued, and that EAO-TV Company, Inc., is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That EAO-TV Company, Inc., is directed on or before the 25th day of April, 1956, to inform the Commission in writing in triplicate whether it will appear at the hearing

specified above, or whether it waives its right to a hearing, in which event the above proposed cease and desist order will forthwith be issued. Failure to respond by the 25th day of April, 1956, or failure to appear at the hearing will be deemed a waiver of a right to a hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested, to said EAO-TV Company, Inc.

Released: March 22, 1956.

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

[P. R. Doc. 56-2321; Filed, Mar. 27, 1956;
8:51 a. m.]

[Docket No. 11657; FCC 56-256]

APPLE VALLEY TV ASSOCIATION, INC.
ORDER TO SHOW CAUSE

In the matter of cease and desist order to be directed against Apple Valley TV Association, Inc., Wenatchee, Washington.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1956;

The Commission having under consideration the issuance of an order directed to Apple Valley TV Association, Inc., Wenatchee, Washington, to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that Apple Valley TV Association, Inc., is operating television broadcast stations on TV channels 8, 10, and 12 in the vicinity of Wenatchee, Wenatchee Heights, Monitor, and Cashmere, Washington, without having been granted a license by this Commission to operate such stations, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that said television broadcast stations are rebroadcasting, in violation of section 325 (a) of the Communications Act of 1934, as amended, the programs or parts thereof originated by television broadcast stations KREM-TV, operating on channel 2, KXLY-TV operating on channel 4 at Spokane, Washington and KHQ-TV operating on channel 6 at Spokane, Washington without the express authority of these stations to do so; and

It further appearing that Apple Valley TV Association, Inc. has been notified in writing by the Commission that it was operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but has failed to do so;

It is ordered, that pursuant to section 312 (a) of the Communications Act of 1934, as amended Apple Valley TV Association, Inc., be and is hereby directed to show cause why an order should not be issued commanding said Apple Valley TV Association, Inc., and all and each of its officers or agents immediately to cease and desist;

(a) From operating said television broadcast stations without having first obtained a license from this Commission;

(b) From rebroadcasting the programs or parts thereof of television broadcast station KREM-TV, channel 2, KXLY-TV, channel 4, KHQ-TV, channel 6 or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held at a place to be specified later in Wenatchee, Washington at 2 p. m., May 8, 1956, in order to determine whether said cease and desist order should be issued, and that Apple Valley TV Association, Inc., is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That Apple Valley TV Association, Inc. is directed on or before the 27th day of April 1956, to inform the Commission in writing in triplicate whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above proposed cease and desist order will forthwith be issued. Failure to respond by the 27th day of April 1956, or failure to appear at the hearing will be deemed a waiver of a right to a hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested, to said Apple Valley TV Association, Inc.

Released: March 23, 1956.

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

[P. R. Doc. 56-2322; Filed, Mar. 27, 1956;
8:52 a. m.]

[Docket No. 11658; FCC 56-262]

DOROTHY J. LAIRD (WDUX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Dorothy J. Laird (WDUX) Waupaca, Wisconsin, Docket No. 11658, File No. BMP-7086; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1956;

The Commission having under consideration the above-entitled application of Dorothy J. Laird for a construction permit to increase the power of Station WDUX, Waupaca, Wisconsin, from 500 watts to one kilowatt on 800 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station WDUX as proposed, but that the proposed operation may cause interference to Station KXIC, Iowa City, Iowa (800kc, 1kw, DA, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject ap-

plicant was advised by letter dated February 16, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a letter dated January 31, 1956, Station KXIC opposed a grant of the subject application, and in a letter dated March 2, 1956, expressed an intention of appearing at a hearing; and

It further appearing that the applicant, by letter dated February 20, 1956, requested that its application be designated for hearing; and

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

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

1. To determine the areas and population which would gain or lose primary service if Station WDUX operated as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station KXIC, Iowa City, Iowa, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

It is further ordered, That the Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa, is made a party to the proceeding.

Released: March 23, 1956.

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

[P. R. Doc. 56-2323; Filed, Mar. 27, 1956;
8:52 a. m.]

[Docket No. 11659; FCC 56-263]

DONALD F. WHITMAN

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Donald F. Whitman, Olympia, Washington, Docket No. 11659, File No. BP-9809; for construction permit.

1. The Commission has before it for consideration a "Protest And Petition For Reconsideration" filed on February 24, 1955, by Tom Olsen, licensee of Station KGY, Olympia, Washington (1240 kc, 250 w, Unl.), pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, and directed to the Commission's action of January 25,

1956, in granting without hearing the application of Donald F. Whitman for a construction permit for a new standard broadcast station to operate on 1440 kilocycles with a power of 500 watts, daytime only, at Olympia, Washington, File No. BP-9809; an opposition thereto filed by Donald F. Whitman on March 9, 1956; and a reply to the opposition filed by Tom Olsen on March 19, 1956.

2. The protestant (hereinafter referred to as KGY) claims that he is a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 because he is licensee of Station KGY in Olympia, Washington, where the grantee proposes to operate and "The operation of such an additional competitive broadcast facility will inevitably reduce the income of Station KGY, thus causing economic injury to the protestant's interests."

3. In support of its Protest and Petition For Reconsideration KGY alleges that the grant in question was made in violation of § 3.24 (b) (3) of the Commission's rules because the applicant did not show that he was financially qualified to construct and operate the proposed station as required by said rule, since he has only \$3,000 cash left after stock purchases of \$12,000 in Station KITI, Chehalis, Washington, and did not include in his estimated cost of construction amounts for engineering services and a 500 watt transmitter in lieu of a 250 watt transmitter originally specified; and in violation of § 3.186 of the Commission's rules because measurements submitted to show that no interference would be caused to Station KAYE, Puyallup, Washington, were not verified or reported as to "accuracy, date and by whom each instrument was last calibrated" as required by the rule, and that KAYE relied upon these measurements in not opposing the grant in question, whereas the measurements may be inaccurate and KAYE may in fact receive interference; that the market cannot support two radio stations without their rendering inadequate service or the grantee's going out of business; and that the grantee is unlikely to make enough to meet his estimated operating expense of \$54,000 and will, therefore, not be able to devote as much time to public service programs as he estimates.

4. In view of the facts that the protestant is licensee of standard broadcast Station KGY in Olympia, Washington, where the grantee proposes to operate and that the protestant has alleged that it will suffer economic injury from the grant in question, we find the protestant to be a "party in interest" and a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008). We further find that the protestant has, within the meaning of section 309 (c), specified with particularity sufficient matters to warrant designating the subject application for hearing upon the issues specified by the

protestant and hereinafter set forth. But the Commission is not adopting the issues, and the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on the protestant.

5. The protestant has requested that the effective date of the grant be postponed pending the conclusion of a full evidentiary hearing and the issuance of a final decision. Section 309 (c) provides that "the effective date of the Commission's action shall be postponed unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." The Senate Report on H. R. 5614 amending section 309 (c) reads, in part, as follows:

It must be recognized that there will be cases where protestants will plead facts to which the Commission cannot demur, although, on the basis of all the facts available, it is clear that the likelihood is extremely remote that the protested grant will ultimately have to be set aside. In such circumstances, the Commission should not be precluded from considering whether the public interest requires the protested authorization to remain in effect, but the Commission must affirmatively find and set forth reasons in its decision as to why the public interest requires the grant to remain in effect.

The committee is well aware of the very real inconvenience to the public which would result if a grant is permitted to stay in effect and it is ultimately determined that the grant must be set aside and the service terminated. However, in exercising its limited discretion to continue a protested authorization in effect, the Commission would have to consider not only the need for the new service in question, but also the likelihood that the grant in question would ultimately have to be set aside. The committee feels that these requirements will minimize the possibility of the public being deprived of a service on which it has come to rely. In any event, we do not believe that, to insure against the remote possibility that an operating service may have to be taken off the air, it is necessary or advisable to preclude any operation by a station pending a protest hearing regardless of any countervailing public interest considerations.

6. We now turn to the need for the service proposed by the subject grantee. Olympia has a population of 15,819 (1950 U. S. Census). It is the State Capitol of Washington and the County Seat of Thurston County, which has a population of 44,884 (1950 U. S. Census). The protestant states that "Most of the working force of the area is engaged in government—either state, city, or county. There are several large manufacturing organizations in the city, and considerable lumbering activity." Olympia has one existing station, protestant's Station KGY, which operates on 1240 kilocycles with a power of 250 watts, unlimited time. It is affiliated with a network, the Don Lee Broadcasting System, and devotes approximately 58 percent of its daytime hours to network programs and 3.66 percent of its total time to local live programs. It devotes no time to programs classified as "Talks." The gran-

tee's proposed station will not be affiliated with a network, will devote 32 percent of its time to local live programs, and 9 percent of its time to programs classified as "Talks." Consequently, the proposed operation can fulfill a real need for local service by providing time for local charitable, educational, religious and civic programs of special interest to the residents of Olympia—the seat of city, county and state governments.

7. Furthermore, we are of the opinion, as we stated in re Vermillion Broadcasting Corporation, 7 Pike and Fischer RR 602b (1953), that "When a population center of substantial size is served by only one local transmission facility, it is wholly reasonable to conclude, without probing further, that a definite need exists for a second medium of local expression. The listeners' opportunity to select among locally originated programs; the availability to civic authorities, public service organizations, and advertisers of more than one local radio medium; and the stimulus of competition in local radio operations—these are among the conspicuous needs which remain unsatisfied in sizable one-station communities." Finally, as we stated in re Northwestern Ohio Broadcasting Corporation et al., 3 Pike and Fischer RR 1945 (1948), "The requirement of fair and equitable distribution of radio facilities includes transmission as well as reception and includes consideration of the sources from which programs are received, as well as the number of stations that can be heard. The listening public of a community with a substantial population is entitled to a choice of locally originated programs."

8. It is apparent from the foregoing that there is a need for the service in question and that the public interest definitely would be served by the initiation of such service, barring countervailing considerations. We turn, therefore, to the other aspect of the judgment—an interlocutory determination of the merits of the protest for the limited purpose of deciding whether the grant in issue should be stayed while an evidentiary hearing is being held on the protest.² The protestant contends that the grantee did not make a showing as required by § 3.24 (b) (3) of the Commission's rules, from which it could be determined that he was financially qualified since he did not include amounts for engineering services, the additional cost of a 500 watt transmitter in lieu of a 250 watt transmitter originally specified, and that since the grantee paid \$12,000 cash for stock in another station he had

² Network and programming data for protestant's station were obtained from its latest application for renewal of license, BR-57, granted January 6, 1954. In each case, the figure is for the amount the protestant stated "would be devoted" to that category during its present license period, which expires January 1957.

³ The protestant in the evidentiary hearing will have full opportunity to explore and build up supporting evidence for its position. After the evidentiary hearing and the Examiner's Initial Decision we will be able to make a final determination as to whether the public interest is served by the grant in question on the basis of the evidence of record.

¹ 1 Pike and Fischer RR 10:373.

only \$3,000 cash left to meet his commitment of \$8,000 cash in the financing of the proposal in question. The grantee's balance sheet showed a net worth of \$47,114. This included \$15,082 cash and \$34,322 in other assets. Liabilities were shown as \$2,290. Thus, it is clear that the \$5,000 cash needed by the grantee plus approximately \$1,500 as the additional cost of a 500 watt transmitter and reasonable costs for engineering services could easily be met from the \$34,322, less liabilities of \$2,290, shown by the grantee and that the grantee made an adequate showing that he was financially qualified. Section 3.186 (b) (8) requires that field intensity measurements submitted to the Commission must be under oath and include "Description, accuracy, date and by whom each instrument was last calibrated." The protestant states that the grantee did not comply with these requirements in submitting measurements to show no interference to Station KAYE, Puyallup, Washington. On January 11, 1955, Station KAYE filed with the Commission a "waiver of hearing" on the application of the grantee and stated, "Field intensity measurements satisfactory to the undersigned have been made and submitted to show that no objectionable interference will result." The protestant contends that the grantee's measurements may not have been accurate and that interference may obtain to KAYE; but, has submitted nothing to show that the measurements are, in fact, inaccurate. Furthermore, attached to the grantee's opposition to the subject protest is a letter dated February 28, 1956, and signed by the General Partner of Puyallup Valley Broadcasting Co., licensee of Station KAYE, again waiving the right to a hearing on the grantee's application and stating that KAYE's own engineer, a Mr. Williams, "completed a series of measurements on KAYE" and found that these measurements "coincide with those made by Harold Singleton on behalf of Mr. Whitman."

9. Finally, the protestant contends that the public interest would not be served by the grant because establishment of the proposed operation would force Station KGY to curtail its "distinguished" program service or, on the other hand, the grantee would not be able to make enough money to survive or its program service will be inadequate. This contention, we believe, is not necessarily well-founded. The protestant states that his total gross income at KGY for 1955 was \$109,621.27, "down some \$5,000 from 1954" and that the operating expense for 1955 was \$87,068.45. We believe, as we stated in Voice of Cullman, 6 Pike and Fischer RR 164 (1950), that "both stations may survive either by attracting sufficient additional revenue or by reducing expenses without necessarily degrading their program service since quality of program service cannot be measured by cost alone." On balance, we believe, the showing made by the protestant does not countervail the factors hereinbefore pointed out in support of the conclusion that the public interest would be served by the grant in question. Moreover, for the reasons

noted with respect to each of the protestant's allegations, we believe that the likelihood of the grant having to be set aside is small. In these circumstances, we affirmatively find that the public interest requires the grant to remain in effect. In re application of Coos County Broadcasters, 13 Pike and Fischer RR 625.

10. Accordingly, it is ordered. That the subject Protest and Petition For Reconsideration is granted to the extent provided for below and is denied in all other respects; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether the operation of the proposed station would cause objectionable interference to Station KAYE, Puyallup, Washington, or to any other standard broadcast station, and if so, the nature and extent thereof, the areas and population affected thereby, the availability of other primary service to such areas and population and to determine whether the need for the proposed service outweighs the need for the service which will be lost by reason of such interference.

(b) To determine whether the applicant is financially qualified to construct and operate the proposed station, and to determine whether the proposed station will actually have available the revenues which the applicant expects to realize during the first year of operation.

(c) To determine whether the area to be served by the applicant can support both the proposed station and station KGY, and

(i) If not, whether grant of the above-entitled application will reduce or destroy the quantity or quality of the local radio program service or any other service now being rendered by station KGY; and

(ii) If both stations can survive, whether the service to be received from the two stations may reasonably be expected to be of inferior quality as a result of neither station receiving adequate revenue; and

(iii) To determine whether the proposed daytime only service of the applicant will impair or destroy the nighttime service of station KGY, leaving the Olympia area without a local fulltime radio service, or without adequate local, fulltime radio service.

(d) To determine whether the proposed station can and will be programmed in accordance with its proposed program plans.

(e) To determine whether the program service which will actually be rendered by the proposed station would meet the needs of the area to be served.

(f) To determine, in the light of the evidence on the foregoing issues, whether the public interest, convenience and necessity will be served by a grant of the above-entitled application.

It is further ordered. That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant;

It is further ordered. That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

1. The hearing on the above issues is to commence at 10:00 a. m. on May 8, 1956, before an Examiner to be specified by the Commission; and

2. The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than May 1, 1956.

Adopted: March 21, 1956.

Released: March 23, 1956.

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

[F. R. Doc. 56-2324; Filed, Mar. 27, 1956;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9447]

SOUTHERN PRODUCTION CO., INC.

ORDER FIXING DATE OF HEARING AND
SPECIFYING PROCEDURE

On October 10, 1955, the Commission issued its order suspending proposed changes in rates filed by Southern Production Company, Inc. (Applicant), in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Southern Natural Gas Company (Southern Natural).

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proceeding in the foregoing designated docket be set for hearing, and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly by sections 4, 14, 15 and 16 thereof, and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held commencing on May 1, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N.W., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Southern Natural;

(ii) Major pipeline facilities by which the gas is transported from each well

to the points of delivery to Southern Natural; and

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product-removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Applicant shall, not later than 5 days next preceding the date heretofore fixed for the commencement of the hearing herein, serve upon all parties to this proceeding copies of the testimony and exhibits Applicant proposes to offer at the hearing, including five (5) copies thereof upon Commission Staff counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-2310; Filed, Mar. 27, 1956;
8:49 a. m.]

[Docket Nos. G-9572, G-9573]

UNITED CARBON CO. AND COLUMBIAN FUEL
CORP.

ORDER CONSOLIDATING PROCEEDINGS, FIXING
DATE OF HEARING, AND SPECIFYING PRO-
CEDURE

On October 28, 1955, the Commission issued its orders in Docket Nos. G-9572 and G-9573 suspending proposed changes in rates filed by United Carbon Company and Columbian Fuel Corporation, respectively (Applicants), pertaining to sales of natural gas in interstate commerce to United Fuel Gas Company (United Fuel).

The Commission finds:

(1) It is appropriate and in the public interest to consolidate the above-captioned proceedings for purpose of hearing.

(2) It is appropriate and in the public interest, in carrying out the provisions of the Natural Gas Act, that these proceedings be set for hearing in accordance with the procedure hereinafter provided and ordered, and that prior to the hearing Applicants shall submit the hereinafter specified material to the Commission for consideration in these proceedings.

The Commission orders:

(A) The proceedings in the caption hereof are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly by sections 4, 14, 15, and 16 thereof, and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held commencing on May 8, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, N.W., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

No. 60—6

(C) Each Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding, as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to United Fuel;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to United Fuel; and

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product-removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(D) Applicants shall, not later than 5 days next preceding the date heretofore fixed for the commencement of the hearing herein, serve upon all parties to these proceedings copies of the testimony and exhibits Applicants propose to offer at the hearing, including five (5) copies thereof upon Commission Staff counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-2311; Filed, Mar. 27, 1956;
8:49 a. m.]

[Project No. 2198]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR LICENSE
(MAJOR)

MARCH 22, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Southern California Edison Company, of Los Angeles, California, for license for constructed water-power Project No. 2198, known as Santa Ana No. 3, located on the Santa Ana River, in San Bernardino County, California, and affecting lands of the United States within the San Bernardino National Forest. The project consists of a conduit of concrete and Lennon type flumes, rock tunnels, spillway structures and steel penstock having a total length of 13,171 feet, extending from the end of the Santa Ana No. 2 powerhouse; the powerhouse forebay; a concrete powerhouse containing a turbine rated at 2,250 hp. with a 360-foot effective head connected to a 1,500 kv.-a. generator; a switchyard; access roads; operators village; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 7, 1956. The

application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-2304; Filed, Mar. 27, 1956;
8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project 3-DC-04]

FEDERAL OFFICE BUILDING

PROSPECTUS FOR PROPOSED BUILDING IN
SOUTHWESTERN PORTION OF THE DISTRICT
OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-04 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project No. 3-DC-04

FEBRUARY 6, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING
UNDER TITLE I, PUBLIC LAW 519, 83D CON-
GRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building:* The project contemplates the erection of a Federal Office Building on a site to be acquired in southwest Washington, D. C. The building, the second in the southwest area, will be multistoried and will provide approximately 441,000 square feet of net assignable space.

2. *Estimated maximum cost and financing:*

a. Maximum cost of site and building	\$16,275,000.
b. Proposed contract term	30 years.
c. Maximum rate of interest on purchase contract	4 percent.

3. *Certificates of need:* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space:* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs:*

Services to be supplied by Government	\$463,000
---------------------------------------	-----------

6. *Estimated annual tax liability, upkeep and maintenance:*

a. Taxes, postconstruction (contract period)	\$211,680
b. Upkeep and maintenance (to be provided by Government)	66,100

7. *Current housing costs:*

Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected	\$441,000 p. a.
--	-----------------

Determination of need. It has been determined that (1) the needs for space for

the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on February 8, 1956.

Approved:

EDMUND F. MANSURE,
Administrator of General Services.

8. Statement of Director, Bureau of the Budget. Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON, D. C.

MARCH 6, 1956.

Project 3-DC-04
Federal Office Building
Southwest Washington Area
Washington, D. C.

MY DEAR MR. ADMINISTRATOR:

Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received February 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understandings:

1. That the stated project cost of \$16,275,000 (including \$2,105,000 for A-E services, supervision, land, etc.) is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., \$1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the proposed building will provide relocation of numerous Federal agencies now in temporary buildings, and no specific allocation of space can be made at this time. When specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to approval of the lease-purchase agreement.

Sincerely yours,

[S] ROWLAND HUGHES,
Director.

The Honorable
ADMINISTRATOR OF GENERAL SERVICES.

[P. R. Doc. 56-2105; Filed, Mar. 15, 1956;
11:29 a. m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL ADMINISTRATIVE OFFICER, REGION II AND ADMINISTRATIVE CLERK, REGION II (PHILADELPHIA, PA.)

REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Regional Administrative Officer, Region II (Philadelphia, Pennsylvania), Housing and Home Finance Agency, is hereby authorized, and the Adminis-

trative Clerk in such Region is hereby authorized, to take the following action with respect to administrative matters within such region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

This redelegation of authority supercedes the redelegation to the Regional Administrative Officer effective February 14, 1955 (20 F. R. 1704, 3/2/1955).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective August 14, 1953 (18 F. R. 6812); continuation of delegations of authority effective December 23, 1954 (19 F. R. 9305))

Effective as of the 28th day of February 1956.

DAVID M. WALKER,
Regional Administrator, Region II.

[P. R. Doc. 56-2312; Filed, Mar. 27, 1956;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3451]

SOUTHERN CO. AND GEORGIA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY OF MORTGAGE BONDS AND SHARES OF COMMON STOCK, AND ACQUISITION OF SUCH SHARES BY PARENT

MARCH 21, 1956.

The Southern Company ("Southern"), a registered holding company, and one of its public utility subsidiaries, Georgia Power Company ("Georgia"), have filed a joint application-declaration, and amendments thereto, with this Commission pursuant to sections 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-43 and U-50 promulgated thereunder regarding the following proposed transactions:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$12,000,000 principal amount of its First Mortgage Bonds ("Bonds"), Series due 1986 to be dated April 1, 1956, and to mature April 1, 1986. The Bonds will be issued under and secured by an indenture dated as of March 1, 1941 between Georgia and The New York Trust Company, as Trustee, and indentures supplemental thereto, including a proposed supplemental indenture to be dated as of April 1, 1956. The invitation for bids will specify that the amount to be received by Georgia shall not be less than 100 percent nor more than 102.75 percent of the principal amount thereof, plus accrued interest, and that the interest rate shall be a multiple of $\frac{1}{8}$ of 1 percent.

Georgia also proposes to issue and sell later this year, and Southern proposes to acquire, 25,000 shares of Georgia's no par common stock for \$100 per share, or for an aggregate consideration of \$2,500,000.

Georgia proposes to use the net proceeds from the sale of the bonds and common stock for the construction or ac-

quisition of permanent improvements, extensions and additions to its property which it is estimated will exceed \$41,000,000 during the period January 1, 1956, to December 31, 1956.

The estimated fees, commissions and expenses to be incurred in connection with the proposed transactions aggregate \$64,006 as indicated below:

	Mortgage bonds	Common stock
Federal original issue tax.....	\$13,200	\$800
Filing fee—Securities and Exchange Commission.....	1,236	-----
Charges of trustee (including counsel).....	5,950	-----
Cost of definitive bonds.....	4,230	-----
Printing and preparation of Form U-1, registration statement, financial statements, prospectus, competitive bidding papers, supplemental indenture, etc.....	10,000	-----
Recording supplemental indenture.....	4,000	-----
Services of Southern Services, Inc.....	7,000	-----
Fees of counsel, Winthrop, Stimson, Putnam & Roberts.....	10,000	-----
Fees of accountants, Arthur Anderson & Co.....	4,000	-----
Miscellaneous, including telephone and telegraph and traveling expenses.....	3,000	500
Total.....	62,706	1,300

In addition, the legal fees of counsel for the underwriters, Simpson, Thacher & Bartlett, to be paid by the successful bidders for the bonds, are estimated at \$7,000.

The Georgia Public Service Commission has issued an order authorizing the issuance and sale of said securities.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P. R. Doc. 56-2305; Filed, Mar. 27, 1956;
8:47 a. m.]

[File No. 1-2218]

RAILWAY EQUIPMENT & REALTY CO. LTD.

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

MARCH 22, 1956.

In the matter of Railway Equipment & Realty Company, Limited, \$6 Cumulative Preferred Stock; File No. 1-2218.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange

Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Stock Exchange.

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

The 6,707 outstanding preferred shares are held by approximately 119 shareholders, 30 of whom hold about three-fourths of the shares. Transactions therein are infrequent on the San Francisco Stock Exchange. This Exchange states that it has no objection to the delisting and has suspended trading on its floor in the said preferred shares at the close of business January 25, 1956.

The Commission's records indicate that the common stock of the issuer remains fully listed and registered on the San Francisco Stock Exchange.

Upon receipt of a request, on or before April 10, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 56-2306; Filed, Mar. 27, 1956;
8:48 a. m.]

[File No. 70-3460]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF SHARES OF COMMON STOCK PUR- SUANT TO RIGHTS OFFERING

MARCH 22, 1956.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by New England Electric System ("NEES"), a registered holding company. Declarant has designated sections 7 and 12 of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

NEES proposes to issue and sell 834,976 additional shares of its common stock of \$1 par value. The shares are to be offered to the common stockholders of NEES for subscription during a period of not less than fourteen nor more than seventeen days on the basis of one share

for each twelve shares held on the record date, which will be the effective date of the registration statement filed with this Commission in connection with such issue and sale. The rights to subscribe are to be evidenced by transferable subscription warrants. No fractional shares are to be issued. However, in lieu of rights for fractional shares, a stockholder will be entitled to subscribe for one additional share in excess of the whole number to which he would otherwise be entitled. Accordingly, if said proposed 834,976 shares are insufficient, NEES proposes to issue such additional shares in excess of this number as may be necessary. Subject to the subscription rights of the stockholders, the stock will be offered at the subscription price to full time employees of NEES and its subsidiaries who have had three years of continuous service and who have attained the age of thirty years. The proposed stock offering will be underwritten and NEES proposes to select the underwriters through competitive bidding pursuant to Rule U-50.

NEES, not later than twenty-four hours before the time to submit bids, will set the subscription price for the offer to the holders of warrants and employees, which will also be the price for the unsubscribed shares, if any, to be underwritten. NEES, by telegraphic or telephonic notice, will inform qualified bidders of the price set. Such price will be not more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 10 percent.

NEES proposes, if considered desirable, to stabilize the price of its common stock prior to acceptance or rejection of bids for the purpose of facilitating the offering and distribution of the additional shares of common stock by the purchase of not in excess of 41,749 shares of its common stock on the New York Stock Exchange, the Boston Stock Exchange, in the open market or otherwise.

The net proceeds to be derived from the proposed sale of the additional shares of common stock will be added to the general funds of NEES and applied in furtherance of the construction programs of its subsidiaries either through loans or the purchase of additional shares of their common stocks, any balance to be used for general corporate purposes.

Total expenses of the issuance and distribution of the additional shares of common stock are estimated by NEES at \$169,000, including \$20,000 for incidental services to be performed at cost by New England Power Service Company, an affiliated service company, and \$75,000 for services of the subscription agents.

It is represented that no State commission, or any other Federal commission has jurisdiction over the proposed transactions. Declarant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than April 6, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held

on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rule U-20 (a) and Rule U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 56-2307; Filed, Mar. 27, 1956;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 105]

MOTOR CARRIER APPLICATIONS

MARCH 23, 1956.

Protest consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the Act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2589 Sub 13, filed March 14, 1956, C. A. B. Y. TRANSPORTATION COMPANY, a corporation, 3141 St. Clair Avenue, Cleveland, Ohio. Applicant's attorney: Milton C. Portmann, Union Commerce Building, Cleveland 14, Ohio. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chevrolet Division of General Motors Corporation, in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations (1) between Cleveland, Ohio, and Rochester, N. Y., and (2) between Cleveland, Ohio and Youngstown, Ohio. Applicant is authorized to conduct regular route operations in New York, Ohio, and Pennsylvania, and irregular route operations in New York, Ohio, and Ohio.

No. MC 16502 Sub 12, filed March 12, 1956, WILLIAM A. ROBINSON, KENNETH D. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON, AND FRANK TAYLOR ROBINSON, doing business as ROBINSON TRUCK LINES, Box 194, West Point, Miss. Applicant's attorney: Will E. Ward, Starkville, Miss. For authority to operate as a common carrier, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between De Kalb, Miss., and the site of the proposed U. S. Navy Air Base at junction unnumbered County Highway and U. S. Highway 45, near Lauderdale, Miss., from De Kalb over Mississippi Highway 39 to junction unnumbered County Highway at Lizelia, Miss. (approximately a distance of 16.6 miles), thence in an easterly direction over said unnumbered County Highway (approximately a distance of 9.8 miles), to junction U. S. Highway 45, near Lauderdale, Miss., and return over the same route, serving all intermediate points, including points on all access roads and entrances to the site of the proposed U. S. Navy Air Base. Applicant is authorized to conduct operations in Mississippi and Tennessee.

No. MC 29566 Sub 42, filed March 14, 1956, SOUTHWEST FREIGHT LINES, INC., 1415 Commerce Building, Kansas City, Mo. Applicant's attorney: D. S. Hults, P. O. Box 225, Jayhawk Building, Lawrence, Kans. For authority to operate as a common carrier, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, between Arkansas City, Kans., and Wichita, Kans., on the one hand, and, on the other, Denver, Colo. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, and Oklahoma.

No. MC 30605 Sub 86, filed March 15, 1956, THE SANTA FE TRAIL TRANSPORTATION COMPANY, A Corporation,

Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Aetehison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A and B explosives* (except liquid nitro glycerin), but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), (1) between Fort Worth, Tex., and Temple, Tex., from Fort Worth over U. S. Highway 81 to junction Texas Highway 174, thence over Texas Highway 174 to junction Texas Highway 6, thence over Texas Highway 6 to junction Texas Highway 317, thence over Texas Highway 317 to junction Texas Highway 36, thence over Texas Highway 36 to Temple, and return over the same route, (2) between Cleburne, Tex., and Dallas, Tex., over U. S. Highway 67, (3) between junction Texas Highways 67 and 174 and Blum, Tex., from junction Texas Highways 67 and 174 over Texas Highway 174 to junction unnumbered highway, thence over unnumbered highway to Blum, and return over the same route, (4) between junction Texas Highway 174 and Spur 1859 and Kopperl, Tex., over Spur 1859, (5) between junction U. S. Highway 81 and Farm Road 731 and Crowley, Tex., over Farm Road 731, (6) between Dallas, Tex., and Sanger, Tex., over U. S. Highway 77, and (7) between Denton, Tex., and Krum, Tex., from Denton over U. S. Highway 24 to junction unnumbered highway, thence over unnumbered highway to Krum, and return over the same route. Serving all intermediate points located on the Gulf, Colorado and Santa Fe Railway Company, including the termini, and off-route points of Blum, Crowley and Kopperl, Tex., on the above-specified routes. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 31367 Sub 16, filed February 29, 1956, H. F. CAMPBELL AND H. B. CAMPBELL, doing business as H. F. CAMPBELL & SON, R. D., Millerstown, Pa. For authority to operate as a common carrier, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, from points in Potter Township, Centre County, Pa., to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 31509 Sub 2, filed March 16, 1956, HERBERT EARL MAYHEW, doing business as MAYHEW TRUCK LINE, 503 North Main Street, Mitchell, S. Dak. Applicant's attorney: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a common carrier, over irregular routes, transporting: *Farm machinery and parts therefor*, when moving with farm machinery, from La Crosse,

Wis., and points within 5 miles thereof to points in South Dakota. Applicant is authorized to conduct operations in South Dakota, Iowa, and Minnesota.

No. MC 38170 Sub 12, filed March 12, 1956, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between (1) Cleveland, Ohio, and Twinsburg, Ohio, over Ohio Highway 14; (2) the junction of U. S. Highway 20 and Ohio Highway 82 (also known as Ohio Highway 10) and Twinsburg, Ohio, over Ohio Highway 82; (3) Elyria, Ohio, and Twinsburg, Ohio, and Ohio Highway to its junction with Ohio Highway 82 and thence over Ohio Highway 82 to Twinsburg, serving all intermediate points on the routes specified. Applicant is authorized to conduct operations in Michigan and Ohio.

NOTE: Applicant holds authority to transport truckload shipments between Michigan and Ohio points and by this application seeks authority to transport the shipments in less than truckload lots over the described routes.

No. MC 38170 Sub 13, filed March 19, 1956, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the plant of the Chevrolet Division of General Motors Corporation located near Lordstown, Ohio, as an off-route point in connection with applicant's authorized regular-route operations between Postoria, Ohio and Youngstown, Ohio; between Milan, Ohio and Youngstown, Ohio; and between Warren, Ohio and Girard, Ohio. Applicant is authorized to conduct operations in Michigan and Ohio.

NOTE: Applicant is presently authorized to perform the applied-for service in truckload shipments. This application has been filed principally for authority to transport less than truckload shipments.

No. MC 38170 Sub 14, filed March 19, 1956, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new assembly plant of the Ford Motor Company, Lincoln Division, located north of U. S. Highway 16, at the inter-

section of Michigan Highway 218 (Wixom Road) and unnumbered highway known as West Lake Drive, in Lyon Township, Oakland County, Mich., as an off-route point in connection with applicant's regular-route operations between Detroit, Mich., and Toledo, Ohio, over U. S. Highways 24 and 25; and between Detroit and Flint, Mich., over U. S. Highway 10. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 42329 Sub 120, filed March 1, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points in Cook, Lake, Kane, Will, Du Page, Kendall, McHenry and Kankakee Counties, Ill., as off-route points in connection with carrier's regular route operations between (1) St. Louis, Mo., and Chicago, Ill., over U. S. Highway 66 and Alternate U. S. Highway 66, (2) Clinton, Iowa, and Cleveland, Ohio, over U. S. Highway 20, U. S. Business Route 20, Alternate U. S. Highway 30, and Illinois Highways 31 and 64, (3) Chicago, Ill., and Youngstown, Ohio, over U. S. Highways 6, 30 and 41, (4) Chicago, Ill., and Columbus, Ohio, over U. S. Highway 41, (5) Chicago, Ill., and Cincinnati, Ohio, over U. S. Highways 24, 30 and 41, (6) Chicago, Ill., and Evansville, Ind., over U. S. Highway 41, (7) Chicago, Ill., and Memphis, Tenn., over Illinois Highway 4A and U. S. Highway 45, (8) Chicago, Ill., and Barrington, Ill., over U. S. Highway 14, and (9) Chicago, Ill., and Willow Hill, Ill., over U. S. Highway 54. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

No. MC 45695 Sub 3, filed March 15, 1956, ALPHA VAN LINES, INC., 1325 Wilkes Street, Alexandria, Va. For authority to operate as a common carrier, over irregular routes, transporting: *Household goods*, between Washington, D. C., and points within 50 miles thereof, on the one hand, and, on the other, points in California, Colorado, New Mexico, Texas, and Arizona. Applicant is authorized to conduct operations in Maryland, Virginia, Pennsylvania, Florida, Connecticut, North Carolina, New York, New Jersey, Delaware, Rhode Island, Vermont, Indiana, Massachusetts, Kansas, Missouri, Tennessee, West Virginia, South Carolina, Mississippi, Louisiana, Alabama, Georgia, Kentucky, Ohio, Illinois, Michigan, Wisconsin, Oklahoma, and the District of Columbia.

No. MC 57724 Sub 1, filed March 16, 1956, H. J. Huffman, doing business as HUFFMAN TRANSPORTATION SERVICE, 77 West Union Street, Athens, Ohio. Applicant's attorney: Robert O. Smith, Jr., 1315 Union Central Life Building, Cincinnati 2, Ohio. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class

A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in less-than-carload lots, between Athens, Ohio and Parkersburg, W. Va., from Athens over U. S. Highway 50 to Parkersburg and return over the same route, serving the intermediate and off-route points of Torch Hill, Belpre, and Guysville, Ohio, subject to the following RESTRICTIONS: The motor carrier service to be performed shall be limited to service which is auxiliary to or supplemental of the rail service of The Baltimore and Ohio Railroad Company, and the carrier shall not serve, or interchange traffic at any point not a station on the rail line of the railroad. Shipments transported by the carrier shall be limited to those which it receives from and delivers to the railroad under a through bill of lading covering, in addition to a movement by the carrier, an immediately prior or immediately subsequent movement by rail. Applicant is authorized to conduct operations within Ohio under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 60987 Sub 4, filed March 14, 1956, PICKETT TRUCK LINE, INCORPORATED, 318 Chamber of Commerce Building, Chicago 16, Ill. Applicant's representative: Thomas P. Scanlan, 111 W. Washington Street, Chicago 2, Ill. For authority to operate as a contract carrier, over irregular routes, transporting: *Books*, from Cincinnati, Ohio, to Crawfordsville, Ind.

No. MC 64151 Sub 1, filed March 8, 1956, HAROLD YOUNG, 511 Davis Avenue, Corning, Iowa. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving Red Oak, Iowa, as an intermediate point in connection with applicant's authorized regular route operations between Brooks, Iowa, and Omaha, Nebr. Applicant is authorized to conduct operations in Iowa and Nebraska.

No. MC 65106 Sub 3, (amended) published February 29, 1956 issue, page 1335, filed February 10, 1956, MARTIN E. FLEMMING, doing business as M. E. FLEMMING, 1 Washington Street, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: *Shortening*, in containers, drums and cartons, between New York, N. Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic and Union Counties, N. J.

No. MC 65802 Sub 9, filed March 6, 1956, LYNDEN TRANSFER, INC., P. O. Box 488, Lynden, Wash. Applicant's attorney: James T. Johnson, Suite 911 American Building, Seattle 4, Wash. For authority to operate as a common carrier, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and

those injurious or contaminating to other lading, between Seattle, Wash., and Tacoma, Wash., over U. S. Highway 99, serving no intermediate points. RESTRICTION: Applied-for authority to be restricted to shipments originating at or destined to points in the Territory of Alaska only in connection with applicant's authorized operations between Seattle and the port of entry between the United States and Canada at or near Lynden, Wash. Carrier is authorized to conduct operations in the State of Washington.

No. MC 68909 Sub 46, filed March 20, 1956, DECATUR CARTAGE CO., 1932 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio as an off-route point in connection with applicant's authorized regular route operations between Cleveland and Akron, Ohio. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, and Ohio.

No. MC 71096 Sub 27, filed March 19, 1956, NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: Walter N. Biene-man, Guardian Building, Detroit 26, Mich. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the site of the plant of the Ford Motor Company located at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive, near the village of Wixom, Oakland County, Mich., as an off-route point in connection with applicant's authorized regular-route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio and Pennsylvania.

No. MC 72997 Sub 14, filed March 12, 1956, LIBERTY TRUCKING COMPANY, A CORPORATION, 1401 W. Fulton Street, Chicago 7, Ill. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a common carrier, transporting: *Empty cans and empty containers*, on return, in connection with applicant's authority in Certificate No. MC 72997 Sub-No. 11 to transport "fluid milk and cream, in cans, cottage cheese and butter, serving Deerfield, Wis. as an off-route point in connection with carrier's authorized regular route operations between Fort Atkinson, Wis., and Madison, Wis., over U. S. Highway 12." Applicant is authorized to conduct operations in Wisconsin.

No. MC 73165 Sub 156, filed March 19, 1956, EAGLE MOTOR LINES, INC., 830 North 33d Street, P. O. Box 1348, Bir-

mingham, Ala. For authority to operate as a common carrier, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Birmingham, Ala., and points within 10 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Missouri, Kentucky, Iowa, Kansas, Michigan and Wisconsin, (2) *Road building machinery and contractors' equipment*, the transportation of which because of size or weight requires the use of special equipment, from Lorain and Mansfield, Ohio, Springfield and Jerseyville, Ill., and La Crosse, Wis., to Birmingham, Ala., and points within 10 miles thereof, and (3) *Cast iron pressure pipe and cast iron soil pipe and fittings*, from Birmingham, Holt, Gadsden, Attalla, Anniston and Talladega, Ala., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, Kentucky and St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas and Virginia.

No. MC 74945 Sub 1, filed February 24, 1956, BARRY WAREHOUSES, INC., 35 North Division Street, Buffalo 3, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Buffalo, N. Y., and points within 75 miles thereof, and points in Georgia, South Carolina, North Carolina, Florida, Alabama, and Tennessee. Applicant is authorized to conduct operations in New York, Pennsylvania, Ohio, Maryland, Delaware, Virginia, West Virginia, New Jersey, Wisconsin, Illinois, Michigan, Indiana, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

No. MC 78062, BEATTY MOTOR EXPRESS, INC., P. O. Box 223, Jefferson Avenue Extension, Washington, Pa. PETITION TO WAIVE RULE 101 (e) OF THE GENERAL RULES OF PRACTICE GRANTED, AND REQUEST FOR REOPENING AND RECONSIDERATION ACCEPTED FOR FILING AND FUTURE CONSIDERATION BY ORDER DATED March 13, 1956. Applicant's attorneys: Bloom, Bloom & Yard, Washington Trust Building, Washington, Pa., and Todd & Dillon, 944 Washington Building, Washington, D. C. PERMIT NO. MC 78062 dated July 19, 1950, authorizes the transportation, over irregular routes of: (1) *Sugar and canned goods*, from Philadelphia, Pa., to Wheeling, Fairmont, Clarksburg, and Morgantown, W. Va., and Steubenville, Ohio, and from Baltimore, Md., to Wheeling, Fairmont, Clarksburg, and Morgantown, W. Va., Steubenville, Ohio, and Pittsburgh and Washington, Pa. (2) *Butter, canned goods and package groceries*, from Cincinnati, Ohio, to Pittsburgh and Washington, Pa., and Wheeling, W. Va. (3) *Canned goods and package groceries*, from Dayton and Marysville, Ohio, to Pittsburgh, Washington, Brownsville, Uniontown, Connellsville, New Kensington, Vandergrift, New Castle, McKees Rocks, McKeesport, Braddock, Rochester, Charleroi, Ambridge, Greensburg, Canonsburg, Butler, Homestead, Beaver Falls, Johnstown, Indiana, Jeannette, and Somerset, Pa., and Wheeling, Fairmont, Morgantown, and Clarksburg, W.

Va. (4) *Roofing materials, supplies and equipment*, from Lockland, Ohio, to Washington, Pa. (5) *Petroleum products*, from Baltimore, Md., to Washington, Pa., return with no transportation for compensation except as otherwise authorized, to the above-specified origin points. (6) *Glass products, and supplies and equipment used or useful in the production and sale of such products*, except bulk raw materials, from Clarksburg, W. Va., to Covington, Latonia, and Louisville, Ky., Indianapolis, Ind., Baltimore, Md., Camden, Millville, Belleville, Union City, and Glassboro, N. J., that part of Ohio south of U. S. Highway 40 and east of U. S. Highway 25, and that part of Pennsylvania on and south of U. S. Highway 22, including points and places on the indicated portions of the highways specified, and from Washington, Pa., to Louisville, Ky., return, with no transportation for compensation except as otherwise authorized to the above-specified origin points, and between Zanesville, Ohio, on the one hand, and, on the other, Camden, Millville, Belleville, Union City, Glassboro, N. J., and points and places in that part of Pennsylvania on and south of U. S. Highway 22, except Washington, Pa. and between Washington, Pa., on the one hand, and, on the other, Camden, Millville, and Belleville, N. J., Wyoming, Del., Baltimore, Md., Chicago, Peoria, Evanston, and Bloomington, Ill., Indianapolis, Ind., Pittsburgh, Pa., Covington, Ky., and points and places in that part of Ohio, north and west of a line beginning at Bridgeport, Ohio, and extending along U. S. Highway 40 to Zanesville, Ohio, thence along U. S. Highway 22 to Circleville, Ohio, and thence along U. S. Highway 23 to the Kentucky-Ohio State line, that part of New York west of a line beginning at Oswego, N. Y., and extending along New York Highway 57 to Syracuse, N. Y., and thence along U. S. Highway 11 to the Pennsylvania-New York State line, and that part of West Virginia north and west of a line beginning at Bluefield, W. Va., and extending along U. S. Highway 19 to Clarksburg, W. Va., thence along U. S. Highway 50 to the West Virginia-Maryland State line, including points and places on the indicated portions of the highways specified.

No. MC 79135 Sub 15, filed March 14, 1956, L. ALLEN COSSITT, doing business as COSSITT MOTOR EXPRESS, 63 West Kendrick Avenue, Hamilton, N. Y. Applicant's practitioner: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the intermediate point of Afton, N. Y., and the off-route points of Oxford, Greene, Camp Oxford and Camp Greene, N. Y., in connection with applicant's authorized regular route operations between New York, N. Y. and Oneida, N. Y. Applicant is authorized to conduct operations in New York.

No. MC 88905 Sub 15, filed March 13, 1956, CARL R. VAN DYKE, doing business as C. R. VAN DYKE, 87 Clinton

Street, Montgomery, N. Y. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a common carrier, over irregular routes, transporting: *Coal*, from points in Lackawanna, Luzerne, Carbon, and Schuylkill Counties, Pa., to points in Hartford, and Litchfield Counties, Conn. Applicant is authorized to conduct operations in Connecticut, New York, and Pennsylvania.

NOTE: Applicant has contract carrier, irregular route authority under Permit No. MC 109864, dated December 12, 1955, acquired by carrier pursuant to MC-FC 58506-Section 210 may be involved.

No. MC 92983 Sub 162, filed March 9, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a common carrier, over irregular routes, transporting: *Fats, greases, lards, tallow, and blends thereof*, in bulk, in tank vehicles, from Albert Lea, Minn., to points in Iowa.

No. MC 96464 Sub 1, filed March 16, 1956, DEWEY H. AMBROSE, Washington Court, Charles Town, W. Va. Applicant's attorney: Dale C. Dillon, Suite 944 Washington 5, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Horses* (other than ordinary), and *equipment and paraphernalia* incidental to the care, transportation and exhibition of such horses, between points in Florida, on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, the District of Columbia and the Lower Peninsula of Michigan. Applicant is authorized to conduct operations in the District of Columbia and all of the above-named States except Florida.

No. MC 99565 Sub 1, filed March 7, 1956, PORE WAY EXPRESS, INC., 730 Jefferson Street, Wausau, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including express*, but excluding Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Appleton, Wis., and Wittenberg, Wis., from Appleton over U. S. Highway 10 to junction Wisconsin Highway 76, thence over Wisconsin Highway 76 to junction U. S. Highway 45, thence over U. S. Highway 45 to Wittenberg, and return over the same route, serving all intermediate points. RESTRICTION: The motor service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Chicago and Northwestern Railway Company, hereinafter called the railroad. Shipments transported by said carrier shall be limited to shipments which move under railroad bills of lading covering, in addition to the motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. All contractual arrangements be-

tween said carrier and the railroad shall be reported to this Commission and shall be subject to revision, if any as the Commission may find it necessary to order that they shall be fair and equitable to the parties. Such further specific conditions as the Commission may find it necessary in the future to impose in order to restrict said carrier's operations by motor vehicle to service that is auxiliary to or supplemental of rail service.

No. MC 101082 Sub 3, filed March 16, 1956, Ee-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid Petroleum Wax*, in bulk, in tank vehicles (temperature controlled), from East St. Louis, Ill., and St. Louis, Mo., to points in Illinois, Missouri, Iowa, Tennessee and Indiana. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 103051 Sub 16 (amended), published on page 1474, issue of March 7, 1956, filed February 27, 1956, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, fats, oils and greases*, from Chattanooga, Tenn., and points in Tennessee within 15 miles thereof, and from Selma, Dothan, Eufaula, Ozark, Roanoke, Tuskegee and Decatur, Ala., and points within 15 miles of each of said origin points to Macon, Ga., and points within 15 miles thereof.

No. MC 103880 Sub 169, filed March 9, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Varnish, paint and materials, used in the manufacture of paint*, in bulk, in tank vehicles, from South Bend, Ind., to Oklahoma City, Okla. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 104584 Sub 5, filed February 15, 1956, B. C. COOPER, South 58 Madison Street, Walla Walla, Wash. Applicant's attorney: Thomas P. Gose, First National Bank Building, Walla Walla, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, moving in express service, and under bills of lading of the Railway Express Agency, Incorporated, between Walla Walla, Wash., and Pasco, Wash.: From Walla Walla over U. S. Highway 410 to Pasco, and return over the same route, serving no intermediate or off-route points.

No. MC 106373 Sub 20, filed March 22, 1956, THE SERVICE TRANSPORT CO., 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common*

carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Chrysler Corporation Plant near Twinsburg, Ohio, as an intermediate and off-route point in connection with applicant's authorized regular route operations, between Ravenna and Cleveland, Ohio, from Ravenna over Ohio Highway 14 to Cleveland and return over the same route.

No. MC 106816 Sub 2, filed March 1, 1956, M & M FAST FREIGHT, INC., 650 Hanford Street, Seattle 4, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Hell's Canyon dam site (near Homestead), Oreg., and points within five (5) miles of said dam site, as off-route points in connection with applicant's regular route operations between Seattle, Wash., and Salt Lake City, Utah. Applicant is authorized to conduct operations in Idaho, Oregon, Utah, and Washington.

No. MC 106943 Sub 56, filed March 1, 1956, EASTERN MOTOR EXPRESS, INC., 128 Cherry Street, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, including *articles of unusual value*, but excluding Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving Hempstead, Md., as an off-route point in connection with applicant's regular route operations between Harrisburg, Pa., and Philadelphia, Pa., over U. S. Highways 111 and 1.

RESTRICTIONS: The service requested above will be subject to the following conditions: (a) Said carrier shall render no service between any two points, both of which are located in Illinois, Indiana, and Ohio, as part of its operations over the routes between the following points: (1) Chicago, Ill., and New York, N. Y.; (2) St. Louis, Mo., and Newark, N. J.; (3) Huntington, Ind., and Fort Wayne, Ind.; (4) Beaver Dam, Ohio, and Harrisburg, Pa.; and (5) St. Louis, Mo., and Indianapolis, Ind.; and (b) Said carrier shall render no service between any two points, both of which are located east of the Ohio-Pennsylvania State line, as part of its operations over the routes between the following points: (1) Chicago, Ill., and New York, N. Y.; (2) West Springfield, Pa., and New York, N. Y.; (3) St. Louis, Mo., and Newark, N. J.; (4) Indianapolis, Ind., and Rochester, Pa.; (5) Beaver Dam, Ohio, and Harrisburg, Pa.; (6) Baltimore, Md., and Elizabeth, N. J.; (7) Easton, Pa., and Lafayette, N. Y.; and (8) Harrisburg, Pa., and Philadelphia, Pa. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Maryland, Missouri, New Jersey, New York, Ohio, and Pennsyl-

vania, and irregular route operations in Illinois, Kentucky, Michigan, and Ohio.

No. MC 106965 Sub 86, filed March 13, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, Washington Building, Suite 944, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups, not medicated*, in bulk, in tank vehicles, from Atlas Point, Del., to Norfolk, Va. Applicant is authorized to transport syrups from Baltimore, Md. and Philadelphia, Pa., to points in Delaware, Pennsylvania, Virginia, West Virginia, Ohio, North Carolina, and the District of Columbia.

No. MC 107515 Sub 216 (amended), filed March 2, 1956, published in the March 21, 1956, issue on page 1756, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods and foodstuffs, chilled foods, dairy products* as defined by the Commission, *meat, meat products and meat by-products* as defined by the Commission, *frozen fruits and vegetables, fresh fruits and vegetables, prepared dough and bakery products, yeast, dessert preparations, salads, candy and confectionary, and nuts*, in refrigerated equipment, moving on Government bills of lading, (1) from distribution points of Army Quartermaster Centers at Atlanta and Columbus, Ga., and Columbia, S. C., to military installations at or near Cocoa, Orlando, Pine Castle, Tampa, Jacksonville, Mayport, Miami, Key West, West Palm Beach and Homestead, Fla., (2) from distribution points of Army Quartermaster Centers at New Orleans, La., to military installations at or near Jacksonville, Fla., Blytheville, Hot Springs and Pine Bluff, Ark., Columbus and Greenville, Miss., and Millington, Tenn., and (3) between Army Quartermaster Centers and military installations located in or near New Orleans, La., and Memphis, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

No. MC 107515 Sub 218, filed March 13, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, from Arkansas City, Kans., to points in Alabama, Georgia, and Florida. Applicant is authorized to conduct operations in Alabama, Georgia, Tennessee, South Carolina, North Carolina, Wisconsin, Mississippi, Missouri, Texas, Ohio, Florida, Louisiana, and Oklahoma.

No. MC 110148 Sub 36, filed March 12, 1956, TRANSIT, INC., Herman, Nebr. For authority to operate as a *common*

carrier, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Sioux City, Iowa, and points within 10 miles thereof, to points in South Dakota north and east of the Missouri River, and points in Gregory, Lyman and Tripp Counties, S. Dak., and *rejected or contaminated shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Kansas, Nebraska, Iowa, Missouri and Oklahoma.

No. MC 11545 Sub 15, filed March 15, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta, Ga. For authority to operate as a common carrier, over irregular routes, transporting: *Farm tractors* (on flat bed trailers), from Rock Island, Ill., Racine, Wis., Minneapolis, and St. Paul, Minn., and points within 10 miles of each to points in Georgia.

No. MC 112617 Sub 19, filed March 12, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from points in Bollinger, Cape Girardeau, Scott and Stoddard Counties, Mo., to points in Arkansas, Illinois, Kentucky, Missouri, and Tennessee, (2) from points in Gallatin, Hamilton, Jackson, Saline, Union, White and Williamson Counties, Ill., to points in Illinois, Kentucky, Missouri, and Tennessee, (3) from points in Gibson, Pike, and Warrick Counties, Ind., to points in Illinois, Indiana, and Kentucky, (4) from points in Crawford, Jackson, Jennings, Orange, Scott, and Washington Counties, Ind., to points in Indiana and Kentucky, (5) from points in Dearborn, Decatur, Franklin, and Ripley Counties, Ind., to points in Indiana, Kentucky and Ohio, and (6) from points in Butler, Clinton and Warren Counties, Ohio, to points in Indiana, Kentucky, and Ohio.

No. MC 114091 Sub 10, filed March 6, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 Seventh Street Road, Louisville, Ky. Applicant's attorney: Robert H. Levy, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Davidson County, Tenn., to points in Kentucky. Applicant is authorized to conduct operations in Illinois and Kentucky.

No. MC 114431, filed October 6, 1953 (REOPENED FOR FURTHER HEARING), JOSEPH H. CURTIS, MARVIN E. CURTIS, AND WILLIAM E. CURTIS, doing business as JOSEPH CURTIS & SONS, R. F. D. No. 2, Troy, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a common carrier, over irregular routes, transporting: *Green hides, and animal casings*, in brine or salt water (as more fully described in the application), from Troy, Ohio, to Chicago, Ill., and points within the Com-

mercial Zone thereof as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 114912 Sub 6, filed March 13, 1956, CHARLES J. KOTWICA, doing business as ROME EXPRESS, 714 West Court Street, Rome, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: (1) *Aluminum rod, wire, and cable*, bare and insulated, and *copper rod*, from Rome, N. Y., to Pompton Lakes and Passaic, N. J., Bridgeport, Conn., Bristol, Providence, and Pawtucket, R. I., Philadelphia and Conshohocken, Pa., Springfield, Worcester, Holyoke and Brookfield, Mass., *Empty spools, reels and containers, or other such incidental facilities* (not specified) used in transporting the commodities specified above from the above-described destination points to Rome, N. Y., (2) *Copper wire*, from Rome, N. Y., to Leeds, Fitchburg, Cambridge, and West Acton, Mass., and Winsted, Wallingford, and Willimantic, Conn., and *empty spools, reels and containers, or other such incidental facilities* (not specified) used in transporting the commodities specified above, from the above-specified destination points to Rome, N. Y., and (3) *Empty spools, reels and containers*, used in the transportation of copper and brass wire and wire cloth, from Providence, R. I., to Rome and Camden, N. Y. Applicant is authorized to conduct operations in New York, Rhode Island, Connecticut, New Jersey, and Pennsylvania.

No. MC 115379 Sub 1, filed March 20, 1956, JOHN D. BOHR, JR., R. D. No. 2 Annville, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a common carrier, over irregular routes, transporting: *Sand*, from points in Cecil County, Md., to points in Dauphin and Lebanon Counties, Pa.

No. MC 115557 Sub 3, filed March 14, 1956, CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. For authority to operate as a common carrier, over irregular routes, transporting: *New Furniture*, from Red-bank Township, Clarion County, Pa., to points in Ohio, Indiana, Illinois, Lower Peninsula of Michigan, New York, New Jersey, Maryland, District of Columbia, West Virginia, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts.

No. MC 115746, filed December 30, 1955, GEORGE ZINNO, TONY ZINNO, AND DOMINICK ZINNO, doing business as ZINNO PRODUCE OF PUEBLO, COLO., P. O. Box 367, Pueblo, Colo. Applicant's attorney: Dale P. Tursi, 422 Thatcher Building, P. O. Box 625, Pueblo, Colo. For authority to operate as a common carrier, over irregular routes, transporting: *Lumber*, in bulk, finished and rough (for use basically in flooring), and *empty containers*, such as burlap bags, cardboard boxes, wooden crates, and bushel baskets, between Pueblo, Alamosa, Monte Vista, and Center, Colo., Dallas, Marshall, and Fort Worth, Tex., Hope,

Ark., Oklahoma City, Okla., Memphis, Tenn., and Trout, and New Orleans, La.

No. MC 115780 Sub 1, filed March 12, 1956, THE SPRINGDALE CORPORATION, 98 Stamford Avenue, Stamford, Conn. For authority to operate as a common carrier, over irregular routes, transporting: *Scrap sheet copper and brass*, and *bins* (used in inbound movements of sheet copper and brass), from Green Island, N. Y., to Springdale, Conn. Applicant is authorized to conduct operations in New York and Connecticut.

No. MC 115804, filed February 9, 1956, VERN BELLOWS, doing business as BELLOWS AND BELLOWS, Cameron, Wis. Applicant's attorney: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a common carrier, over irregular routes, transporting: *Cleaning, scouring or washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap chips or flakes, soap powder or granules, vegetable oil shortening, and advertising matter and premiums* related thereto and moving therewith, from Cameron, Wis., to points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, that portion of Taylor County located on and west of Wisconsin Highway 73, and Eau Claire Counties, Wis.

NOTE: Service restricted to pool car or pool truck distribution.

No. MC 115834, filed February 27, 1956, WILLIE T. BOAZ, BOBBY BOAZ AND CLYDE BOAZ, A PARTNERSHIP, doing business as BOURBON TRANSFER CO., 1 Pinecrest Avenue, Paris, Ky. Applicant's attorney: James S. Wilson, Jr., Wilson Building, Paris, Ky. For authority to operate as a contract carrier, over irregular routes, transporting: *New and used farm machinery, vehicles, equipment, materials and supplies* used in connection with blue grass stripping and processing, and *blue grass seed*, in seasonal operations between May 1 and August 1 of each year, between points in Bourbon County, Ky., and points in Indiana and Ohio.

No. MC 115845, filed February 29, 1956, FRED L. MATT, doing business as MATT TRANSFER & STORAGE, 1831 Fourth Street, Sacramento, Calif. For authority to operate as a contract carrier, over regular routes, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sacramento, Calif., and San Francisco, Calif., (1) from Sacramento over U. S. Highway 40, via Oakland, Calif., and the San Francisco-Oakland Bay Bridge, to San Francisco, serving no intermediate points, and (2) from Sacramento over U. S. Highway 99 to Stockton, Calif., serving no intermediate points.

No. MC 115849, filed March 2, 1956, ALEX KATAUSKAS, doing business as KATAUSKAS TRUCKING, 1409 English, Westville, Ill. Applicant's attorney: Donald L. Merlie, Daniel Building, Danville, Ill. For authority to operate as a common carrier, over irregular routes, transporting: *Coal*, between Danville, Ill., and points within the area bounded by

a line beginning at Danville and extending south over U. S. Highway 1 to the junction of U. S. Highway 36, thence east over U. S. Highway 36 to the Illinois-Indiana State line, thence east over U. S. Highway 36 to the junction of Indiana Highway 43, thence north over Indiana Highway 43 to Lafayette, Ind., including Lafayette, thence west on Indiana Highway 26 to the Illinois-Indiana State line, thence west on Illinois Highway 9 to Hoopeston, Ill., thence south on U. S. Highway 1 to Danville, Ill.

No. MC 115855, filed March 5, 1956, MENSER VANDENHEUVEL AND MILDRED VANDENHEUVEL, doing business as VAN'S AIR FREIGHT SERVICE, 3071 Dickman Road, Battle Creek, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. For authority to operate as a common carrier, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalamazoo, Battle Creek, and Jackson, Mich., on the one hand, and, on the other, the Willow Run Airport at Ypsilanti, Mich., and the Wayne Major Airport at Romulus, Mich.

NOTE: Applicant states that this application is to be exclusively for the transportation of air freight with all operations to have either a prior or a subsequent movement by air. This operation is to supplement handling by air at times when weather or other conditions prevent movement by airplane between the points named above.

No. MC 115869, filed March 12, 1956, HENDRIE & COMPANY, LIMITED, 3 Peter Street, Toronto, Ontario, Canada. Applicant's attorney: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Commodities* the transportation of which because of size, weight or shape require use of special equipment, handling or rigging, and parts, materials and supplies related thereto, and moving in connection therewith, between points on the boundary line between the United States and Canada and the Ports of Entry at or near Buffalo and Niagara Falls, N. Y., and Detroit and Port Huron, Mich.

NOTE: The proposed operations will be restricted to traffic having its origin or destination in Canada.

No. MC 115872, filed March 15, 1956, THOMAS A. COSCO, doing business as COSCO TRUCKING COMPANY, 33 Lexington Street, Everett, Mass. Applicant's attorney: Joseph V. Ferrino, 21 Bennington Street, East Boston 28, Mass. For authority to operate as a contract carrier, over irregular routes, transporting: *Macaroni Products*, (manufactured) from Everett, Mass., to points and places in Rhode Island, Connecticut, those in New Hampshire and on South of U. S. Highway 202, and those in Maine on, south, and east of U. S. Highway 202 and west of the Penobscot River.

No. MC 115875, filed March 19, 1956, HAROLD MILLER, doing business as H. R. MILLER TRUCKING, 501 Dana Avenue, Columbus, Ohio. Applicant's

attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a contract carrier, over irregular routes, transporting: *Burial cases and caskets and coffins* (not boxed, crated or wrapped), in specially designed and equipped semi-trailers, from Columbus, Ohio to points in Pennsylvania, New York, Massachusetts, West Virginia, Virginia, Illinois, Indiana, Michigan, Kentucky, Wisconsin, North Carolina, South Carolina, Tennessee, Georgia, Florida, Maryland, and New Jersey, and damaged and returned burial cases on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 342 Sub 1, filed March 13, 1956, QUEBEC CENTRAL TRANSPORTATION COMPANY, A Canadian Corporation, 89 Wellington Street North, Sherbrooke, Quebec, Canada. Applicant's attorney: W. H. Parsons, Solicitor, Colorado Building, 14th and G Streets NW., Washington 5, D. C. For authority to operate as a common carrier, over a regular route, transporting: *Passengers, and their baggage, express, newspapers and mail*, in the same vehicle with passengers, between a point on U. S. Highway 5, eight-tenths (0.8) of a mile east of Derby Center, Vt., and the boundary line between the United States and Canada at Beebe Plain, Vt., from a point on U. S. Highway 5, eight-tenths (0.8) of a mile east of Derby Center over the Lake Road, an unnumbered highway (a distance of 3.1 miles), to the boundary line between the United States and Canada at Beebe Plain, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Newport, Vt., and the boundary line between the United States and Canada (at a point one mile northeast of Derby Line, Vt.). Applicant is authorized to conduct operations in Vermont.

No. MC 115812, filed February 13, 1956, THEODORE R. WIRTH, North Creek Road, Palmyra, N. Y. Applicant's attorney: Norman M. Pinsky, fifth floor Weiler Building, 407 South Warren Street, Syracuse 2, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, with passengers, in charter operations, beginning and ending at points in Cayuga, Genesee, Livingston, Monroe, Ontario, Orleans, Oswego, Seneca, Tompkins, Wayne, Wyoming and Yates Counties, N. Y., and extending to points in the United States.

No. MC 115867, filed March 12, 1956, A. D. BURKS, doing business as ROCKET BUS LINE, 1055 Phillips Street, Dyersburg, Tenn. Applicant's attorney: M. Watkins Ewell, Masonic Building, Dyersburg, Tenn. For authority to operate as a common carrier, over a regular route, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Dyersburg, Tenn., and Jackson, Tenn., from Dyersburg over U. S. Highway 51 to junction Tennessee Highway 20, thence over Tennessee

Highway 20 to Jackson, and return over the same route, serving all intermediate points.

NOTE: Applicant states he will make charter trips throughout the country originating along said route.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12604 Sub 1, filed March 16, 1956, TALMAGE TOURS, INC., Chestnut Street Entrance, Benjamin Franklin Hotel, 9th and Chestnut Streets, Philadelphia 5, Pa. Applicant's attorney: Ralph C. Busser, Jr., 1609 Morris Building, 1421 Chestnut Street, Philadelphia 2, Pa. For a license (BMC 5) authorizing operations as a broker at Philadelphia, Pa., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of passengers and their baggage in the same vehicle, in special or charter service, in round-trip, all expense tours, beginning and ending at points in Gloucester and Burlington Counties, N. J., and extending to all points in the United States.

NOTE: By this application applicant proposes to extend its operations authorized in Docket No. MC 12604, adding the counties of Gloucester and Burlington, N. J., which adjoin Camden County, N. J., which is included in applicant's present authority.

No. MC 12642, filed March 9, 1956, WILLIS VANCE, doing business as THE AD-VANCE'D TRAVEL TOUR SERVICE, 430 Vine Street, Cincinnati, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. For a license (BMC 5) authorizing operations as a broker at Cincinnati, Ohio, in arranging for transportation in interstate or foreign commerce by motor vehicle of passengers and their baggage in the same vehicles with passengers, in round-trip special or charter all-expense tours beginning and ending at Cincinnati, Ohio and extending to points in Ohio, Kentucky, Indiana, Illinois, West Virginia, Tennessee, New York, Pennsylvania, and Michigan.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F 6223. Authority sought for purchase by SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga., of the operating rights of J. BONNIE MOORE, doing business as J. B. "BONNIE" MOORE TRUCKING COMPANY, 2565 East Texas Avenue, Bossier City, La., and for acquisition by R. Q. BLACK, also of Atlanta, of control of such operating rights through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Operating rights sought to be transferred: *Machinery or machines or parts thereof* (except oil field commodities), *heating or power boilers, iron or steel tanks, plate or sheet iron or steel smokestacks, and implements necessary to the installation, operation, and maintenance of such machinery, machines, boilers, tanks or smokestacks, as a common carrier, over irregular routes, between points in Louisiana, Arkansas, Texas, and Mississippi.* Vendee is authorized to operate as a common carrier in South Carolina, Tennessee, Georgia, Alabama, Florida, Louisiana, Mississippi, and North Carolina, and as a contract

carrier in Georgia, Alabama, Florida, North Carolina, South Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6224. Authority sought for control by H. BEALE ROLLINS, 239 East Redwood Street, Baltimore 2, Md., of the operating rights and property of ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., INC., 260 University Avenue, Atlanta, Ga., and JOHNSON MOTOR LINES, INC., 2426 Hutchison Avenue, Charlotte, N. C. Applicants' attorney: Edgar Watkins, Munsey Building, Washington 4, D. C. Operating rights sought to be controlled and merged: (Atlanta-New Orleans Motor Freight Co., Inc.): *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Atlanta, Ga., and Mobile, Ala., and between Pensacola, Fla., and Flomaton, Ala., serving certain intermediate and off-route points; alternate routes for operating convenience only; general commodities, with certain exceptions not including household goods, over regular routes, between Pensacola, Fla., on the one hand, and, on the other, United States Navy Yard, Fort Barrancas, Corey Field, Soufley Field, Brownville, and Ellyson Field, Fla.; (Johnson Motor Lines, Inc.): general commodities, with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Boston, Mass., and the Maryland-Pennsylvania State line, between Providence, R. I., and Hartford, Conn., between Trenton, N. J., and the Pennsylvania-Delaware State line, between Reading, Pa., and the Maryland-Pennsylvania State line, between Harrisburg, Pa., and Baltimore, Md., between Wilmington, Del., and Penns Grove, N. J., between Baltimore, Md., and Richmond, Va., between the North Carolina-Virginia State line and Greensboro, N. C., between Asheville, N. C., and the North Carolina-South Carolina State line, between Reidsville, N. C., and Winston-Salem, N. C., between Thomasville, N. C., and Winston-Salem, N. C., between Charlotte, N. C., and Statesville, N. C., between Gastonia, N. C., and Lincolnton, N. C., between Lancaster, S. C., and Pineville, N. C., between Rockingham, N. C., and Columbia, S. C., between Chester, S. C., and the South Carolina-Georgia State line, between Greenville, S. C., and the South Carolina-Georgia State line, between Greenville, S. C., and Columbia, S. C., and between Columbia, S. C., and Mullins, S. C., serving certain intermediate and off-route points; alternate routes for operating convenience only; general commodities, with certain exceptions including household goods, over irregular routes, between certain points in North Carolina and South Carolina; *aluminum articles*, from the plant site of the Aluminum Company of America, near New Kensington, Pa., to Dunbarton, S. C. Applicant holds no authority from the Interstate Commerce Commission, but is affiliated with both of the carriers named above. Application has not been

filed for temporary authority under section 210a (b).

No. MC-F 6225. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of FULLER-TOPONCE TRUCK COMPANY, 2041 Lincoln Avenue, Ogden, Utah. Applicants' attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Preston, Idaho, between Salt Lake City, Utah, and Malad City, Idaho, between junction U. S. Highways 89 and 91 north of Farmington, Utah, and Ogden, Utah, and between Brigham, Utah, and Logan, Utah, serving certain intermediate and off-route points. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6226. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga., of a portion of the operating rights of EMPIRE STATE EXPRESS, INC., 1137 Tenth Avenue, Columbus, Ga., and for acquisition by H. D. WINSHIP AND H. L. SPRING, also of Atlanta, of control of such rights through the purchase. Applicants' attorney: Burton C. Kinney, General Traffic Manager, Georgia Highway Express, Inc., 2090 Jonesboro Road SE., Atlanta 15, Ga. Operating rights sought to be purchased: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Albany, Ga., and Columbus, Ga., serving all intermediate points and certain off-route points; alternate route for operating convenience only between Atlanta, Ga., and Americus, Ga.; *property* between Columbus, Ga., and Americus, Ga., between Albany, Ga., and Thomasville, Ga., and between Columbus, Ga., and Albany, Ga. (transferor is presently performing this transportation under the second proviso of section 206 (a) (1) of the act. Vendee is authorized to operate in Alabama, Georgia and Tennessee. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary,

[F. R. Doc. 56-2309; Filed, Mar. 27, 1956;
8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice

(49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31851: *Fine coal—Illinois, Indiana, and Kentucky to Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, screened, carloads from mines in coal districts in Illinois, Indiana and western Kentucky to Waterloo, Cedar Falls, Aladdin, Aladdin Station, and East Waterloo, Iowa.

Grounds for relief: Natural gas competition and circuitry.

Tariff: Supplement 40 to Atchison, Topeka & Santa Fe Railway Company tariff I. C. C. 14708 and fourteen other tariffs as set forth in exhibit 1 of the application.

FSA No. 31852: *Fine coal—Illinois, Indiana, and Kentucky to Dubuque, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, screened, carloads from mines in coal districts in Illinois, Indiana and western Kentucky to Dubuque, Iowa.

Grounds for relief: Natural gas competition and circuitry.

Tariff: Supplement 40 to Atchison, Topeka & Santa Fe Railway Company tariff I. C. C. 14708 and sixteen other tariffs as set forth in exhibit 1 of the application.

FSA No. 31853: *Fertilizer and materials—Nichols Siding, N. Y., to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Nichols Siding, N. Y., to destinations in southern territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 4 to Agent Boin's I. C. C. A-1075.

FSA No. 31854: *Road building material—Ensley, Ala., to Arlton and Ozark, Ala.* Filed by R. E. Boyle, Jr., Agent for interested rail carriers. Rates on road building material, carloads from Ensley, Ala., to Arlton and Ozark, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 50 to Agent Spaninger's I. C. C. 1159.

FSA No. 31855: *Commodities, from and to points in official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts, carloads, catalogues, carloads, magazines and periodicals, carloads and fluor spar, carloads from specified points in official territory to specified points in official, southern, and western trunkline territories.

Grounds for relief: Carrier competition and circuitry.

FSA No. 31856: *Caustic potash—Charleston, W. Va., group to Cincinnati, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on potassium (potash), caustic, tank-car loads from Charleston, W. Va., and sixteen other points in West Virginia in the Charleston area on Chesapeake and Ohio and New York Central railroads to Cincinnati, Ohio.

Grounds for relief: Potential barge competition and circuitous routes.

FSA No. 31857: Substituted service—Pennsylvania Railroad. Filed by Eastern Central Motor Carriers Association, Agent, for interested motor carriers and The Pennsylvania Railroad Company. Rates on various commodities loaded in highway trailers between Chicago and East St. Louis, Ill., on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other, on traffic originating at or destined to points beyond on motor carriers as described in exhibit 1 of the application.

Grounds for relief: Competition with motor carriers.

Tariff: Eastern Central Motor Carriers Association tariff I. C. C. No. 6.

FSA No. 31858: Acids and chemicals—Texas to Lancaster, S. C. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on acids and chemicals, tank-car loads from Bishop and Brownsville, Tex., to Lancaster, S. C.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 167 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31859: Window glass—Ohio, Pennsylvania, and West Virginia to Florida. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on glass, window, other than plate, carloads from Mt. Vernon, Ohio, Jeannette and New Kensington, Pa., Charleston, W. Va., and other specified points in West Virginia to Dania, Fla., and other specified points in Florida.

Grounds for relief: Circuitous routes.

Tariff: Supplement 20 to Agent Hinsch's I. C. C. 4664.

FSA No. 31860: Paper and paper articles—Plattsburg, N. Y., to lower Mississippi River crossings. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, viz: toilet, towels, and napkins, carloads from Plattsburg, N. Y. to Memphis, Tenn., and other Mississippi River crossings south thereof.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-2283; Filed, Mar. 26, 1956;
8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 23, 1956.

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

LONG-AND-SHORT HAUL

FSA No. 31861: Liquid caustic soda to Tennessee. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Evans City, McIntosh, and Redstone Arsenal, Ala., Calvert, Ky., Memphis, Tenn., Baton Rouge and North Baton Rouge, La., Saltville, Va., Charleston, W. Va., and group to Chattanooga, North Chattanooga, Boyce, Calhoun, and Lowland, Tenn.

Grounds for relief: Barge, barge-truck, and market competition, and circuitous routes.

Tariff: Supplement 159 to Agent Spaninger's I. C. C. 1251 and four other tariffs.

FSA No. 31862: Substituted rail service—Norfolk and Western and Pennsylvania Railroads. Filed by Southern Motor Carriers Rate Conference, Agent, for Norfolk and Western Railway Company and Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities, in highway truck trailers loaded on railroad flat cars between Winston-Salem, N. C., on one hand, and Kearny, N. J., and Philadelphia, Pa., on the other, on traffic from or to points beyond the named points on motor carriers.

Grounds for relief: "Trailer-on-flat-car" motor-truck competition.

Tariff: Southern Motor Carriers Conference, Agent, I. C. C. 28.

FSA No. 31863: Commodities between points in southern territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities, in carloads, as described in exhibits A and B of the application between points in southern territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 22 to Agent Spaninger's I. C. C. 1483.

FSA No. 31864: Grain and seeds—Minnesota to Wisconsin. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, flaxseed and soybeans, carloads from specified points in Minnesota to Itasca, Superior, Superior (Central Avenue), and Superior, East End, Wis., for movement to points beyond via water carriers.

Grounds for relief: Circuitous routes. Tariff: Supplement 7 to Agent Prueter's I. C. C. A-4104.

FSA No. 31865: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on cement or concrete mix, carloads, and other commodities, carloads as described in the application between points in Texas over interstate routes.

Grounds for relief: Intrastate competition, short-line distance formula and circuitry.

Tariff: Supplement 15 to Agent Brown's I. C. C. 865.

FSA No. 31867: Tractors and parts—Illinois and Indiana to Louisiana. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on tractors, tractor engines and tractor parts, carloads from Chicago, Joliet, Libertyville, and Peoria, Ill., and Hammond, Ind., to Baton Rouge, Gonzales, Good Hope, Gramercy, New Orleans, and Reserve, La.

Grounds for relief: Carrier competition and circuitry.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31866: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on cement or concrete mix, carloads, and other commodities, in carloads, as described in the application, between points in Texas over interstate routes.

Grounds for relief: Maintenance of present through one factor rates from or to points outside Texas not depressed by intrastate competition.

Tariff: Supplement 15 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-2308; Filed, Mar. 27, 1956;
8:48 a. m.]

