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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (9) is added to § 6.114 as set out below.

§ 6.114 Department of Health, Education, and Welfare. * * *

(b) Public Health Service. * * *
(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 56-4055; Filed, May, 22, 1956; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

REVISION OF PART

Part 512, including §§ 512.1 and 512.2 is revised to read as follows:

- Sec.
512.1 Clemency.
512.2 Correspondence and visits.
512.3 Temporary parole.

AUTHORITY: §§ 512.1 to 512.3 issued under sec. 2, 38 Stat. 1085, as amended; 10 U. S. C. 1453. Interpret or apply secs. 1, 2, 38 Stat. 1074, 1075, 1085, 1086; 10 U. S. C. 1455, 1457, 1457a, 1457b.

SOURCE: AR 633-10, January 20, 1956, and AR 633-5, March 29, 1956.

§ 512.1 Clemency.—(a) General. The regulations of this section establish uniform policies for the mitigation, remission and suspension of sentences of Army prisoners. For further information, see Manual for Courts-Martial 1951 (16 F. R. 1303), paragraph 97.

(b) Authority to mitigate, remit, and suspend sentences. (1) Any commanding officer of a sentenced or unsentenced prisoner who has the authority to appoint a court of the kind that imposed the sentence, or any superior military authority, may mitigate, remit, or suspend, in whole or in part, any unexecuted portion of a sentence (including all uncollected forfeitures) adjudged by a court-martial, other than a sentence extending to death or dismissal or affecting a general officer, with the following exception: only the Secretary of the Army or other person designated by him may mitigate, remit, or suspend the unexecuted portions of sentences of sentenced prisoners confined in United States disciplinary barracks or in institutions under the control of the Attorney General.

(2) As an exception to Article 74 (a), Uniform Code of Military Justice, the President has delegated to the Secretary of the Army the authority as to persons convicted by military tribunals under jurisdiction of the Department of the Army to remit or suspend any part or amount of the unexecuted portion of any sentence extending to death which, as approved by the President, has been commuted to a lesser punishment (Executive Order 10498, 4 Nov. 53, 18 F. R. 7003).

(3) After being informed of the decision of the Board of Review in a case referred to it, The Judge Advocate General may, prior to taking the action prescribed in Manual for Courts-Martial, 1951, paragraph 100c (1), mitigate, remit, or suspend in whole or in part any unexecuted portion of a sentence other than a sentence extending to death or dismissal or affecting a general officer

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplement is now available:

Title 32A (Rev., 1955) (\$1.25)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 7: Parts 1-209 (\$1.25); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. I, and Title 27 (\$1.00); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), 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)

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(including all uncollected forfeitures) adjudged by a court-martial.

(4) Under the provisions of Article 74 (b), Uniform Code of Military Justice, only the Secretary of the Army may authorize, for good cause, substitution of an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

(c) *Policy.* So far as may be consistent with the maintenance of military discipline and the preservation of good order, commanders will exercise their authority to mitigate, remit, or suspend unexecuted portions of court-martial sentences when they deem that such action is merited and will result in restoration to duty or otherwise contribute to the rehabilitation of the prisoner. A prisoner's civilian, military, and confinement record will be considered in determining his suitability for clemency.

(d) *Responsibility for required clemency consideration.* Each prisoner will be considered for clemency in accordance with paragraph (e) of this section, by the authorities designated as follows:

(1) *Guardhouses and stockades.* Prisoners confined in the foregoing facilities will be considered for clemency by the commander exercising general court-martial jurisdiction over the prisoners.

(2) *Hospitals.* Prisoners in hospitals who are carried on the rolls of disciplinary barracks will be considered for clemency in accordance with subparagraph (3) of this paragraph. All other prisoners in hospitals, including those prisoners who are designated for confinement in a disciplinary barracks or Federal institution but who are hospitalized prior to arrival at such institutions, except for persons to whom paragraph (b) (2) of this section applies, will be given clemency consideration by the command-

er exercising general court-martial jurisdiction over the prisoners.

(3) *Disciplinary barracks and Federal institutions.* Each prisoner serving a sentence in a disciplinary barracks or Federal penal or correctional institution or released on parole or conditionally released from such institutions, and each prisoner in a hospital who is carried on the rolls of a disciplinary barracks, will be considered for clemency by the Secretary of the Army. Commandants of disciplinary barracks and wardens of Federal penal and correctional institutions are responsible for furnishing The Provost Marshal General, Department of the Army, case histories of Army prisoners, together with their recommendations concerning restoration to duty and clemency.

(e) *Time of clemency consideration.* (1) Prisoners sentenced to dismissal, dishonorable or bad conduct discharge, and confinement will be considered for clemency by the authority specified in paragraph (d) of this section, as follows:

(i) In cases in which the sentence to confinement is less than 8 months, as soon as practicable.

(ii) In cases in which the sentence to confinement is 8 months or more and less than 2 years, not earlier than 4 months nor later than 6 months from the date the sentence to confinement became effective, and annually thereafter.

(iii) In cases in which the confinement is 2 years or more, not earlier than 6 months nor later than 8 months from the date the sentence to confinement became effective, and annually thereafter.

(iv) In any case at any time prior to completion of the sentence, upon recommendation for cause.

Note: The date on which initial clemency consideration is due will be extended by any period during which credit is not given for serving a sentence.

(2) In addition to the considerations for clemency otherwise required, written application for a special clemency consideration, setting forth a basis for the application and containing sufficient grounds for further clemency consideration, may be made by the prisoner or in behalf of the prisoner, and forwarded through channels to the appropriate convening authority having court-martial jurisdiction if the prisoner is confined in a place other than a disciplinary barracks or Federal penal or correctional institution. If the prisoner is confined in a disciplinary barracks or Federal penal or correctional institution, such application will be forwarded to The Provost Marshal General, Department of the Army.

(3) A prisoner released on parole from a disciplinary barracks will be considered annually for clemency until expiration of his sentence as reduced by abatements if the sentence was adjudged prior to May 31, 1951 and without credit for abatements if the sentence was adjudged on or after May 31, 1951.

(4) A prisoner released on parole or conditionally released from a Federal penal or correctional institution will be considered annually for clemency until

expiration of the full term of his sentence or sentences without credit for abatements.

§ 512.2 *Correspondence and visits—*
(a) *General.* The maintenance of wholesome and frequent contacts with their families and others genuinely interested in their welfare is a vital factor in the rehabilitation of persons in confinement. The right of prisoners to mail and visiting privileges will be limited only by security requirements and the facilities available for proper inspection, handling and supervision. Restrictions on mail or visiting privileges will not be imposed as a disciplinary measure.

(b) *Authorized correspondents and visitors.* No limitations will be imposed as to the number of persons who may be approved for the purpose of visiting or corresponding with a prisoner. The prisoner's wife, children, parents, brothers, and sisters should be approved uniformly, unless disapproval is required in the interest of safe administration or the prisoner's welfare. Other persons may be approved as correspondents and visitors when this appears to be in the best interest of the prisoner.

(c) *Mail.* (1) Incoming and outgoing mail will be inspected for unauthorized content.

(2) Restrictions will not be placed on the number of letters to or from authorized correspondents, except as necessary for security and control, prevention of unreasonable individual excesses, or to prevent delays in processing mail. Normally, prisoners will be permitted to write at least two letters each week and to receive all incoming letters from authorized correspondents. Mail privileges for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Letters to members of Congress, to Federal officials, to higher military authority, or to inspectors general, and correspondence regarding legal matters in which the prisoner has a legitimate interest, will be forwarded to the addressee, subject to inspection. Other special purpose correspondence may be permitted at the discretion of the installation commander or commandant. Letters to members of Congress or the President, and petitions for writs or release, will be forwarded direct to the addressee. Letters containing accusations, charges, or complaints, if addressed to other than a member of Congress or the President, will be forwarded through proper channels to officials who have the authority to correct the complaints or alleged wrongs.

(3) Vulgar or obscene language or any violations of postal laws will not be permitted.

(d) *Visits.* (1) Restrictions on the number and length of visits and on the number of authorized persons permitted to visit at any one time, will be limited to those which are necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities. Normally, sentenced prisoners should be permitted to receive visits of 1 to 2 hours' duration on nonworkdays (weekends and holi-

days) at least twice monthly. However, in determining the need for exceptions, consideration should be given to the distance traveled by visitors, the frequency of visits, and other pertinent factors. Visits for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Reasonable exceptions as to time and length of visits will be made for attorneys to interview their clients regarding pending legal affairs.

(2) All visits to prisoners will be supervised.

(e) *Other.* The receiving of articles other than correspondence may be authorized by installation commanders or commandants. Telegraphic communications may be authorized only when warranted by existing circumstances. Telephone calls to or by prisoners, at the expense of the caller, will be permitted only in emergencies when no other means of communication will suffice, will be monitored, and will be limited to the emergency subject.

§ 512.3 *Temporary parole.* The installation commander or commandant may authorize a brief home visit by a prisoner, for emergency reasons, after determining that circumstances exist which justify such special action, and that such action is not inconsistent with custodial requirements or the public safety. For this purpose, a temporary parole may be granted the prisoner, analogous to emergency leave, unless the installation commander or commandant determines that travel under guard is required. Travel and subsistence expenses incident to such a home visit, including those of any accompanying guard, will be borne by the prisoner. Normally, visits will be granted only in case of critical illness of an immediate relative, on the basis of verified information, and will be limited to the minimum number of days considered necessary, usually not exceeding one week, exclusive of travel time. For this purpose, "immediate relative" will include wife, children, parents, brothers and sisters, and other persons closely related to the prisoner.

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 56-4027; Filed, May 22, 1956;
8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-1]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

WEATHER REPORTING FACILITIES AND REQUIREMENTS COVERING LANDING LIMITATIONS OUTSIDE CONTINENTAL UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1956.

Part 40 of the Civil Air Regulations contains the certification and operation rules for scheduled air carriers conducting interstate operations. Part 41, on the other hand, contains the regulations applicable to scheduled air carriers operating outside the continental limits of the United States. However, § 40.1 of Part 40 permits the Administrator to authorize air carriers whose operations are essentially domestic in character to operate on routes extending beyond the continental limits of the United States in accordance with the provisions of Part 40 in lieu of the provisions of Part 41 in order to permit continuity of operating procedures throughout the air carriers' systems.

Currently effective § 40.35 of Part 40 requires air carriers to show that sufficient weather reporting services are available en route to insure necessary weather reports and forecasts prepared and released by the United States Weather Bureau or by a source approved by the Weather Bureau. However, reports prepared by the United States Weather Bureau or a source approved by the Weather Bureau are not normally available for areas under the jurisdiction of other nations.

Currently effective § 40.406 of Part 40 prescribes the take-off and landing weather minimum requirements for IFR flight. These requirements include provisions allowing pilots to "take-a-look" to determine whether conditions at the airport are at or above prescribed weather minimums and, if so, to continue to approach and land. Authority to "take-a-look" is limited to airports served by ILS and GCA in operative condition or to airports at which certain instrument approach procedures are commenced when weather conditions above prescribed minimums exist but which a later report indicates are below minimum requirements. Part 41, on the other hand, prohibits air carriers from "taking-a-look" only at airports at which United States Weather Bureau reports indicate below minimum conditions exist. At airports outside the United States which do not possess a United States Weather Bureau reporting service, a pilot may in his discretion "take-a-look". If he finds that weather conditions at the airport are at or above prescribed weather minimums, he may complete the approach and land.

The inapplicability of § 40.35 to air carrier operations outside the United States and the inconsistency between Parts 40 and 41 with respect to "take-a-look" restrictions appear to have been an oversight. In order to correct this situation, § 40.35 is being amended to provide for the use of weather reports prepared by sources other than those approved by the United States Weather Bureau on routes extending beyond the continental limits of the United States on which operations are conducted pursuant to § 40.1. These "other" sources shall be approved by the Administrator. In addition, § 40.406 is being amended to prohibit pilots from "taking-a-look"

only when the latest United States Weather Bureau report or a report from a source approved by the Weather Bureau indicates the ceiling or visibility to be less than the prescribed minimum. This will enable pilots flying on routes outside the continental United States pursuant to § 40.1 to exercise the same "take-a-look" privileges as are available to pilots flying in accordance with Part 41.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented (20 F. R. 8579).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective June 22, 1956:

1. By amending § 40.35 to read as follows:

§ 40.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Forecasts used to control flight movements shall be prepared from weather reports furnished in accordance with paragraphs (a) and (b) of this section as appropriate.

(a) For operations within the continental limits of the United States, weather reports used to control flight movements shall be those prepared by the United States Weather Bureau, or by a source approved by the Weather Bureau.

(b) For operations authorized in accordance with § 40.1 to be conducted outside the continental limits of the United States, weather reports used to control flight movements may be those prepared by any source approved by the Administrator.

2. By amending § 40.406 to read as follows:

§ 40.406 *Take-off and landing weather minimums; IFR.* (a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the ceiling or ground visibility reported by the U. S. Weather Bureau or by a source approved by the Weather Bureau is less than the minimum approved for the airport when used as a regular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates the ceiling or visibility is less than the landing minimum approved for the airport when used as a regular airport.

(c) An instrument approach procedure may be executed when the weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the ceiling

or visibility is less than approved minimum for landing, if the airport is served by ILS and PAR in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(d) If an instrument approach procedure is initiated when the current report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such ILS, Range, or GCA approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551-554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 56-4054; Filed, May 22, 1956; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 196]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing herein after are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except velocities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceiling are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall be made over specified routes. Minimum altitudes shall be made over specified routes.

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance to airport	Ceiling and visibility minimums				If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less	More than 2 engines	More than 65 knots	
1											
DAVENPORT, IOWA. Municipal, 78. SBRAL-DTV-MLL Procedure No. 1. Effective date: June 16, 1954. Supersedes Amendment 2, dated January 31, 1954. Major changes: (1) Missed approach procedure revised to prevent conflict with instrument holding pattern back course of MLL; (2) correction of statute to nautical miles.	Moline VOR.....	206-18.3	2,300	S side of W course: 200° outbound, 68° inbound, 2,000' within 10 miles.	1,300	040-2.3	T-dn C-dn S-dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2	More than 65 knots	12
PEORIA, ILL. Greater Peoria, 687. SBRAL-DTV-P1A. Procedure No. 1. Effective date: June 16, 1954. Supersedes Amendment 3, dated June 30, 1954. Major changes: (1) Missed approach altitude raised to 1,200' radio tower in pull-up area; (2) procedure turn distance reduced to 10 miles; (3) transition from Peoria VOR added; (4) Missed approach distance limited.	Peoria VOR.....	071-4.3	2,000	W side of N course: 000° outbound, 182° inbound, 2,000' within 10 miles.	1,500	179-2.1	T-dn C-dn S-dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2		Within 2.1 miles, climb to 2,300' on S course within 20 miles.
PIERRE, S. DAK. Pierre, 172. SBRAL-DTV-PIR. Procedure No. 1. Effective date: June 16, 1954. Supersedes Amendment 7, dated July 17, 1954. Major changes: (1) New term, "misses converted to nautical"; (2) column 5 distance revised (criteria); (3) Straight-in runway number added; (4) column 11 distance revised to 20 miles, Washington request; (5) procedure page restriction deleted.	PIR VOR.....	256-2.2	2,000	N side of E course: 082° outbound, 255° inbound, 2,000' within 10 miles.	2,500	288-2.9	*T-dn C-dn S-dn A-dn	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2	More than 65 knots	Within 2.9 miles turn left, climb to 3,000' on W course within 20 miles. *Takeoff to NW restricted to 450-1.

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Readings, bearings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibility which are in statute miles. Elevations and altitudes are in feet, MSL. Cellings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation, facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance to facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized minimum after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less	More than 2 engines	
1	2	3	4	5	6	7	8	9	10	11
CASPER, WYO. Natrona County, 5,348'. BVOB-CPE. Procedure No. 1. Amendment No. 2. Effective date: June 16, 1964. Supersedes Amendment 1, dated January 27, 1963. Major changes: new form; change missed approach procedure.	CPR LFR.....	350-10.9	7,000	N side of course; 600' outbound, 201° inbound. 7,000' within 10 miles. Beyond 10 miles not authorized.	7,000	201-13.2	T-dm C-dm S-dm A-dm	300-1 1,000-3 1,000-3 1,000-3	300-1 1,000-3 1,000-3 1,000-3	200-1 1,000-3 1,000-3 1,000-3
CLINTON, IOWA. Municipal, 70'. BVOB-MLI. Procedure No. 1. Amendment No. 1. Effective date: June 16, 1964. Supersedes Original, dated March 30, 1964. Major changes: (1) Procedure turn distance reduced to 10 miles to prevent conflict with back course ILS traffic at Maline; (2) column 5 revised to agree with C & G; (3) conversion from statute to nautical miles.	Maline LFR..... Rockford LFR.....	306-18.5 234-63.0	2,100 2,300	E side of course; 150° outbound, 345° inbound. 1,900' within 10 miles.	1,400	334-6.3	T-dm C-dm S-dm A-dm	300-1 500-1 500-2 500-2 500-2 500-2	300-1 500-1 500-1 500-1 500-2 500-2	Not applicable
PEORIA, ILL. Greater Peoria, 659'. BVOB-PFA. Procedure No. 1. Amendment No. 1. Effective date: June 16, 1964. Supersedes Original, dated November 19, 1963. Major changes: (1) Missed approach altitudes raised to 1,200' tower; (2) conversion of statute to nautical miles.	Peoria LFR.....	251-5.2	2,000	S side of course; 275° outbound, 68° inbound. 2,000' within 10 miles.	1,300	098-4.4	T-dm C-dm S-dm A-dm	300-1 400-1 400-1 800-2	300-1 300-1 400-1 800-2	200-1 500-1 500-1 800-2
PIERRE, S. DAK. Pierre, 2,747'. SBRAD-DVY-PBR. Procedure No. 1. Amendment No. 2. Effective date: June 16, 1964. Supersedes Amendment 1, dated July 17, 1964. Major changes: (1) New form; (2) column 5 distance revised (vertical); (3) columns 5, 7 and 12, courses revised and straight-in runway added column 8; (4) Missed approach distance revised; (5) previous page note deleted.	PBR LFR.....	026-2.2	3,000	N side of course; 675° outbound, 255° inbound. 3,000' within 10 miles.	2,000	255-4.9	*T-dm C-dm S-dm A-dm	300-1 400-1 400-1 800-2	300-1 400-1 400-1 800-2	200-1 500-1 500-1 800-2

3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibility which are in statute miles. Elevations and altitudes are in feet, MSL. Ceiling are in feet above airport elevation. If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport as authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation, feet; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and dis- tance	Mini- mum al- titude (ft.)	Procedure turn (—) side of final approach course (out- bound and inbound); al- titudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. centerline extended and final approach course to beginning of run- way	Ceiling and visibility minimums				If visual contact not established at TVOR, or if landing not accom- plished
							2 engines or less		More than 2 engines	More than 65 knots	
							Condition	65 knots or less			
1	2	3	4	5	6	7	8	9	10	11	12
WAKE ISLAND Wake Airport, 10'. VOR-AWK. Amendment: Original. Effective date: June 16, 1956.	Procedure No. TVOR-9.....	.....	.....	S side of course; 280° outbound, 100° inbound, 1,000' within 10 miles.	500	#03-0.48	T-dn C-dn	400-1 500-1	400-1 500-1	400-1 300-1½	Climb to 1,500' on R-100 within 20 miles. #Approximately over AXX MHW.
	Procedure No. TVOR-27.....	.....	.....	N side of course; 190° outbound, 270° inbound, 1,000' within 10 miles.	500	275-0.87	S-dn 9-27 A-dn	500-1 800-2	500-1 800-2	500-1½ 800-2	Climb to 1,500' on R-270 within 20 miles.

4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses, and radials are magnetic. Elevations and altitudes are in feet MSL. If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure or such airport as authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

NOTE: Distances are in nautical miles unless otherwise indicated except visibility, which are in statute miles.

El Paso, Tex.; International Airport; elevation 3,695'; facility BVOR/DME; identification ELP; Amendment No. 2; effective date, June 16, 1956; supersedes Amendment 1, dated January 18, 1956.

Transition to facility or transition to DME orbit				Procedure turn; side of approach; radial; altitudes; limiting distances	Minimum altitude on approach radial				Procedure No.; direct or right or left turn to final approach orbit; Runway No.	Minimum altitude on final approach orbit			Ceiling and visibility minimums			If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished —	
From— (mi.)	To— (mi.)	Radial	Minimum altitude (ft.)		From— (mi.)	To— (mi.)	Radial	Minimum altitude (ft.)		From radial	To radial	Minimum altitude (ft.)	Condition	2 engines or less			More than 2 engines
														65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
15 8	8 0		5,300 5,100	S side 070° 6,500' within 10 miles.	10 5 0	5 0 4.7	070 070 250	5,300 4,800 4,300	Procedure No. 1 direct to runway 24.				T-dn C-dn #S-dn A-dn	200-1 300-1 400-1 800-2	200-1 300-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2	Turn left to 125, climb to 5,000', intercept and proceed on R-150 within 20 miles.
					10 0 0	0 5.9 5.8	070 325 200	5,200 4,800 4,300	Procedure No. 2 left 5.9 runway 17.	325 275 247							Turn left to 125, climb to 5,000', intercept and proceed on R-150 within 20 miles.
					10 0 0	0 5.8 5.8	070 300 200	5,200 4,800 4,300	Procedure No. 3 right 5.8 runway 31.	290 247 247							Turn right to 125, climb to 5,000', intercept and proceed on radial 150° within 20 miles.

Major change: Increase orbiting altitude.

NOTE: When authorized by ATC, DME may be used within 10 miles between radials 325° clockwise to 200° at 7,300' to position aircraft for final approach, with the elimination of a procedure turn.

NOTE: DME not required for Procedure No. 1 if 5,200' is maintained to VOR.

#Straight-in to runway indicated by procedure.

* 5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall be made over specified routes. Minimum altitudes shall be made over specified routes. Minimum altitudes shall be made over specified routes.

City and State; airport name, elevation, facility, class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—		
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less	More than 2 engines (more than 60 knots)			
1	CASPER, WYO. Natrona County, 5,348'. ILS-CPR. Procedure No. 1 Amendment No. 2 Effective date: June 16, 1956. Supersedes Amendment 1, dated August 6, 1954. Major changes: Add transition from V-26; add alternate missed approach; delete procedure 2 from this form.	2	3	4	5	6	7	8	9	10	11	12	13	14
		CPR LFR.....	LOM.....	233-11.9	7,000	N side of W course: 254° outbound, 604° inbound, 7,000' within 5 miles LOM. Beyond 5 miles not authorized. Procedure turn N side due to more favorable terrain.	7,000	5,000-3.9 3,620-0.6		T-dm C-dm S-dm Runway A-dm	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	Climb to 7,500' on E course of ILS within 20 miles of LMM. Alternates missed approach procedure. When directed by ATC, climb to 7,500' on N course CPR LFR within 20 miles. Approach lights not available. Air Casuarie Note: Section 29 (A) and (B) not applicable.
	CASPER, WYO. Natrona County, 5,348'. ILS-CPR. Procedure No. 2 Amendment No. 2 Effective date: June 16, 1956. Supersedes Amendment 1, dated August 6, 1954. Major changes: Establish this procedure as separate form; establish missed approach to W.	2	3	4	5	6				T-dm C-dm S-dm Runway A-dm	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	300-1 300-2 300-3 300-4 300-5 300-6 300-7 300-8 300-9 300-10 300-11 300-12 300-13 300-14 300-15 300-16 300-17 300-18 300-19 300-20 300-21 300-22 300-23 300-24 300-25 300-26 300-27 300-28 300-29 300-30 300-31 300-32 300-33 300-34 300-35 300-36 300-37 300-38 300-39 300-40 300-41 300-42 300-43 300-44 300-45 300-46 300-47 300-48 300-49 300-50 300-51 300-52 300-53 300-54 300-55 300-56 300-57 300-58 300-59 300-60 300-61 300-62 300-63 300-64 300-65 300-66 300-67 300-68 300-69 300-70 300-71 300-72 300-73 300-74 300-75 300-76 300-77 300-78 300-79 300-80 300-81 300-82 300-83 300-84 300-85 300-86 300-87 300-88 300-89 300-90 300-91 300-92 300-93 300-94 300-95 300-96 300-97 300-98 300-99 300-100	Climb to 7,500' on W course of ILS within 20 miles of LMM. Alternates missed approach procedure; when directed by ATC, turn left and climb to 8,000' on 201° radial of CPR VOR within 20 miles. Approach lights not available. Air Casuarie Note: Section 29 (A) and (B) not applicable.

(i) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(ii) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 13.5 percent moisture, and must not grade "weevily".

2. Section 421.1145 (a) (2) is hereby amended to provide the basis of settlement for corn delivered to CCC from other than approved warehouse storage grading No. 4 on the basis of factors other than test weight, for corn grading No. 5, and for corn bearing the special grade "Weevily" in addition to a numerical grade, and also to provide the basis of settlement for ineligible corn which is inadvertently accepted by CCC and which cannot be returned, so that the amended subsection reads as follows:

§ 421.1145 Settlement—(a) Settlement value. . . .

(2) (i) Settlement for corn delivered to and purchased by CCC under a purchase agreement shall be made as provided in this section, subject to the provisions of paragraph (d), (f) and (g) of § 421.1018 of the 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 20 F. R. 4563).

(ii) Settlement for corn delivered to CCC from other than approved warehouse storage, and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade and other quality factors determined at the time of delivery in accordance with § 421.1018 (d) (4) of the 1955 C. C. C. Grain Price Support Bulletin 1 and §§ 421.1140 and 421.1141, except that in cases provided for in § 421.1018 (d) (3) of the 1955 C. C. C. Grain Price Support Bulletin 1, settlement shall be made on the basis of the grade and quality factors determined pursuant to such section or on the basis of the grade and quality factors determined at the time of delivery, whichever is higher. Settlement for eligible corn delivered to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents in accordance with § 421.1018 (d) (4) of the 1955 C. C. C. General Grain Bulletin 1. No grade or quality factors determined at any time or on any basis other than indicated herein shall be considered in determining the settlement value.

(iii) Settlement for eligible corn delivered under purchase agreement from other than approved warehouse storage grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1955 C. C. C. Grain

Price Support Bulletin 1, Supplement 2, Corn (20 F. R. 7977). Settlement for eligible corn delivered from other than approved warehouse storage and grading No. 4 on the basis of factors other than test weight and grading No. 5, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed on the basis of the applicable basic county support rate applicable for corn grading No. 3 except for moisture, less the difference, if any at the time of delivery, between the market price for No. 3 corn and the market price of the corn delivered, as determined by CCC: *Provided, however, That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.* Settlement for eligible corn delivered to CCC by the submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn.

(iv) In the event that any corn grading "Sample" or "Sample Weevily", or any corn in excess of the maximum stated in the purchase agreement is delivered to CCC under a purchase agreement and, is inadvertently accepted and CCC determines that it is not in a position to reject the corn to the producer, the settlement value shall be the market price of such corn, as determined by CCC, on the date of delivery to CCC: *Provided, however, That if such corn is sold by CCC in order to determine its market price, the settlement value shall be not less than the sales price.*

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 18th day of May 1956.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 56-4052; Filed, May 22, 1956;
8:50 a. m.]

TITLE 7—AGRICULTURE

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

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order", it is hereby found and determined, that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the act:

(1) For the period June 1-13, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period June 14-30, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) A substantial majority of the producers of milk for the market have requested this action;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in the marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for issuance of this order.

It is therefore ordered, That, the following provisions appearing in § 927.40 (a) of the order be and hereby are suspended:

(1) For the period June 1-13, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period June 14-30, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 6086)

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 56-4051; Filed, May 22, 1956;
8:50 a. m.]

[945.301 Amdt. 9]

PART 945—TOMATOES GROWN IN FLORIDA LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato

Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the *FEDERAL REGISTER* (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

(b) *Order, as amended.* The provisions of § 945.301 (b) (2), as amended (31 F. R. 2408, 2746, 3075, 3217), are hereby further amended by deleting all of such subparagraph (2). Section 945.301 (b) (3), (4), (5), (6), (7), and (8) is hereby renumbered respectively 945.301 (b) (2), (3), (4), (5), (6), and (7).

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

Done at Washington, D. C., this 21st day of May 1956, to become effective May 23, 1956.

[SEAL]

S. R. SMITH,
Director,

Fruit and Vegetable Division.

[F. R. Doc. 56-4093; Filed, May 22, 1956; 8:52 a. m.]

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. By changing the period at the end of paragraph (b) of § 1001.120 *Handler registration* to a colon and adding immediately thereafter the following: "Provided, That such applicant shall have been issued for the current season a certificate of registration pursuant to § 601.40 of the Florida Citrus Code covering the packing house in which limes are to be handled."

2. By adding in § 1001.130 *Limes not subject to regulation* immediately following paragraph (a) of such section, a new paragraph (b) reading as follows:

(b) The term "commercial processing into products," as used in paragraph (c) of § 1001.56, means the manufacture of any lime product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. Limes handled for conversion into juice without further processing or preservative treatment, as herein described, shall be deemed fresh limes subject to all regulations under this part.

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

Issued this 18th day of May 1956, to become effective 30 days after publication in the *FEDERAL REGISTER*.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-4049; Filed, May 22, 1956; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 43—MAIL DEPOSIT AND COLLECTION

PART 45—CITY DELIVERY

PART 97—APARTMENT HOUSE REGULATIONS

MISCELLANEOUS AMENDMENTS

- a. Section 43.4 *Mail chutes* is hereby rescinded.
- b. Section 43.5 *Separation of mail by sender* is redesignated as § 43.4.
- c. Section 43.6 *Recall of mail* is redesignated as § 43.5.
- d. New § 43.6 is hereby added to read as follows:

§ 43.6 *Mail chutes and receiving boxes*—(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the

expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specifications, he will endorse his approval upon the contract and report his action to the Regional Director or the regional operations manager.

(c) *Specifications for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director or regional operations manager. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¼ by ½ inches, with a second inside opening of the same size

PART 1001—LIMES GROWN IN FLORIDA

MISCELLANEOUS AMENDMENTS

Notice was published in the *FEDERAL REGISTER* issue of May 2, 1956 (21 F. R. 2895), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 1001.110 et seq.; Subpart—Rules and Regulations; 20 F. R. 6017) currently in effect pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 906, 1047).

2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend "U. S. Mail" must be plainly inscribed upon chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, without the prior approval of the Regional Director or the regional operations manager.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes.*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The bottom of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent injury to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion

if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letter box arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed "Letters". Boxes must be distinctly marked "U. S. Mail Letter Box" and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close proximity to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster, and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed "Letters" and "Letter Mail Tied in Bundles."

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P. O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled "U. S. Mail" in large letters and have on each section or at the mail opening the inscription "Letter Mail Tied in Bundles." The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letter box may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door

with an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the box and this door should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letter box arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked "U. S. Mail."

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of

all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of \$10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of \$3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations to be part of contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located. Postmasters may obtain copies of the contents of this section from their area supply centers for distribution to appropriate patrons.

(h) *Mailing chute manufacturers.* The following are approved mailing chute manufacturers:

Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn, N. Y.
Cutler Mail Chute Company, 76 Anderson Avenue, Rochester 7, N. Y.
Federal Mail Chute Corp., Ltd., 1890 Sixteenth Street, San Francisco, Calif.

(R. S. 161, 396, as amended; sec. 1, 24 Stat. 509, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 155)

e. In § 45.4 Mail receptacles rescind paragraph (c).

f. Add new § 45.6, to read as follows:

§ 45.6 *Apartment house receptacles—*

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of this section and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with this section.

(b) *Specifications for construction of receptacles—*(1) *Materials.* The receptacles shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* The receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the holder. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key-locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door or receptacle. Each lock should be clearly numbered on the back so that if key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall

not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

(4) *Master doors and locks.* (i) Each group of receptacles must be equipped with a master door or device on the opening of which the entire group of receptacles is accessible for the deposit of mail by carrier. The master door or device shall be secured by a master lock furnished by the Post Office Department for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special delivery notices.

(6) *Numbers and name cards.* (i) Mail receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be fitted with clasps or holders for placing a card on which shall be placed a list of the names of persons receiving mail through such receptacles. The holders for the lists of names may be placed on the outside of the receptacles instead of inside, if the holders are wide enough for not less than three names and are placed so that the carrier while in a standing position may read the names when the master door is open.

(7) *Arrangement and location.* (i) Not more than two tiers of boxes may be installed. Boxes should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(ii) The receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than eight in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight or where telephone units are installed with the receptacles.

(iii) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable the carriers to read the addresses on mail and the names on boxes without undue strain on their eyes and without molestation by swinging or opening doors. The receptacles must be placed

so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor and the center of the barrel of the master lock of the lower tier will be not less than 30 inches from the floor.

(8) *Installation with telephone units.*

(i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the receptacles may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons may be placed in the flange of the face of the nests of mail receptacles, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(c) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the

left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purpose, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a. m. and 11 p. m. and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special delivery messenger on request.

(d) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, Carriers' Report of Condition of Mail Receptacle, all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that inside letter-box arrow locks are properly accounted for when buildings are torn down or remodeled and that such defective locks are recovered.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office, if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in

writing to the patrons and the owner or manager of the apartment building.

(5) The postmaster will investigate complaints of loss, theft, or injury of mail deposited by carrier in apartment house mail receptacles, and, when it is shown that some one has wilfully or maliciously injured, defaced, or destroyed mail deposited in receptacles, the postmaster will take action to have the matter investigated by a post office inspector.

(6) The United States Penal Code prescribes penalties for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment house mail receptacles the words "U. S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General," when the designs have been approved by the Post Office Department.

(e) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

Art Brass & Plating Works, 417 South Alaskan Way, Seattle 4, Wash. (No. 16 horizontal, and No. 4 vertical).

Auth Electric Co., Inc., 34-20 45th Street, Long Island City 1, N. Y.

Bommer Springs Hinge Co., Inc., 251-271 Classon Avenue, Brooklyn 5, N. Y. (Kellson). Connecticut Telephone and Electric Co., Meriden, Conn. (Kell).

S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73-F).

Edwards Company, Inc., 15 Merwin Street, Norwalk, Conn.

Florence Manufacturing Co., Inc., 8908-18 South State Street, Chicago 19, Ill. (Prj-Proof, 13-F).

Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 623 Watson Avenue, Saint Paul 2, Minn.

Perma-Bilt Steel Products Co., 8324 Graham Avenue, Los Angeles 1, Calif.

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

g. Part 97 Apartment House Regulations is hereby rescinded.

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

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[P. R. Doc. 56-3977; Filed, May 22, 1956; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 214-A1]

ALMONDS GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of a public hearing to be held in the assembly room, State Agriculture Building, 1220 N Street, Sacramento, California, beginning 9:30 a. m., P. d. s. t., June 5, 1956, with respect to proposed amendments to the marketing agreement and order (7 CFR Part 909) regulating the handling of almonds grown in California. The

proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The California Almond Growers Exchange, a cooperative marketing association, has proposed the following amendments and has requested a hearing thereon:

1. Amend § 909.4 by deleting the words "in the initial crop year hereunder, and thereafter" appearing at the end of the section.

2. Amend § 909.6 by deleting the present provisions and substituting therefor the following:

§ 909.6 *Shelled almonds*. "Shelled almonds" means almonds after the shells are removed and includes blanched, diced, sliced, silvered and roasted shelled almonds.

3. Delete §§ 909.7, 909.8, 909.9, and 909.10.

4. Amend § 909.11 by deleting the present provisions and substituting therefor the following:

§ 909.11 *Inedible kernel*. "Inedible kernel" means a kernel, piece, or particle of almond kernel which is not an edible kernel.

5. Amend § 909.12 by deleting the present provisions and substituting therefor the following:

§ 909.12 *Edible kernel*. "Edible kernel" means a kernel, piece, or particle of almond kernel which is free from serious damage as defined in the effective U. S. Standards for shelled almonds. This definition may be changed by the Secretary after consideration of a Control Board recommendation or other pertinent information.

6. Amend § 909.13 by deleting the present provisions and substituting therefor the following:

§ 909.13 *Kernel weight*. "Kernel weight" means the weight of kernels, including pieces and particles, regardless of whether undamaged or damaged, contained in any lot of almonds, unshelled or shelled.

7. Delete §§ 909.19 and 909.20.

8. Amend § 909.21 by deleting the present provisions and substituting therefor the following:

§ 909.21 *Almond products*. "Almond products" means any edible preparation other than blanched, diced, sliced, silvered or roasted shelled almonds, manufactured entirely or partially from raw shelled almonds. This definition may be revised by the Secretary, upon consideration of a recommendation by the Board.

9. Amend § 909.23 by deleting the present provisions and substituting therefor the following:

§ 909.23 *Inspection agency*. "Inspection agency" means the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service.

10. Amend § 909.24 by deleting the words: "(d) For inedible kernel content" appearing at the end thereof.

11. Amend § 909.25 by deleting the proviso at the end thereof.

12. Amend § 909.26 by deleting the present provisions and substituting therefor the following:

§ 909.26 *Handler carryover*. "Handler carryover" as of any given date means all almonds (except almonds held as certified surplus) wherever located, then held by handlers or for their ac-

counts (whether or not sold), not including any almond products.

13. Amend § 909.27 by deleting the present provisions and substituting therefor the following:

§ 909.27 *Trade demand*. "Trade demand" means the quantity of almonds which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone. Unless otherwise stated it shall be expressed in terms of kernel weight.

14. Amend § 909.41 (e) by deleting therefrom the proviso at the end thereof.

15. Delete § 909.42.

16. Amend § 909.43 by deleting the present provisions and inserting in lieu thereof two sections as follows:

§ 909.43 *Nominations*—(a) *Method*. Nominees for the respective member and alternate member positions shall be chosen by ballot delivered to the Control Board. Nominees chosen as provided herein shall be submitted by the Control Board to the Secretary on or before May 20 of each year together with such related information as he may require. If a nomination for any Board member is not received by the Secretary on or before May 20 he may select such member from persons belonging to the group to be represented, without nomination. The Control Board shall mail to all handlers and growers, other than cooperatives, of record the required ballots and all necessary voting information including the names of incumbents willing to accept renomination and, for growers other than cooperative representation, the name of any person proposed for nomination in a petition signed by 15 such growers and filed with the Board prior to mailing of the ballots. Distribution of ballots shall be announced by press releases furnishing pertinent information on balloting issued by the Control Board through newspapers and other publication having general circulation in the almond producing areas.

(b) *Voting*. (1) Nominees for each member and alternate member position shall be voted upon separately by the group proposing them. The handler or grower group which is determined to be eligible for additional representation pursuant to § 909.41 (e) and (f) respectively, shall nominate such representatives in the same manner prescribed for choosing other nominees.

(2) Each handler may vote for a nominee for each position representing the group to which he belongs. Each handler vote shall be weighted by the quantity of almonds (kernel weight basis computed to the nearest whole ton) handled for his own account through March 31 of the crop year in which nominations are made. The nominee for each position shall be the person receiving highest weighted vote for the position.

(3) Growers who market their almonds through cooperative handlers shall vote through their respective organizations. Each cooperative shall cast

a vote for nominees for each position representing the cooperative grower group and such ballots shall be weighted by the number of growers who are members of, or under contract with, such cooperative. The nominee for each position shall be the person receiving the highest weighted vote for that position.

(4) Growers who market their almonds through other than cooperative handlers shall each have one equal vote. The nominees for each position representing such grower group shall be the person receiving the highest number of votes for that position.

§ 909.43a *Selection and term of office*. Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 10 and shall serve until their respective successors are selected and qualified.

17. Amend § 909.46 by deleting the present provisions and substituting therefor the following:

§ 909.46 *Vacancy*. To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected by the Secretary after consideration of recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed impractical by the Secretary due to the proximity of the end of the term or for other reason.

18. Amend § 909.50 (c) by deleting the present provisions and substituting therefor the following:

(c) *Voting by mail or telegram*. The Control Board may vote by mail or telegram upon due notice to all members including in the notice to each a statement of a reasonable time in which a vote by mail or telegram must be received by the Board manager or president for counting: *Provided*, That voting by mail or telegram shall not be permitted at any assembled meeting of the Board. When any proposition is submitted for voting by mail or telegram, one dissenting vote shall prevent its adoption by that method.

19. Amend § 909.62 by deleting the present provisions and substituting therefor the following:

§ 909.62 *Method of establishing salable and surplus percentages*. Whenever the Secretary finds from the recommendations and supporting information supplied by the Control Board or from any other available information, that to designate the percentages of almonds during such crop year which shall be salable almonds and surplus almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. The salable and surplus percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year, as provided in § 909.65. In establishing such salable and surplus percentages, the Secretary shall give consideration to the ratio of estimated trade demand, minus the handler carryover at

the beginning of the crop year, plus the desirable handler carryover at the end of the crop year, to the estimated production of almonds, all expressed in terms of kernel weight, the recommendation submitted to him by the Control Board, and such other data as he deems appropriate. The total of the salable and surplus percentages established each crop year shall equal 100 percent.

20. Amend § 909.63 by deleting the present provisions and substituting therefor the following:

§ 909.63 *Increase of salable percentage.* The Secretary may, on request of the Control Board made at any time prior to May 15 of any crop year (or if the Control Board shall fail to so request, upon the request within like time of two or more handlers who have handled during the immediately preceding crop year at least 15 percent of the total tonnage, in terms of kernel weight, handled by all handlers during such crop year), and after findings of fact, based upon a revision of the estimates required under § 909.64 and other pertinent information, that the salable almonds are not sufficient to satisfy trade demand for the crop year and requirements for a desirable carryover at the end of the crop year, increase the salable percentage. Such redetermination shall be made in the manner specified in § 909.62.

21. Amend § 909.64 by deleting the present provisions and substituting therefor the following:

§ 909.64 *Board estimates and recommendations.* (a) To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than August 1 of each crop year, the following estimates (expressed in terms of kernel weight) and recommendations, each of which shall be adopted by the affirmative vote of at least six members:

(1) The quantity of almonds to be produced;

(2) The handler carryover as of July 1;

(3) The desirable handler carryover at the end of the crop year;

(4) The trade demand, taking into consideration anticipated imports, economic conditions and the anticipated market price (within the limitations of the act); and

(5) The recommended salable and surplus percentages to be established.

(b) The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted. If, for any reason, the Board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the respective views of each member with respect to such matters shall be submitted to the Secretary and the Secretary may act on the basis of such reports or such other information as may be available to him.

22. Amend § 909.65 by deleting the present provisions and substituting therefor the following:

§ 909.65 *Surplus obligation—(a) Requirement for withholding.* Except as otherwise provided in §§ 909.66 and 909.68, every handler shall withhold from handling a quantity of almonds having a certified kernel weight equal to the surplus percentage of the kernel weight of all almonds such handler receives for his own account during the crop year and shall have such almonds inspected as required in § 909.84: *Provided*, That this provision shall not apply to any lot of almonds for which the surplus obligation has been met by a previous holder and the handler acquiring such almonds makes a report thereof to the Control Board accompanied by a certification from the previous holder that the surplus obligation for such almonds has been met. Such almonds so withheld shall be set aside and thereafter kept for the account of the Control Board and, from the date of withholding, and at all times thereafter, shall be kept by the handler available for inspection by the Control Board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the Control Board they shall be delivered to the Board f. o. b. handler's warehouse or point of storage, except that the Control Board shall not make such demand upon a handler with respect to surplus almonds for which the time for withholding has been deferred pursuant to § 909.66. All such surplus almonds so withheld by the handler shall be, at the time of withholding, placed by the handler at his expense in suitable containers which may be prescribed by the Control Board and following inspection shall be identified by appropriate seals or stamps or tags to be furnished by the Board and to be affixed to the containers by the handlers under the direction and supervision of the inspectors or the Control Board. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

(b) *Requirements for surplus.* A lot of almonds to be eligible for use in satisfying the surplus obligation of a handler must meet the following requirements, and the weight to be certified and credited as surplus shall be the kernel weight less any inedible kernel weight in excess of three percent of its edible kernel content: (1) The almonds in such lots shall be dry and properly cured, (2) lots of unshelled almonds shall not have more than 10 percent of the almonds by count affected by adhering hulls (where more than 10 percent of the surface is affected) and shall not contain more than 5 percent by weight of loose shells, hulls and other foreign material; and (3) lots of shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of unshelled almonds and shells, loose hulls, and other foreign material and not more than 40

percent inedible kernels. The kernel content of unshelled almonds shall be included in determining edible and inedible kernel weight. The Secretary upon the recommendation of the Control Board may modify these requirements or establish additional requirements including grade requirements for lots of surplus for export or disposition into outlets for human consumption as kernels.

23. Amend § 909.66 by deleting the present provisions and substituting therefor the following:

§ 909.66 *Deferment of time for withholding surplus and procedure—(a) Deferment of time.* Compliance by any handler with the requirements of § 909.65 for withholding surplus shall be deferred to any date desired by the handler but not later than May 15 of the crop year, upon the voluntary execution and delivery by such handler to the Control Board of a written undertaking that on or prior to a date within the deferment period herein authorized, he will have fully satisfied his surplus withholding obligation required by said § 909.65. Such undertaking shall be secured either by almonds owned by the applying handler and pledged to the Control Board or by a bond or bonds to be filed with and acceptable to the Control Board in the amount or amounts hereinafter specified conditioned upon full compliance with such undertaking.

(b) *Procedure when almonds are offered as security.* In case the applying handler desires to pledge almonds as security, such almonds shall be owned by him free and clear of any and all liens or encumbrances and shall be in a quantity, kernel weight basis, equal to or in excess of the quantity for which deferment is desired, such quantity to be determined pursuant to rules and regulations prescribed by the Control Board with the approval of the Secretary. The applying handler shall execute and deliver to the Control Board appropriate instruments which shall authorize the Board, in case of default, to sell the pledged almonds up to the quantity represented by the deferred surplus obligation as soon as practicable in the most favorable surplus outlets available, and to remit the proceeds, less Board expenses in connection therewith, to the defaulting handler. Pledged almonds in excess of the deferred obligation shall be returned to the defaulting handler, who shall be charged with any board expenses in connection with such excess quantity. The applying handler, in pledging almonds to the Board, shall agree in writing that he will: store the pledged almonds in bulk storage bins or other containers regularly used by almond handlers, separate and apart from all other almonds; permit inspection of such almonds by the Board or the inspection agency at any time; maintain such almonds insofar as is reasonably practicable in the same condition as when offered as security; store such almonds in a manner that they can be readily identified, weighed, measured, and sampled; and place or cause to be placed on the bins or other containers such seals, tags, stamps or other means of identification

as shall be prescribed by the Control Board, and not remove or permit to be removed such identification except under supervision or direction of the Board.

(c) *Procedure when a bond is offered as security.* (1) In case the applying handler desires to furnish a bond as security, such bond shall be provided at the handler's expense, shall be acceptable to the Control Board, with a surety or sureties acceptable to the board, and shall be in an amount computed by multiplying the pounds of almonds, kernel weight basis, for which deferment is desired by the bonding rate. Such bonding rate shall be computed by the manager of the Control Board and shall be the average (to the nearest half cent) of the current season's opening prices per pound for shelled almonds known as nonpareil shelled count-to-the-ounce almonds 20/22, 23/25, and 27/30, f. o. b. shipping point, in sacks of any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the prices of one handler only are involved such average shall be a simple average of such prices. If the prices of two or more handlers are involved for the designated almonds, the simple average price of each such handler shall be weighted by the total quantity of almonds handled by him during the preceding crop year. Handlers whose prices are to be used as aforesaid shall furnish the Board with information necessary to compute the bonding rate. Until the bonding rate can be computed in any new crop year, the bonding rate to be used shall be computed as herein provided on the basis of the most recent price lists of such handlers. In the event the average price used in computing the bond rate changed by 5 percent or more, the bonding rate shall be recomputed and the amount of the handler's bond shall be adjusted on the basis of such revised bonding rate. This method of establishing and adjusting the bonding rate may be modified by the Secretary after consideration of a Board recommendation.

(2) In case a handler defaults in meeting his deferred surplus obligation, any funds collected by the Board from the bonding company through such default shall be used by the Control Board to purchase from handlers a quantity of almonds, kernel weight basis, up to but not exceeding the quantity on which the default occurred. Purchases shall be made from almonds with respect to which the surplus obligation has been met, and shall be of grades, varieties or sizes, and in such containers as the Board specifies in consideration of available surplus outlets. Purchases shall be at the lowest prices at which such almonds are offered and if more almonds are offered than required by the Board, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The control Board shall dispose of the almonds ac-

quired as soon as practicable in the most favorable surplus outlets and shall remit the proceeds from such sales less Board expenses in connection with such transaction, to the defaulting handler.

(3) If any balance should remain, after purchases and dispositions are made pursuant to the provisions of this paragraph in a quantity equal to the defaulted obligation, such balance shall be remitted to the defaulting handler. If for any reason the Board is unable to purchase a quantity of almonds as large as the quantity of surplus in default by the handler, any remaining balance of funds received because of the default less expenses of the Board, shall be remitted to all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such other handlers for the crop year with reference to which the default occurred.

(d) *Effect of satisfaction.* A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected divided by the bonding rate.

24. Amend § 909.67 by deleting the present provisions and substituting therefor the following:

§ 909.67 *Payment to handlers for services rendered.* The Control Board may pay handlers for necessary services rendered by handlers in connection with almonds eventually disposed of as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services in accordance with such schedule of payments as may be established by the secretary after recommendation of the Control Board.

25. Amend § 909.68 by deleting the present provisions and substituting therefor the following:

§ 909.68 *Interhandler transfers.* Any handler, may, upon notice to, and under the supervision and direction of the Control Board, transfer to another handler requesting such transfer, surplus credits or almonds. Any such transfers of almonds shall be accounted for in such manner that the surplus obligation and assessments on the combined transactions of the participating handlers shall be fully met and such surplus obligation and assessments may be divided between such handlers in accordance with their arrangements subject to approval of the Control Board.

26. Amend § 909.69 by adding thereto the following sentence: "The Board shall be kept fully informed by handlers in regard to their interhandler transfers so that its records will reflect accurately the status of each handler's surplus obligation."

27. Delete § 909.71.

28. Amend § 909.72 by deleting the present provisions and substituting therefor the following:

§ 909.72 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.65 and has had the same certified as surplus almonds may exchange therefor,

to the extent that such almonds have not been disposed of, an equal quantity, by certified kernel weight, of other almonds which he has on hand or which he acquires. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the almonds involved.

29. Amend § 909.73 by deleting the words "edible kernel weight poundage" where they appear in the second paragraph of said section and substituting therefor the words "certified kernel weight"; and by deleting the next to last sentence of the section.

30. Amend § 909.81 by deleting the word "edible" where it appears before the words "kernel weight" in the last sentence of the section.

31. Amend § 909.82 by deleting the present provisions and substituting therefor the following:

§ 909.82 *Determination of kernel weight.*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total kernel weight for any handler at the settlement weight.

(b) *Almonds for which settlement is made on unshelled weight.* Any unshelled almonds for which settlement is made on the basis of unshelled weight shall be included in the total kernel weight for any handler at the settlement weight of such unshelled almonds multiplied by the applicable shelling ratio in accordance with § 909.161.

32. Amend § 909.83 by deleting the present provisions and substituting therefor the following:

§ 909.83 *Redetermination of kernel weight.*—The Control Board on the basis of reports by handlers as required in §§ 909.111 through 909.114 shall redetermine the kernel weight of all almonds received by each handler for his own account during each crop year (and on which surplus has not been contributed by a previous handler) through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the base for application of the surplus percentage in computing such handler's redetermined surplus obligation for the crop year through such dates. Such redetermined kernel weight for each handler as of any date during the crop year shall be his carryover as of that date, plus deliveries of salable almonds, plus certified surplus for such crop year to that date (whether or not delivered), minus his carryover at the beginning of the crop year. Adjustments shall be made for almonds on which the surplus obligation has been assumed by a previous handler. Weights used in such computation for various classifications of almonds shall be: (a) For unshelled almonds, other than certified surplus, the kernel weight computed by application of shelling ratios authorized pursuant to § 909.161; (b) for unshelled almonds certified as surplus, the certified kernel weight; (c) for shelled almonds other than certified surplus, the net weight; (d) for shelled almonds cer-

tified as surplus, the certified kernel weight; and (e) for shelled almonds used in production of almond products, the weight of such almonds. Such examination or audit of handler's records as the Board makes shall be at the Board's expense and under uniform procedure.

33. Amend § 909.84 by deleting the present provisions and substituting therefor the following:

§ 909.84 *Inspection and certification of surplus.* Each handler shall cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation, as soon as practicable after withholding or at such times as the Board may require, to determine that such almonds meet the requirements specified in § 909.65 (b) and to ascertain the kernel weight to be certified. The Board shall check handlers' records and plants from time to time to verify that the withholding requirements are being complied with and shall use the reports submitted pursuant to §§ 909.111 through 909.114 in checking compliance. Each handler shall obtain an inspection certificate from the inspection agency and furnish such certificate to the Control Board. The handler shall bear the costs of the inspection and the certificate. The inspection certificate shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, the kind and number of containers in the lot and any brands or labels, whether the lot is shelled or unshelled, the variety or varieties of almonds in unshelled lots, the certified kernel weight contained in the lot, and that such lot meets the grade requirements for surplus almonds. Lots certified as surplus shall be identified by seals furnished by the Board and attached to the twine of each sack, by the handler under the supervision of the inspector. If the surplus is in containers other than sacks, or if it is for export, it may be stamped or identified as the Board may require. Provisions of this section may be modified by the Secretary upon recommendation of the Board.

34. Amend § 909.101 (e) by deleting the present provisions and substituting therefor the following:

(e) *Disposition after September 1.* Any surplus almonds remaining unsold as of September 1 shall be disposed of by the Board as soon as practicable through the most readily available surplus outlets. The date of September 1 herein specified may be extended to a later date by the Secretary, upon recommendation of the Board.

35. Amend § 909.102 by deleting the period and inserting at the end of the second sentence thereof the following: "or may acquire credits for surplus disposition from another handler in accordance with § 909.68"; and by changing the date "August 1" wherever it appears in said section to "September 1"; and by adding at the end of the section the following sentence: "The date of September 1 herein specified may be extended to a later date by the Secretary upon recommendation of the Board."

36. Amend § 909.103 by changing the dates July 31 and August 1, wherever they appear in said section, to August 31 and September 1, respectively; and by adding at the end of § 103 (a) the following: "If the date of September 1 specified in § 909.102 is extended, the dates of August 31 and September 1 herein specified shall be extended correspondingly."

37. Amend the heading: "reports, books and records" and §§ 909.111, 909.112, 909.114, and 909.115 by deleting the present provisions of said sections and substituting therefor the following:

RECORDS AND REPORTS

§ 909.111 *Records.* Each handler shall keep records which will clearly show the details of his receipts of almonds, withholdings, sales, shipments, inventories, surplus disposition and other pertinent information in respect to his operations pursuant to the provisions of this part. Such records shall be retained by the handler for two years after the end of the crop year to which they apply. Each handler's premises where almonds are held and where the aforesaid records are kept shall be accessible to authorized representatives of the Board and the Secretary for inspection and observation of the almonds, and for examination and audit of the aforesaid records. Each handler shall furnish all labor necessary to facilitate any inspection of the almonds which may be made by the Board or the Secretary. The Board or the Secretary shall make such checks or audits of each handler's records each crop year as is deemed appropriate by the Secretary to insure that accurate information as required in this part is being furnished by handlers to the Board.

§ 909.112 *Reports.* On or before January 15, April 15, and July 15 of each crop year, each handler shall file with the Control Board a written report, certified to the Board and to the Secretary by such handler as to its completeness and correctness, containing the following information pertaining to the crop year operations as of the close of business on December 31, March 31, and June 30, respectively:

(a) *Handler carryover regardless of year of production and whether or not sold.* (1) Weight of unshelled almonds by varieties.

(2) Weight of shelled almonds by varieties.

(b) *Surplus almonds in inventory, whether or not sold, segregated by crop years.* (1) Weight of unshelled certified surplus.

(2) Weight of shelled certified surplus.

(c) *Sales and deliveries during the crop year.* (1) Weight of sales of unshelled salable almonds by varieties, segregated as to delivered and undelivered.

(2) Weight of sales of shelled salable almonds by varieties, segregated as to delivered and undelivered, including therein as delivered, the kernel weight of almonds used in producing almond products other than those authorized as outlets for surplus.

(3) Weight of sales of unshelled certified surplus, segregated as to delivered and undelivered and by crop years.

(4) Weight of sales of shelled certified surplus, segregated as to delivered and undelivered, and by crop years, including therein as delivered, the weight of shelled almonds used in producing almond products authorized as outlets for surplus.

§ 909.114 *Confidential nature of records and reports.* All information contained in handler records made available to the Board or the Secretary, or in reports to the Board, constituting a trade secret or disclosing the trade position, financial condition, or business operations of any handler shall be considered as confidential information. Such information received by the Board, shall be kept in the custody and under the control of one or more employees of the Board, who shall disclose such information to no person except the Secretary.

38. Amend § 909.120 by striking out the proviso contained therein referring to the first year of operation.

39. Amend § 909.121 (a) by deleting the present provisions and substituting therefor the following:

(a) *Requirement for payment.* Each handler shall pay to the Control Board on demand by the Board, from time to time, such sum, not to exceed two-tenths of one cent, per pound of almonds, kernel weight basis, received by him for his own account (except as to receipts from other handlers on which assessments have been paid) as the Secretary finds is necessary to provide funds to meet the authorized Board expenses for the crop year and to provide an adequate carryover into the next crop year. Upon redetermination of the kernel weight of almonds received by handlers for their own account as provided in § 909.83, such redetermined kernel weight for each handler shall be the basis upon which he shall pay assessments at the aforesaid rate. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.120 or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

40. Delete the heading "Appendix I—Schedule of Payments to Handlers for Services Rendered in Connection With Surplus Almonds" and delete §§ 909.151, 909.152, 909.153, and 909.154.

41. Delete the heading "Appendix II—Varietal Shelling Ratios Applicable to Unshelled Almonds" and amend § 909.161 by deleting the word "edible" where it appears before the words "kernel weight" immediately preceding the table; and by adding after the table, the following paragraph:

Lots of unshelled almonds designated by a handler as unknown or unnamed varieties, or varieties of a name not listed in this section, also lots of mixed varieties (lots containing more than 10 per-

cent by weight of unshelled almonds which differ materially in shape or appearance from the predominant variety in the lot) shall be converted to kernel weight at 60 percent, unless the handler, at his expense, furnishes an inspection certificate applicable to the lot, issued by the inspection agency, showing the kernel weight content of the lot. The shelling ratios in this section may be changed by the Secretary, and shelling ratios for other varieties may be specified by him, upon consideration of a Control Board recommendation and other available data.

42. Make such other changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 112 A, Administration Building, Washington 25, D. C.; from the Western Marketing Field Offices of the Fruit and Vegetable Division, Agricultural Marketing Service, at Room 300, Old P. O. Building, 701 K Street, Sacramento 14, California, and at 1515 Clay Street, Oakland 12, California; and at the Almond Control Board Office, Forum Building, Room 721, Sacramento 14, California.

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[P. R. Doc. 56-4048; Filed, May 22, 1956;
8:49 a. m.]

[7 CFR Part 942]

[Docket No. AO-103-A14]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A TENTATIVE DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO THE 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 governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for the filing of exceptions to the tentative decision of the Assistant Secretary, with respect to a proposed amendment to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which was issued May 2, 1956 (21 F. R. 3203), is hereby extended until May 25, 1956.

Dated: May 18, 1956.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[P. R. Doc. 56-4050; Filed, May 22, 1956;
8:49 a. m.]

[7 CFR Part 957]

[AO-150 A-2]

POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendment to the marketing agreement and to the order, as amended, was formulated was held at Pocatello, Idaho, on January 19-21, 1956, pursuant to notice thereof which was published December 21, 1955, in the FEDERAL REGISTER (20 F. R. 9825). Such notice sets forth proposed amendments.

To facilitate reference to the specific documents mentioned in this proceeding, Marketing Agreement No. 98 and Order No. 57, as amended, are hereinafter referred to as the "present order." The proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended, are hereinafter referred to as the "proposed order."

Material issues. The material issues presented on the record of the hearing are as follows:

- (1) The right to exercise Federal jurisdiction.
- (2) The amendment of (a) § 957.1 *Secretary* to include employees of the United States Department of Agriculture among the persons to whom authority may be or has been delegated to act in the stead of the Secretary, (b) § 957.2 *Act* to add the citation of the statute pertaining to the amendments to the act passed by the 83d Congress, and (c) § 957.3 *Person*

*The recodification of Order No. 57, as amended, originally appeared at 16 F. R. 10765.

to conform the definition thereof to that set forth in the act.

(3) The amendment of (a) § 957.7 *Seed potatoes* to delete "the State from which the potatoes are shipped" and substitute "the State in which the potatoes are grown", (b) § 957.8 *Handler* to further set forth the persons to whom the proposed order and rules and regulations thereunder would apply, and (c) § 957.9 *Ship or Handle* to extend its applicability to sales and the transportation of potatoes within the production area except the movement of potatoes within the area for certain purposes.

(4) The amendment of § 957.12 *Fiscal year* to change the fiscal year from June 1 to May 31 following, to a period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

(5) The renumbering and amendment to § 957.13 *Grade and size* to provide current citations, whether to include United States Standards for Grades of Peeled Potatoes, and to identify the Idaho and Oregon State standards for potatoes as those issued by the State of Idaho or Oregon whichever is applicable.

(6) The addition of a new § 957.13 to define "Prepare for market".

(7) The renumbering and amendment of § 957.15 *District* so as to cover redistricting.

(8) The addition of a new § 957.15 to define "Pack" and a new § 957.16 to define "Container".

(9) The addition of a new § 957.19 to define "Marketing season", and whether to include new sections defining the terms "Table stock potatoes" and "processor".

(10) The renumbering and amendment of § 957.20 to provide for the additional membership on the Idaho-Eastern Oregon Potato Committee and to set forth producer members' qualifications.

(11) The renumbering and amendment of § 957.21 to change the terms of office of committee members.

(12) The addition of a new § 957.28 to provide for "Redistricting" of the production area and the reapportionment of committee membership.

(13) The renumbering and amendment of (a) § 957.23 to provide for the selection of the enlarged committee membership, (b) § 957.24 to provide an altered procedure for the nomination of committee members, and (c) § 957.25 to provide appropriate language and cross-references.

(14) The renumbering and amendment of (a) § 957.28 to provide that alternate members may perform duties as assigned or requested by the committee, (b) § 957.29 to increase the number of committee members necessary to constitute a quorum, and (c) § 957.30 to increase the rate of reimbursement to committee members, to authorize the committee to request alternates to attend committee meetings, and to provide for the payment of expenses and compensation of such alternates.

(15) The amendment of §§ 957.40 to 957.46, inclusive, to authorize (a) incur-

ring of reasonable and necessary expenses by the committee, (b) preparation of an estimated budget of income and expenditures likely to be incurred by the committee, (c) the levying of assessments to cover such expenses, and (d) the accounting and refunding of any excess funds collected.

(16) Authority for the establishment of potato marketing research and development projects.

(17) The amendment of §§ 957.50 to 957.54, inclusive, to delete the present provisions contained in these sections and to substitute new sections which require the submission of a marketing policy, authorize recommendation of regulations by the committee, and provide for the issuance of limitation of shipment regulations by the Secretary, and whether to exempt from such regulations the movement of potatoes within the production area for certain purposes.

(18) The renumbering and amendment of § 957.57 to delete the proviso that inspection or payment of assessments may be required at different times than specified by other provisions of this part.

(19) The amendment of § 957.65 so as to (a) authorize the inspection of all shipments during any period which regulations are in effect; (b) require reinspection of regraded, resorted, or repacked lots which have had prior inspection; (c) authorize the committee to establish, with the approval of the Secretary, a length of time for which an inspection certificate may be valid; and (d) provide that a copy of each inspection certificate issued by the inspection service be made available to the committee.

(20) Whether to delete the provisions relating to the issuance of exemption certificates and procedures applicable thereto.

(21) The amendment of § 957.83 by inserting "(a)" after the title *Effective time*, and by adding a new paragraph (b) so as to specify that the rules and regulations in effect under the present order at the time the proposed order is promulgated shall continue in force and effect until subsequent modification or termination.

(22) The making of such other changes as may be necessary to make the proposed order conform to the amendments which are contained herein.

Findings and conclusions. The findings and conclusions on the material issues all of which are based upon the evidence adduced at the hearing and the record thereof are as follows:

(1) The right to exercise Federal jurisdiction under the act and under the proposed order is established by the fact that all sales and transportation of potatoes grown in the Idaho portion of the production area and in Malheur County, Oregon (hereinafter referred to as the "production area") are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

Order No. 57 was originally issued September 2, 1941, and subsequently amended January 16, 1950. The present order (Order No. 57, as amended) gov-

erns such handling of production area potatoes as is not only in interstate commerce but also in intrastate commerce between the production area and the non-production area regions of the State where the potatoes were grown. In other words, the right of Federal jurisdiction is being exercised under the present order with respect to the handling of potatoes within the States of Idaho and Oregon.

One of the briefs in this proceeding asserted that the extension under the proposed order of Federal jurisdiction over intrastate handling transactions will come into direct conflict with the State authority in a zone heretofore reserved to the State of Idaho, one of the States involved in the production area. But, as already indicated, the present order exercises the Federal authority with respect to such handling transactions as are between the production area and points within the remainder of Idaho, and, in fact, grade and size regulations, including modifications thereof, were in effect with regard thereto during past seasons. The extension of such jurisdiction to encompass all intrastate handling activities within the production area is feasible, appropriate, and proper to the effectuation of the declared policy of the act. The record evidence supports such extension in the manner indicated in the proposed order.

Any handling of potatoes grown in the production area exerts a direct influence upon all other handling of such potatoes. A factor or factors which influence the market at shipping point soon are reflected in prices in terminal markets, subject to the effect of location factors, and, in turn, factors influencing prices in receiving markets are soon reflected in the market at shipping point. For example, terminal market prices are directly and adversely affected whenever excessive supplies of unsold potatoes of suitable market quality are accumulated in the production area. Frequently potatoes are prepared for market and loaded aboard cars or trucks within the production area at such a rate that it is not possible for shippers to find buyers to purchase such potatoes at reasonable prices. The presence of such quantities of unsold potatoes in the production area is, therefore, a direct burden on the market because terminal market prices are influenced thereby. Such burdensome supply tends to depress prices in terminal markets at points beyond the production area as well as within such area. Changes in the supply of potatoes in the production area being marketed at any particular time and changes in estimates of available potato supplies directly affect the price of potatoes in terminal markets.

A substantial portion of the potato crop grown in the production area is utilized or consumed within such area. Although potatoes are produced primarily for fresh market sale both within the production area and outside of Idaho and Oregon, an ever increasing quantity is used for processing potatoes into certain products, especially within the production area. The Idaho potato processing industry has made great strides during recent years in terms of newly developed potato products and enlarged

plant capacity, and further expansion of processing facilities for the manufacture of dehydrated products and starch appears likely in the near future within Idaho.

One of the briefs filed in this proceeding asserted that shipments of Idaho potatoes grading less than U. S. No. 2 within the area do not directly burden, obstruct, or affect interstate commerce in production area potatoes.

However, the record shows that one of the processors testified that had it not been for the doubling during the past year of the plant capacities by processors in the area, the excessively large 1955 crop of potatoes would have sold at low prices. He further testified that his plant is in constant competition with every fresh market shipper in securing potato supplies which include field-run and cull potatoes, and some better quality potatoes depending on price. Also, if it were not for the fact his processing plants had acquired, and utilized, during the current season an aggregate of approximately one million bags of U. S. No. 1 and U. S. No. 2 grade potatoes (included in its field-run purchases), the producers would be getting very little for their potatoes on the commercial market. This shows a real and direct effect on the price of the remainder of the potato crop that was sold in the commercial fresh market during a season of high production of potatoes in the production area.

Slightly in excess of 18 percent of the production of 1954 crop Idaho potatoes went to processing outlets official estimates indicate. Approximately 7.5 million bushels out of a total crop of 40.8 million bushels were converted into starch, flour, dehydrated products, and other potato products, the bulk of which moved out of the production area to points outside thereof in interstate commerce.

Estimates supplied by processors testifying at the hearing indicate a somewhat greater utilization of production area potatoes as follows: 3 to 4 million hundredweight in starch, slightly more than 2 million hundredweight dehydrated, 0.6 million hundredweight in flour, and slightly more than 1 million hundredweight in other products, including frozen French fries and other frozen and canned products.

Potatoes are also handled in the production area as seed and for livestock feed, as well as for fresh use for human consumption. Approximately 3.6 million bushels of seed, including 1.5 million bushels used on the farms where grown, were used in Idaho from the 1954 crop. This same crop provided about 2.7 million bushels of potatoes which were fed to livestock.

During the past several years poor grades and off-size of potatoes have frequently been sold in the fresh market within the production area. Each sale of such poor-grade and off-size potatoes displaces an equivalent quantity of more desirable potatoes, such as those that meet grade and size regulations, which tends to depress the price of such better potatoes. Also, the substitution of poorer potatoes makes it necessary to find another market within or outside the area for such better potatoes which results

in adding potatoes to the supply thereof in such new market. Any such increase in supply has a direct and opposite effect on the price of potatoes in markets outside the area. Any loss of a local market for good quality potatoes, as a result of the sale of unregulated (poor quality) potatoes, forces the shipper in the production area to seek markets elsewhere. Shipments of potatoes originating in Idaho are transported by rail or by truck to other points in Idaho and sold for use as fresh potatoes. The sale of discounted grades and sizes of Idaho or Malheur County, Oregon, potatoes for fresh table use within the production area tends to depress the market for better grades and sizes which constitute the bulk of potatoes grown and handled in the production area. The sale of discounted grades and sizes, such as pickouts or culls, for table use within the production area directly affects the market price level for all potatoes and, in turn, the prices which farmers receive for their potatoes. Also, potatoes move between Idaho and Malheur County, Oregon. These sales and transportation of potatoes within the production area constitute a direct burden upon interstate commerce in potatoes grown in the production area, or are in interstate commerce.

It is common practice for handlers to load potatoes at shipping points within the production area and to ship such potatoes to markets within such area, and, before or upon arrival at such markets, to divert such potatoes to markets outside the production area. It is impossible, in many cases, at the time potatoes are sold, especially to truckers, to determine finally whether such potatoes will be marketed by the trucker within the production area or at a point outside thereof. Further the extension of the authority in the proposed order to cover all handling of potatoes within the production area will greatly aid in effecting compliance with the regulatory program and thereby tend to effectuate the declared policy of the act. Under the present order, it is difficult for the committee to ascertain at the time a shipment of potatoes is so diverted within the production area whether such diversion is to a point outside thereof and whether the potatoes are of the proper grade and size.

To the extent that potatoes are diverted and fail to comply with the then current grade and size regulation or are not inspected and certified, such diversion would tend toward disorderly marketing conditions. To regulate intraproduction area handling transactions to correct such disorderly marketing conditions would, therefore, tend to effectuate the declared policy of the act.

The season average prices received by farmers for production area potatoes have, since 1949, ranged from a low of \$0.54 to as high as \$1.54 per bushel. These prices are equivalent to a range of 36 to 112 percent of parity. During the 1954 season, growers averaged \$1.11 per bushel, equivalent to 96 percent of parity. However, the average price was down to \$0.57 per bushel or 46 percent of the parity equivalent price during the 1953 season.

The U. S. average price received by farmers for potatoes as of December 15, 1955, was \$1.44 per bushel or 57 percent of parity. The average price received by Idaho farmers for the same date was \$0.60 per bushel. In view of the foregoing, it is not expected that the season average price received by farmers in the production area for their potatoes will equal the parity equivalent price therefor.

The direct relationship between growers' prices, f. o. b. shipping point prices, and terminal market prices is reflected in the following schedule of prices (hundredweight basis, U. S. No. 1, Size A, 2 inches minimum Russets, sold in Chicago during the 1954-55 season):

Week ending	Growers' prices		F. o. b. prices at shipping point	Terminal market prices
	Dollars	Cents	Dollars	Cents
Aug. 14, 1954	2.25-2.45		2.85-3.25	4.25
Sept. 18	1.80-2.00		2.65-2.90	4.00-4.25
Oct. 16	1.40-1.70		2.10-2.35	3.40-3.75
Nov. 27	1.65-2.25		2.25-3.00	3.80-4.25
Dec. 25	1.75-2.40		2.75-3.35	3.90-4.35
Feb. 5, 1955	2.35-2.80		2.85-3.50	4.35-4.80
Mar. 12	2.30-3.00		3.05-3.70	4.40-5.00

This direct relationship of prices at all of the various distributive levels is not restricted to shipments leaving the production area or to potatoes destined for such shipments. The price incentives that begin or cause the beginning of the preparation of potatoes for market are the same whether such potatoes are to be marketed within the production area or outside thereof. The grower does not receive any special or different price consideration solely on the basis of destination, all other factors, such as grade, size, or pack, being equal. Whether or not a grower's potatoes leave the production area or are consumed therein, after grading, is not involved in his returns therefrom. However, his return is directly related to terminal market prices determined by the trade in production area potatoes. The production area grower or shipper does not receive one f. o. b. price for potatoes destined for points within the production area and a different f. o. b. price for potatoes destined for Chicago or other terminal markets. The same factors determine each price.

(2) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with responsibilities for programs of this nature, but also any other officer or employee of the United States Department of Agriculture who is or hereafter may be authorized to act in his stead. It is physically impossible for the Secretary to perform in person all functions and duties imposed upon him by law. The Secretary is empowered to delegate certain responsibilities and authority. The delegation of authority in the proposed definition of Secretary is provided by law and should be included in the definition as an appropriate means of promoting proper administration of the proposed order.

The definition of "act" should be amended to include the citation "68 Stat. 906, 1047" which refers to the recent amendments to the Agricultural Marketing Agreement Act of 1937, as amend-

ed, contained in the Agricultural Act of 1954. Such amendments authorize provisions for container regulation and for the establishment of research and development projects. This authority is contained in the proposed order.

The definition of "person" should be amended so to follow the definition of "person" as that term is defined in the act, which will insure that it will have the same meaning as used in the act.

(3) The definition of "seed potatoes" should be redefined as "certified seed potatoes" to make it clear that only such potatoes as are certified as seed potatoes by the appropriate state certifying agency will come within the scope of that term to preclude any misunderstanding as to the meaning of this term. Also, since seed potatoes are certified in the State where grown by the seed potato certifying agency of such state, rather than by a certifying agency of the State from which such potatoes are shipped, it is appropriate that the definition of the term should so provide.

The terms "handler" and "shipper" as used in the proposed order, are synonymous and they should be defined to identify those persons who handle potatoes in the manner described and set forth in the definition of "handle" because such persons are to be subject to the regulation by the proposed order. Any person who is engaged in the act or acts of handling or shipping potatoes or who causes potatoes to be handled or shipped should be considered as a handler. Such persons are responsible for the grade, size, quality, and maturity of potatoes delivered to transportation agencies, or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce, and such persons are handlers.

Common or contract carriers transporting potatoes are performing a handling function, but when such potatoes are owned by another person such handling should not be regulated under the order because such carriers are not responsible for the grade, size, quality, or maturity of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into the stream of interstate commerce. Also, the sole interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, size, quality, and maturity of such potatoes delivered to a common or contract carrier should be borne solely by the person or persons responsible for delivering such potatoes to the carriers.

The proposed order contains two changes in the definition of "handler". One such change is a substitution of "handle" for "ship" which is a conforming change. The other is the addition of the phrase "or who causes potatoes to be handled". This phrase should be made a part of the definition so as to include all persons responsible for the initiation and carrying out of the activities covered by the term "handle". Those persons, in addition to owners and officers of a firm handling potatoes, should include individuals who, in a supervisory capacity, are directly responsible for the sale or

transportation of potatoes. Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled; and such term should not be limited to any particular handler. All persons within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the proposed order so as to assure that all potatoes will be handled in accordance therewith.

The term "handle" or "ship" is defined in the proposed order to indicate those transactions which determine whether a person is a handler and comes within the authority for regulation under this program. Ship and handle are synonymous. Handle should include the act of handling or shipping and the activities by handlers which are included within these terms. The handling of potatoes under the proposed order begins with the movement of such potatoes from the field where grown and continues to follow such potatoes until they are ultimately disposed of within the production area or leave the area. Handle should also mean the sale of potatoes at any point between the time that they begin to move from the field until they are ultimately disposed of within the production area or leave the area.

The growing and harvesting of potatoes in the production area are producer functions and should be construed as operations of the producer in his capacity as a producer. The digging of potatoes is a harvesting activity performed as a grower function, even though it is an essential preliminary to the marketing of potatoes because until potatoes are dug from the ground, their specific identity, kind, and quantity are unknown.

It is a common practice during the early part of the marketing season for some potatoes grown in the production area to move directly after grading to market. However, the great bulk of potatoes dug in the latter part of September and in October are stored and disposed of during the following seven to nine months. The storage within the production area and movement to such storage of such potatoes should not be considered as a handling activity and should be specifically exempt from regulation under the proposed order because such potatoes are ungraded, and have not yet otherwise been prepared for market. However, as soon as such stored potatoes start their movement out of storage, such movement, except for planting within the production area, whether to a packing house or to a processing plant, constitutes an act of handling.

The initial handling activity should begin when potatoes are moved from the field other than to storage. This activity should apply to all potatoes except those moved for preparation for market or storage within the production area or for planting therein. Some handlers pick potatoes from the field and put them in sacks or other containers and then haul them directly to market. Such potatoes also may be sold immediately after picking and move to market. In such in-

stances the operation of picking potatoes constitutes a preparation for market because the person responsible for the picking has left some potatoes behind because they are too small or too large, or cut, or sunburned, or rotten, or in some other manner unsuitable for the market outlet to which the bulk of the potatoes are destined. The operation of picking the potatoes and of preparing them for market in any other manner is a handler function regardless of whether it is performed by the grower of such potatoes or by other because this operation makes such potatoes a visible and direct part of the supply of such potatoes available for market and it is the first step in actually moving such potatoes into market channels. Such potatoes can sometimes continue moving in market channels to the retailer or other ultimate outlet without further preparation for market. With the exception of the processes and activities specifically excluded from the term "handle", any movement of potatoes, whether ungraded or graded to points outside the production area should constitute handling. The picking, loading, hauling, or any other movement of such potatoes from the place where grown causes the potatoes to become a part of the visible supply of potatoes which are available for market, and directly burdens, obstructs or affects interstate commerce. The sale of such potatoes at any time after they are dug continues such potatoes in commerce because such sale constructively moves the potatoes in the stream of commerce from the seller to the buyer or consignee and actual movement of such potatoes in the stream of commerce pursuant to the instructions of the buyer or consignee constitutes sale or transportation, or both.

All potatoes grown in the production area, which are grown for market, are graded or otherwise prepared for market and such activities should be handler functions in the marketing of such potatoes which are included in the definition of handle or ship.

The movement of potatoes out of storage and the running of such potatoes over a mechanical grader, or the preparation of such potatoes for market by any other means, comes within the definition of handle because such activities determine the various outlets to which potatoes can go and they have a direct effect upon the price which potato growers shall receive for their crop. The matter of compliance with regulations which are authorized by the proposed order can be determined by the handler who is grading or preparing such potatoes for market. The primary responsibility for the grade, size, and quality of potatoes in any given unit, or in any given lot should rest with the person or persons responsible for the grading operation. Such persons determine the kind of potatoes which are put in the sack or the shipping unit.

The act of selling such potatoes makes the persons who make such sale a handler because such sale directly affects the market for potatoes and it thereby becomes a burden or obstruction of interstate commerce in such potatoes. The transportation of potatoes also

directly burdens, obstructs or affects interstate commerce in potatoes for it has a direct bearing on the market and the movement and sale of potatoes, regardless of whether such sale or movement is within the production area or to a point outside thereof, are so inextricably intermingled that such movement and sale become a part of the stream of interstate commerce.

The definition of handle should not include the sale of potatoes at retail by a person in his capacity as a retailer, or the growing and digging of potatoes because the latter activities are construed as being those of a producer in his capacity as such; and retailers and producers are exempt from regulation under the act with respect to retailer and producer functions, respectively. Also, the movement of potatoes within the production area for the purpose of having such potatoes prepared for market, stored, or planted in such area should not come within the scope of handling. All other activities from the time potatoes are picked until their ultimate disposition within the production area or shipment therefrom should, however, be included within handling.

(4) A fiscal period should be substituted for the presently defined fiscal year. Fiscal year is presently defined to include the period from June 1 of each year to May 31 of the following year. Under the definition of fiscal period, as hereinafter set forth, the fiscal period covers a period beginning and ending on dates recommended by the committee and approved by the Secretary. The committee should have this authority so as to recommend the period that is most practicable and workable. This permits the adjustment of the beginning and ending dates of the fiscal period to correspond to the extent practicable to the actual marketing season.

(5) The definitions of "Grade and size" should be amended to provide current citations applicable to the United States Standards for potatoes. A reference to the States of Idaho and Oregon in connection with State potato standards should be included since the potatoes grown in the production area involve these two States. Testimony in the record does not support any basis for regulation in terms of the United States Standards for Grades of Peeled Potatoes. Therefore, the latter standards relating to peeled potatoes and any other reference to peeled potatoes are not included.

(6) The term "Prepare for Market" commonly referred to as "grading", should mean the sorting of potatoes by hand or mechanical means, or both, whereby such potatoes are separated into grade size, quality, or maturity classifications, or any combination thereof. Such classifications may be, and usually are, determined by a handler who directs in person, or who delegates responsibility to his agent, how and in what number of classes, including packs, the particular lot of potatoes shall be separated. Grading may vary from an operation performed entirely by hand which selects certain potatoes when they are picked up after digging, to the more common production line operation whereby pota-

atoes are carried by mechanical conveyor through a series of washers, moving screens or belts, and over tables, where sizes are determined, and good quality, as represented by grades and sizes, or both, is separated from bad so that the potatoes which are to go to preferred price outlets are separated from those going to discounted price outlets. Such operation includes the packing of the various combinations of grades and sizes into their respective containers (or in the case of pickouts or culls, the usual bulk loading) and the loading, or setting aside for later loading, into rail cars or trucks for transportation to markets both within the production area and outside thereof. The grading or preparation for market is an operation that applies to all potatoes grown in the production area, even though the extent to which potatoes are separated into classes may vary considerably among the types of ultimate outlets. For example, potatoes destined for fresh market outlets usually result in a lot of such potatoes being carefully graded so that only the preferred qualities and sizes are shipped to such outlets while the off-grades and off-sizes, commonly referred to as "pickouts," go to starch plants, to livestock feeding operations, or to other types of outlets which do not require such careful separation into market classifications or do not demand preferred grades and sizes.

The definition of the grading operation "prepare for market" should mean the sorting or separation of potatoes into grades or sizes, or other market classifications, by any means, as set forth in the proposed order. Since the proposed order prohibits the handling of any potatoes that were prepared for market during so-called "shipping holidays", the definition of the term "prepare for market" will serve as the guide in determining whether a particular shipment may properly be made.

(7) The definition of "district" should be amended to provide for appropriate references to the new section, in the proposed order, relating to redistricting which contains authority for the reestablishment of districts and the reapportionment of committee membership.

(8) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to a combination of factors relating to grade, size, and maturity of the potatoes and to the type of container. Among the common or usual packs handled by the potato industry in the production area are U. S. No. 1, size A, 2 inch or 4-ounce minimum, in 100-pound burlap bags or in 50-pound paper bags, or in 10-pound paper or mesh bags. The latter packs are loaded loose or in 50-pound master (paper) containers. Other packs may include those in which a particular size range, 6 to 10 ounces, for example, or perhaps 20 to 30 percent 10-ounces and larger, is packed in a given shipping unit according to the buyer's instructions. The common units in which production area potatoes are

handled are 100-pounds, 50-pounds, 15-pounds, 10-pounds, and 5-pounds. Grades such as U. S. No. 1, U. S. No. 2, or Idaho Standard, may be tied in with any such unit, and, in addition, minimum and maximum sizes may also be specified.

The current trend in potato packs is toward the consumer-size package. However, other developments may occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which may tend to improve growers' returns. Pack is merely a combination of grade, size, and container. The particular packs which may be handled should be specified by recommendation of the committee with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets. Authority for regulation by type of container was enacted by the 83rd Congress as an amendment to the Agricultural Marketing Agreement Act of 1937, as amended. Such authority should be included to permit the committee to recommend, and the Secretary to issue, rules and regulations which would fix the size, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or handling of potatoes when to do so would effectuate the declared policy of the act. But there is no intent to extend such authority to cover any containers used in the handling of processed potato products.

(9) "Marketing season" or "season" should be defined in the proposed order because reference to this term is made a number of times in the proposed order and to indicate the period of time within which the potatoes of one crop year will generally move to market. The beginning date of July 1 coincides closely with the start of the late summer crop of potatoes grown in District No. 2 (Malheur County-Western Idaho). Handling of potatoes from this district generally starts about the middle of July and continues through most of September. The late crop potatoes start to move from District No. 1 (Eastern Idaho) and District No. 3 (Twin Falls-Burley area) during the latter part of September and continue through the following June. Marketing season, therefore, should be defined as the period from July 1 of one year to June 30 of the following year.

Testimony in the record does not support the need for a definition of "table-stock potatoes". Evidence indicates that the proposed definition is too inclusive, a residual term covering all potatoes not included within the definition of certified seed potatoes. The definition of such term is not necessary for the issuance of any regulations or other operation in connection with the proposed order; hence, it is not included.

It is necessary to include a definition of "process" in the proposed order because the section of the proposed order relating to the composition of the committee provides that one of the four handler members of the committee may

be a processor. Processors gave considerable testimony at the hearing as to the probable effect of the proposed order on their operations, activities, and future plans. There is also evidence as to the possible adverse effect of regulation on shipments of potatoes for processing. In order to offer the substantial and expanding potato processing industry a voice in committee deliberations, the membership of the committee should permit the inclusion of one processor.

The term "process" should be defined to mean to manufacture or convert potatoes into any of the products thereof. The proposed order also authorizes the modification, suspension or termination of regulations applicable to potatoes shipped for processing in order to facilitate shipments for such purpose.

(10) The proposed order should provide for the selection by the Secretary of a committee, the Idaho-Eastern Oregon Potato Committee, composed of eleven members of whom seven should be producers and four should be handlers (one of whom may be a processor), and their respective alternates. The present order authorizes a committee of five producers and three handlers, a total of eight members. The change in total committee membership is necessitated by the increased representation proposed for Districts 1 and 3.

The section of the proposed order relating to the establishment of the committee should provide that employees of producers are eligible for committee membership in the same manner as the present order provides for corporate producers. Unincorporated producers should be able to be represented by employees since their interests as producers are basically the same. Many producers are also handlers.

For purposes of nomination and selection as a producer member, any such producer may also be a handler but at least 51 percent of the total quantity of potatoes handled by him must have been of his own production. This percentage requirement should assure producers throughout the production area that their representatives on the committee will be primarily concerned with and allied with producers' interests. To restrict the producer membership on the committee to growers who handled nothing but their own production, would deny committee membership to many able producers simply because they handled some of their neighbors' potatoes. For the same reason, such a requirement could disqualify a producer member during his tenure on the committee. The 51 percent requirement is deemed to be a reasonable one in determining producers' qualifications for nomination and selection. This type of eligibility should also be applicable to producers participating in nomination meetings.

(11) The proposed order should provide for a two-year term of office for committee members and alternates, so that five members, including three producers and two handlers, and their alternates, will end their respective terms of office on the first May 31 after the effective date of the proposed order and the remaining six members including four producers and two handlers, and

their alternates, will end their respective two-year terms of office the second May 31 after said effective date. A term of office of two years' duration will permit the members to gain experience and familiarity with the committee's operations over a longer period of time than the present order provides and the staggered terms will enable new members to avail themselves of the benefits of the experience of the incumbent members.

(12) The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the proposed order which the committee should keep in mind in considering redistricting and the reapportionment of committee membership are appropriate and desirable points of reference that relate directly to the welfare of potato producers and handlers.

At least four months should precede any committee recommendation for redistricting or reapportionment so as to afford producers and handlers an ample opportunity to become acquainted with the proposed changes and to act accordingly. Also, an adequate period of time, as set forth in the proposed order, should precede the effective date of any such redistricting or reapportionment similarly to afford sufficient time to nominate members for new positions, especially prior to the beginning of a new fiscal period.

(13) The proposed order should provide for the addition of two producers and one handler to the present membership of the committee. One such producer and the handler member, with their respective alternates, should be added to committee representation from District No. 1 (Eastern Idaho); and District No. 3 (Twin Falls-Burley area) representation should be increased by the other producer member, with his alternate. The committee would then be composed of eleven members, five from District No. 1, two from District No. 2, and four from District No. 3. It is reasonable and appropriate to provide for such new representation. District No. 1, which would have five of the eleven members, accounts for a majority of the acreage and production of potatoes grown in the production area. An increase of two members in District No. 1 will provide representation on the committee more in line with the district's importance. The additional producer members for District No. 3 is reasonable and has two purposes: (i) such increased membership will maintain about the same producer-handler relationship on the committee as now exists; and (ii) the additional member for District No. 3 will reduce the concentration of representation which would otherwise obtain for District No. 1. The present representation of one producer member and one handler member for District No. 2 (Malheur County-Western Idaho) should remain unchanged. The census data for 1954 generally supports the above representation. District No. 1 (five members) produced nearly 60 percent of the volume of potatoes grown in the production area; District No. 2 (two members) pro-

duced approximately 15 percent; and District No. 3 (four members) produced slightly more than 25 percent.

The procedure applicable to nomination of committee members and alternates contained in the present order should be changed so as no longer to require that two nominees be designated for each position to be filled on the committee. The appropriate section should provide that the Secretary may select members and alternates from nominations submitted by the committee or from other eligible persons. The Secretary, the official charged with the responsibility of administration of the proposed order, should have a choice of selecting members from all eligible persons especially if a particular nominee may, for some reason, be unqualified for committee membership. Of course, this change will not prevent the committee or any other person from submitting the names of more than one nominee for each position to be filled. However, past experience has shown that usually the producers and handlers in a district have particular preference for a single slate of representatives from that district. Frequently, at a producer nomination meeting the present arrangement has resulted in the names of first and second choices being submitted for the position as member, and the third and fourth choices for the position as alternate; and such an arrangement could result in the elimination of a top choice as alternate. Submission of a single slate of qualified nominees by the committee, which slate would most likely be the only one submitted, could ordinarily result in the selection of the members and alternates desired by the industry.

The committee should have flexibility in arranging nomination meetings. Such meetings should be permitted in conjunction with other meetings conducted by other groups or organizations. Such an arrangement should result in a larger attendance of producers and handlers than ordinarily could be expected at a meeting held solely for nominations. Also, a combination of meetings could result in time saving for potato industry representatives.

(14) Alternate members continue in the same status as under the present order. They should also be available, however, on the same basis as committee members to perform duties requested or assigned by the committee. Such duties should include, but not be limited to, serving on various subcommittees, or perhaps to help in reporting or tracing violations of the proposed order. Unless an alternate member attends committee meetings from time to time, if not regularly, he will generally be uninitiated in committee business and will not be well qualified to serve in the absence of the member for whom he is an alternate. Also, in the event an alternate subsequently is selected as a member, his tenure as an alternate will have served as good experience. An alternate, when performing duties assigned or requested by the committee, should be entitled to compensation and reimbursement of expenses on the same basis as committee members.

The provisions of the present order require that five of the eight members (approximately 63 percent) of the committee shall constitute a quorum and that the same number of concurring votes are necessary to approve any committee action. In order to maintain this relationship under the proposed order, a quorum should require the presence of seven of the eleven members at any assembled meeting. Also, the concurrence of seven members of the enlarged committee should be required for the passage of any motion or approval of any committee action.

The maximum per diem rate of compensation to be paid members or alternates when attending to committee business should be increased from \$5.00 to \$10.00. The lower rate was established by the 1950 amendment to Order No. 57. Committee members and alternates frequently attend to committee business at a personal financial sacrifice. Regardless of whether the \$5.00 or \$10.00 maximum rate is effective, such rate will not, in most cases, compensate the individual for the time lost from his own interests. It is reasonable that the rate of compensation should be increased in view of rising costs that have occurred since 1950. The proposed order authorizes the committee to request that alternates as well as members attend meetings of the committee even though all members are expected to be present. In the event such request is made, alternates in attendance should be paid the per diem compensation and their reasonable and necessary expenses.

(15) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the proposed order.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be required irrespective of whether particular provi-

sions of the proposed order are suspended or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. Since the first handler usually applies for inspection, such handler should be the person who is to pay the assessment. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The maximum allowable assessment rate of \$1.00 per carload, as set forth in the present order, remains unchanged. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance necessary committee expenses and revenues for such period. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the proposed order, he should be authorized to increase the rate of assessment, so as to avoid inequities. The proposed order should provide that such increased rate of assessment shall be applied retroactively to all potatoes previously handled by first handlers during the specified fiscal period.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the proposed order. The committee should be required to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, should the Secretary at any time ask for such an accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets

as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in his successor or agency, or person designated by the Secretary the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times, such as at the end of each marketing season or at such other times as may be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. Whenever a handler demands payment of any such credit, the proportionate refund should be paid to him.

When the committee is required to wind up its affairs upon termination of the proposed order, considerable expense may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of the committee in the event that the proposed order is terminated and should, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program was in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the fund. This will assure equitable distribution of the cost of the program.

(16) The establishment or providing for the establishment of marketing research and development projects was expressly authorized by amendments to the act in Public Law 690 enacted by the 83d Congress. Such authorization should be included in the proposed order as a continuation of related authority in the present order with respect to appropriate projects.

By means of marketing research and development projects, the committee should be able to, for example, determine the volume of potatoes falling into each grade and size composition of each crop. With such information the Secretary and the committee should know what volume could be taken off the market by specific grade and size restrictions in an effort to carry out the declared purpose of the act. By such projects the industry could undertake to determine the practicability of distributing educational literature describing the nutritional value of potatoes as an effort to counteract the declining per capita consumption of potatoes.

Information relative to the marketing of potatoes is needed to improve consumer acceptance. The committee could study or arrange studies conducted on consumer preferences for certain varieties, types, sizes, and packs of potatoes to determine more nearly what potatoes and packs the consumer desires in terms of price preferences, so that growers' returns may be improved. Potatoes packed to high standards in the shipping area are often damaged en route to the market. Potato quality almost always declines in storage. Studies which could discover improved methods of transporting and storing potatoes could permit improvement of potato quality and thereby enable the industry to market a better product.

As the industry becomes more experienced in conducting market research and development projects, new studies which are not readily anticipated at this time will undoubtedly become apparent. Therefore, the committee should have the authority to recommend the establishment of such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and tend to improve growers' returns. The committee should be empowered to engage in such projects, to spend assessment funds for them, and to consult and cooperate with other agencies with regard to their establishment. All such projects must be approved by the Secretary, so as to assure, among other things, that they are within the purview of the statute.

(17) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of the handling of potatoes by grade, size, quality, or maturity as authorized in the present order and continued in the proposed order provides a means of carrying out such policy.

The provisions of the present order relative to marketing policy, recommendation for regulations, and the issuance of regulations should be revised so as to clarify such provisions in the proposed order.

The procedures and methods which are outlined in the proposed order for the development and institution of marketing policies relating to grade, size, quality,

or maturity regulation provide a practical basis for the committee to obtain appropriate and adequate information relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, as well as revisions thereof, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted promptly to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. All reports on marketing policy and regulations recommended by the committee should be submitted promptly to the Secretary and presented to the industry as a means of keeping both informed. In order that the Secretary may be currently apprised of the committee's thinking relative to marketing policies and its appraisal of market conditions, the committee should furnish the Secretary, whenever conditions warrant a change from an existing marketing policy and regulation, with a new or revised policy. This will tend to keep program operations as nearly as may be on current basis in the light of the then market conditions.

The proposed order should authorize the Secretary to limit shipments of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. This authority should be in the proposed order, and it is included in the present order. It should be continued with appropriate amendments. Authority to regulate shipments by grade and size has been exercised under Order No. 57 since the 1948-49 season and the committee has operated thereunder each season since then. This exercise of jurisdiction under the present order has established a pattern of grade (including maturity and quality requirements) and size regulation which has tended to improve growers' returns for potatoes grown in the production area. It is appropriate and proper that the proposed order contain authority to regulate in any or all portions of the production area the handling of particular grades, sizes, qualities, or maturities, or any combinations thereof, of any or all varieties of potatoes during any period, much the same as is now done under the present order and thereby tend to improve growers' returns. This is a proper exer-

cise of the authority granted by Congress through the Agricultural Marketing Agreement Act of 1937, as amended.

Under the present order the regulation of handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties has tended to increase the returns to growers. Experience under the present order has established the desirability of continued operation. Such provisions should be included in the proposed order so as to continue these benefits. It is also proper that the Secretary should have authority to issue different regulations for certified seed and for other potatoes. Under the present order grade and size regulations were generally modified for shipments of potatoes for seed purposes. No separate regulations were issued for seed potatoes as such. However, it is an appropriate authority to have in the proposed order so that, if it should be the judgment of the committee that to do so would tend to effectuate the declared purposes of the act, the committee should have authority to recommend such action to the Secretary and the Secretary should have authority to regulate the handling of certified seed potatoes differently from other potatoes.

The proposed order should contain authority for regulating the grade, size, quality, and maturity of potatoes differently for different outlets. It is important that the committee and the Secretary should be able to give consideration to the alternative prices that growers can obtain from potatoes that are shipped to the domestic table stock market, to export market, or to certain other outlets such as for potato chips or other types of processing. Each of these outlets may take a particular grade and size potato at a price such outlets warrant or for which buyers are willing to pay a premium, or buy only at discount from usual table stock prices. In recognition of this fact and in the interest of maximizing growers' returns the committee should be able to consider these differences and to recommend, and the Secretary issue, such different regulations by grade, size, quality, and maturity that should be applied to potatoes going to each type of outlet as the circumstances may warrant.

The present order provides for different regulations by different portions of the production area and such authority has been exercised from time to time, particularly with respect to the so-called early deal in the western part of Idaho and Malheur County, Oregon, and the late or storage deal in the central and eastern part of Idaho.

For example, in the early deal, potatoes are usually shipped immediately after harvest; and in order that such potatoes reach market in an acceptable form, without excessive skinning or feathering, regulations were issued which specified a maturity requirement for such potatoes. In addition, some portions of the production area may suffer from a condition affecting the crop which does not necessarily extend throughout the production area. In such cases, different regulations for the respective portions of the production area could be made

effective to meet the precise problems. It is important, therefore, that the proposed order should also have this authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the market so justifies.

The proposed order should have authority for regulating the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties, for certified seed and other potatoes, for different outlets, and for different portions of the production area. This is an appropriate authority that should be in the proposed order so that the committee may make appropriate recommendations and the Secretary issue such regulations as will establish and maintain orderly marketing conditions and as will tend to establish parity prices.

Common practice throughout the potato industry in the production area has been to prepare specific packs of potatoes for market. These packs have developed over a number of years. The 100-pound, U. S. No. 1 grade, pack is a common one throughout the area, as also are the U. S. No. 2 grade, and, under the Idaho grades, the Idaho Deluxe grade, the Idaho Standard grade, and Idaho Utility. In addition, "Bakers" refers to a particular size of potatoes and such designation is, at times, used in connection with any grade of potatoes. The combination of grade and size related to the size of unit establishes a pack of potatoes. On the other hand, the 10, 15, and 25 pound packs of U. S. No. 1's, or of Idaho Standards, or Utilities, also are common packs. Each particular grouping by grade and size in connection with the container has been emphasized by the industry in its dealings with the public and with receivers in terminal markets. The designation of "Bakers" on containers of Idaho potatoes is a significant commercial asset in the market. It is important that these trade distinctions, which have a monetary value, should be preserved in the interests of doing a good merchandising job for the industry. The results of this practice has been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in certain types of packs. The development of certain grades and sizes in connection with certain packages, however, involves some mechanical difficulties particularly in the smaller packs. The proposed order should provide authority to issue different regulations for different kinds of packs so that the industry may avail itself of prescribed tolerances in recognition of certain mechanical difficulties inherent in grading and packing and for proper merchandising of its packs in the markets which will pay premiums for such packs. In addition, the export market will take certain kinds of packs, such as U. S. No. 1, Size B, which would not reflect an appropriate return if sold in domestic markets. Sales of such packs in export markets would net the grower an additional return rather than a low price when sold on the domestic market which would tend to depress the price of more desirable sizes. The com-

mittee should have authority to determine the kind of packs that go into export, the kind of packs that should go into different outlets, or the grade and size of potatoes that should go into various packs. This is part of a good merchandising approach.

The proposed order should also authorize different grade and size regulations for potatoes when packed in different kinds of containers. This is part of the authority that becomes an important adjunct to good merchandising. Containers other than those in current use may enter the marketing picture in the near future. The potato industry in the production area may wish to protect newly developed or specialized containers by restricting their use to certain grades, sizes, or qualities while allowing other grades and sizes to be shipped in other of the containers in use at the same time.

The order should contain authority for the Secretary to fix, through rules and regulations, the size, capacity, weight, dimensions or pack of container or containers which may be used in the packaging or handling of potatoes, or both, as this is an appropriate means for assisting growers in increasing returns for their crop. Although the need for fixing the size, and other features, of containers in the potato industry may be less urgent than in some other crops, nevertheless the evolution of containers for potatoes indicates that there may be situations in the future in which the committee should have the right and authority to exercise its judgment in the elimination of nuisance types of container or containers that tend to create disorderly rather than orderly marketing.

The proposed order should provide, the same as the present order, authority to regulate shipments of potatoes by establishing, in terms of grade, size, or both, minimum standards of quality and maturity when prices are above parity. The shipment of culls, and other undesirable grades and sizes of potatoes that are below minimum standards of quality or maturity when prices are above parity, is not in the public interest. If it is the judgment of the committee that low grades and off sizes of potatoes should not be handled when prices are above parity, the committee should have authority to recommend, and the Secretary to issue, regulations which will maintain minimum standards of quality and maturity during such price situations.

Producers and handlers who market potatoes between early July and September 15 frequently encounter trouble, price-wise, in marketing their crop due to excess potatoes on the market. Such excess of potatoes has resulted in glutted markets, low prices to growers, and, in general, disorderly marketing conditions for potatoes grown within the production area. Such producers and handlers have found it desirable at times to stop digging and otherwise decrease supplies of potatoes in order for the market conditions to clear up. At times, during this summer deal, more potatoes are dug and prepared for market during a given period than can be sold at satisfactory prices to the producer. Potatoes are of a perishable nature, especially during the summer, and once they are dug, they

must be moved to market immediately because there are not available for such potatoes adequate storages. When potatoes are dug, but still unsold, they hang over the market so that prices are depressed to extremely low points. Growers and handlers suffer from these low prices and, at times in the past, the potatoes have brought less even than the cost of digging. As harvested potatoes accumulate in the production area and roll to market unsold, this excess supply situation tends to depress prices, not only locally, but also in terminal markets, and to create disorderly marketing conditions. Growers and handlers have found through experience that the best remedy for this situation is to discontinue putting potatoes on the market so as to facilitate the disposition of unsold rollers. They have attempted to do so at times in the past through voluntary digging holidays. However, these have not been successful in that not all growers have been willing to go along with the holiday program. Evidence indicates that the most practical approach to this problem is to authorize the prohibition of the preparation of such potatoes for market. In practical effect this means that the grading sheds would be shut down and grading operations would be discontinued during the period of the "shipping holiday." The purpose of such a holiday should be to clear up the local supplies so that the quantities of unsold potatoes may be brought into manageable proportions which do not have a depressing effect on the market price and growers' returns. Growers proposed that shipping holidays should be in effect either under glutted conditions such as they experienced in the past or during Saturday and Sunday (over week-ends) so as to eliminate the preparation for market of potatoes during these periods when receivers and other buyers in terminal markets are not open for business; and such holidays would tend to prevent adding supplies to an already glutted market. Because the primary objective of a "shipping holiday" is to clear up local supplies and unsold rollers, the sale and transportation of such potatoes as are already loaded at the beginning of such holiday should be permitted. This permission would facilitate moving all loaded supplies to the terminal markets and thereby tend to reduce the pressure of the excess supply at the source.

The proposed order should authorize that a prohibition of the preparation of potatoes for market may be declared by the Secretary pursuant to committee recommendation, whenever supply situations are such that prices to growers are unduly depressed and the prohibition of the preparation of potatoes for market will tend to increase such prices up to the parity level. Such prohibition or holiday should be authorized either during week-ends or any other part of the week whenever the circumstances warrant. However, no such holiday should prohibit the shipment of potatoes to processors within the production area only, irrespective of whether the potatoes were already loaded at the beginning of the holiday. Such potatoes as are delivered to these processors do not contribute to the accumulation of the unsold excess

supply. Also, such prohibition of preparation of potatoes for market should be limited to the two-month period from July 15 to September 15. No regulation should be issued or be effective under this provision during the remainder of the marketing season. Also, as a protective measure for growers so that the digging and preparation of potatoes for market will not be prohibited for an undue length of time, no such prohibition of the preparation of potatoes for market should be effective for more than 96 consecutive hours, and at least 72 consecutive hours should elapse between any two successive shipping holidays. Any regulation so issued under the prohibition of the preparation of potatoes for market should not apply to the handling of potatoes for processing. Potatoes for processing includes those potatoes which go to dehydration and other types of processing, such as starch or flour.

Further, handlers should be permitted to sell or contract to sell any potatoes during a holiday to the extent that such sales are in conformity with all regulations in effect at that time under the proposed order in order to reduce the number of unsold rollers that may move to market after the holiday.

No handler should be permitted to handle during any shipping holiday, or at any time thereafter, any potatoes which were prepared for market or loaded during the holiday. This is necessary in order to prevent the additional accumulation of potato supplies during the holiday which could be dumped on the market immediately after the holiday thereby tending to minimize the benefits thereof.

The authority to issue regulations should also contain authority to amend or suspend them. This is a logical outgrowth of the authority to issue such regulations. In the same way, the Secretary may terminate any regulation when he finds that the regulation obstructs or no longer tends to effectuate the declared policy of the act.

The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations to facilitate the handling of potatoes for purposes other than disposition in normal domestic fresh markets. Rules and regulations applicable to inspection or the collection of assessments should also be subject to modification, suspension, or termination in connection with such handling. The committee should be well qualified because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Idaho-Malheur County potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to or sold in certain outlets, such as those specified in § 957.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, or containers, or different prices are returned, or combinations of such considerations may apply. The proposed order

should provide authority for the committee and the Secretary to give appropriate consideration to the handling of potatoes for such purposes so that full opportunity may be taken under this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

The movement or transportation of ungraded or field-run potatoes for the purpose of having such potatoes prepared for market should be exempt in the proposed order provided that such movement is confined to the production area. Although some potatoes move directly from the field to the packing house for preparation for market, most potatoes grown in the production area are first moved to farm storage in field-run condition. Prior to grading for fresh market or movement to processors, much of the crop at farm storages receives a rough grading which results in the elimination of rots and other obvious cull potatoes, not desirable for either fresh or processing outlets.

Usually grading or preparation for market is done close to the farm where the potatoes are grown; and it is not the usual practice to haul ungraded potatoes for any great distance for this purpose. In some instances, however, potatoes move directly from storage in field-run condition to graders at more distant points within the production area for preparation for market. It is impractical, as a matter of every day business operation, to require such potatoes, which are later to be graded or prepared for market, to meet grade, size, and other regulations at the time of such movement. To require such compliance with such regulations for table stock potatoes would impose an unreasonable hardship on producers and handlers in the production area. Such movement for grading or preparation for market within the production area should be specifically excluded from the definition of the term "handle."

Movement of ungraded or field-run potatoes within the production area for the purpose of having such potatoes stored within the production area or for planting within the production area should similarly not be restricted. No useful purpose would be served by including such movement within the authority of the proposed order. Movement of ungraded potatoes for planting or storage within the production area occurs prior to the time such potatoes are prepared for market or moved thereto. Exclusion of such movement within the production area from the definition of "handle" will ease the burden of administration on the committee and reduce any reporting and other requirements on growers.

Some export markets accept certain grades, and particularly some sizes, which are generally discounted in domestic markets. The proposed order should therefore, provide that grade, size, and other regulations may be modified, suspended, or terminated to facilitate the movement to export outlets so that this demand can be met and the sale of potatoes grown in the production area

may continue in such markets. This authority is contained in the present order.

The proposed order should provide that special considerations may be given to the handling of potatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

The handling of pickouts and culls for livestock feed has been relieved from regulation under the present order. Under the proposed order such handling similarly should be relieved from regulation but only for disposition within the production area. Adequate outlets are available in the production area for livestock feed potatoes. Since such production area can utilize the available supply of such potatoes, it is practical and desirable to permit such handling to localized livestock outlets as a means of effecting compliance with the terms and conditions of the proposed order. Such a limitation would also assure that the potatoes earmarked for such outlet are not diverted to the fresh market outside the production area.

The committee should continue to have authority under the proposed order to recommend that any regulation applicable to potatoes for the fresh market should be modified, suspended, or terminated with respect to the handling of certified seed potatoes, when to do so would facilitate the shipment thereof for seed purposes. Also, the Secretary's authority should be continued in this respect. Seed potatoes must pass a series of tests before certification by the appropriate State agency. There is additional expense to the grower for such certification. Certified seed is usually sold at a premium over potatoes for fresh market; small sizes are preferred as seed but discounted for table use. However, should prices of table-stock potatoes be at relatively high levels, growers and shippers may be encouraged to divert certified seed potatoes to the table (or fresh) market. In such event, the committee should be authorized to recommend, and the Secretary to issue, safeguarding requirements or other regulations applicable to certified seed shipments to insure that they are in fact shipped for use as seed.

A practice has been started by a number of growers and handlers of holding potatoes in so-called warm storage to promote proper conditioning for manufacture into potato chips. This is in accordance with the desires and specifications of potato chippers. Such conditioning usually puts the potatoes in a preferred condition for potato chips but in a condition (i. e., shriveled and with sprouts) which could result in discounted prices if sold on the fresh market. The committee should have authority to recommend that special consideration be given for potatoes which have been conditioned for chipping. Such consideration should include, among other things, authority to prescribe a different period of validity for inspection certificates issued on potatoes moving into warm

storage in the production area for conditioning. However, such special consideration need not be extended to all potatoes which are destined to potato chip plants without prior conditioning. Also, an existing grade regulation could be modified so as to permit the handling of conditioned potatoes that fail to meet the requirements of the grade because of shriveling and sprouting. The Secretary should have the requisite authority to accomplish this.

The committee and the Secretary should have authority to give special consideration to potatoes which move to processing outlets or which may be converted into any products or by-products, whether for edible or industrial use. Market requirements vary for shipments of potatoes destined for several processing outlets. The common processed potato products include dehydrated potatoes in various forms, starch, flour, and canned and frozen products. Other products of raw potatoes include alcohol, and glucose. There is no authority provided in the present or proposed order which would permit any regulation of potato products or by-products as such. Therefore, only those handling activities which precede the manufacturing process should be subject to the aforesaid special consideration which includes modification, suspension, or termination of regulations applicable to the usual fresh market shipments of potatoes. Shipments of potatoes, among other vegetables, for the purpose of having such potatoes canned or frozen, are specifically exempted from regulation by the act. Any reference to potatoes for canning or freezing herein has particular reference merely to a safeguard, which requirement may cause such shipments to canners or freezers to be reported to the committee for the sole purpose of assuring the committee, the Secretary, and the potato industry in the production area that such shipments are, in fact, moved to the outlet for which intended. No other regulation or restriction is implied on potatoes for canning or freezing.

Evidence supports the fact that, in most cases, shipments to starch processors should be subject only to safeguarding requirements to determine that such shipments reach the announced outlet. Starch is primarily a salvage outlet for pickouts or culls in the production area. Such pickouts or culls are usually purchased from fresh market packing house operators at a very low price. Few field-run potatoes are used in starch plant operations. Also starch does not compete, in a large sense, with potatoes for edible uses.

On the other hand, the testimony in the hearing record shows that dehydrators use and prefer higher quality potatoes than do starch processors. Exclusive use of field-run potatoes in dehydration plants is not uncommon; however, at times culls or pickouts are blended with field-run or graded potatoes. It was testified that efficiency of operation in dehydration plants improves directly with the quality of the raw product, and that processors compete with fresh market shippers for potato supplies. Some

producers make an attempt to remove rots and green potatoes from their field-run stock prior to delivery to dehydrators because their returns are based on grade-out. In any event, rots and green potatoes are subject to culling by the dehydrators because the use of such culls would result in the manufacture of a poorer quality product.

The present order regulates the handling of potatoes shipped outside the production area for processing and contains authority for relaxing regulations to facilitate such handling. In view of the foregoing, the proposed order should also authorize the Secretary to relax the grade and size regulation which would otherwise be applicable to all handling of potatoes to facilitate the movement of potatoes to the several processing outlets. Of course, the degree of relaxation should be reasonably related to the particular processing outlet. Prices at which growers sell and processors buy field-run potatoes are directly related to and dependent on fresh market prices. The same is generally true but to a lesser extent, of prices of culls or pickouts sold to processors. Most of the processing plants in the production area utilize large quantities of field-run potatoes or cull potatoes in their operations, often exceeding one million bushels per plant during a marketing season.

During certain seasons, excessively high production and supplies could result in depressed prices and lower returns to growers. Some potato crops grown in the production area may be of such generally poor quality as to contain a high proportion of culls in field-run lots thereby resulting in the committee recommending and the Secretary issuing a somewhat less stringent grade and size regulation to permit the filling of market demands or to facilitate grading operations. The committee should, therefore, have authority to recommend some restriction on the handling of culls and pickouts for manufacturing or processing during seasons when these conditions exist. The members of the committee may decide that the wisest and most prudent course to follow, after consideration of the nature of the potato crop and the position of growers, shippers, and processors, should be to recommend, for example, that the Secretary modify the grade and size regulation to the extent that only field-run or better quality or sizes of potatoes may be handled for processing rather than culls and pickouts. Such modification may, for example, permit the delivery and utilization of field-run potatoes at dehydration plants and prohibit the blending therewith of culls or pickouts. At times it may be necessary for the committee to recommend the issuance of somewhat more restrictive regulations.

For other purposes or outlets which may develop in the future, the committee should be empowered with sufficient flexibility so as to recommend that special treatment, through modification, suspension, or termination of regulations be made applicable thereto. The committee, with the approval of the Secretary, should be authorized to give such special consideration to help promote orderly marketing of potatoes by taking advan-

tage of such new outlets and to facilitate the handling of potatoes therefore.

(18) The provisions of the present order relating to safeguards (applicable to shipments of potatoes for special purposes) should be somewhat modified mainly to delete superfluous wording and to simplify committee administration. The proviso in the present § 957.57 (b) (2) relating to inspection and payment of expenses at different times than otherwise usually specified should be deleted because no need for its applicability is contemplated. The committee should continue to have authority to rescind any Certificate of Privilege issued as a safeguard to a handler for a special purpose shipment whenever proof satisfactory to the committee is obtained which shows that the terms of the certificate have been violated by him. This will assure handlers that a Certificate of Privilege will not be revoked without adequate proof of a violation.

(19) Provision should be made for inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of shipments of potatoes grown in the production area during any period in which shipments of potatoes are regulated under the proposed order. Such inspection requirements should apply to all potatoes shipped under regulations issued under the proposed order, except when any such shipments are relieved from inspection requirements pursuant to such order, so as to assure compliance with the program.

Inspection of shipments subject to regulation establishes a means for providing the shipper, the buyer, the committee, the Secretary, and other interested parties, with an authoritative determination as to whether a shipment or shipments of potatoes comply with the requirements of any particular grade, size, quality, or maturity regulation which may be in effect under the proposed order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, quality, and maturity of each shipment of such potatoes should be authoritatively established so that the administration of the proposed order shall be efficient and effective.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so that it may properly discharge its administrative responsibilities under the program, including checking the compliance aspects thereof. Such certificates also could provide a basis for computing assessment due by handlers.

Provision should be made in the proposed order for authority to inspect potatoes, not only by personnel of the Federal-State Inspection Service but also by personnel of such other inspection service as the Secretary may designate, so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State Inspection is not available. The requirement that no handler shall ship potatoes unless the shipment is inspected by an authorized inspection service approved

under the proposed order is reasonable and necessary for the proper administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles potatoes after they have been prepared for market so that each shipment of such potatoes will be identified and certified with respect to its grade, size, and other factors. The handler who so first handles potatoes should be required to obtain inspection and subsequent handlers may not handle such potatoes unless a properly issued inspection certificate, valid under the terms of the proposed order, applies to the potatoes.

In order that the committee may carry out its duties under the order to determine that specific shipments of potatoes have been properly inspected and certified and also comply with other applicable regulations, it is necessary that the committee be supplied with appropriate evidence of each such shipment in the form of an inspection certificate.

Whenever any shipment of potatoes subject to the terms and provisions of the proposed order have been inspected and are later dumped from the containers in which they were inspected, such potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. When any such lot of potatoes thereafter should be repacked, regraded, or resorted, such potatoes take on new identity; and any subsequent handling of such potatoes should comply with regulations issued under the proposed order. Therefore, inspection of such potatoes should be required as in the case of any other handling of potatoes. Such requirement is necessary to effectuate the declared policy of the act and a means effecting compliance. Therefore, the proposed order should provide that any person who handles potatoes grown in the production area after they have been repacked, regraded, or resorted shall not handle such potatoes unless they are inspected prior to handling. Such inspection of repacked, regraded, or resorted potatoes is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee with the approval of the Secretary, should be authorized to determine the length of time the inspection certificates may be valid insofar as the requirements of the proposed order are concerned. In order to assure that an inspection certificate will reflect at the time of handling, the quality of a particular lot of potatoes at the time of inspection prior thereto, the committee should have authority to fix, with approval of the Secretary, a time limit governing the continuing validity of any such certificate. Such requirement is reasonable and necessary; and it could be helpful especially with respect to warehouse or lot inspections, so that a time could be fixed that would allow adequate opportunity for the handling of all of the inspected potatoes, thereby accommodating handlers and truckers. For example, this provision could serve to

authorize the committee with approval of the Secretary to establish a longer period of validity for inspection certificates issued in the case of potatoes placed in warm storage for conditioning for use as chips and shipped out of storage at some later date. As previously indicated conditioned potatoes are subject to shriveling and sprouting, due to conditioning; and the added time would enable the subsequent handling of such conditioned potatoes if they otherwise meet the then current regulations.

(20) The provisions of the present order set forth procedures to be followed in the issuance of exemption certificates to individual producers and handlers who, because of adverse circumstances beyond their control or reasonable expectation, are unable to handle a quantity of potatoes equal to the average handled by all producers and handlers in their immediate areas. The committee proposed deletion of the sections of the order applicable to exemptions contending that unusual weather conditions are reasonably to be expected, the shipment of undergrade and under-size potatoes moved under exemption certificates tends to depress the returns paid for good quality potatoes, and it is difficult to administer the exemption procedures and simultaneously afford equitable treatment to all producers and handlers. Testimony in the hearing record reveals that approximately 50 exemption certificates, applicable to an area of 5,000 to 6,000 acres of potatoes, were issued by the committee to producers and handlers during the 1954-55 season. Most of the 50 certificates were issued on the basis of hardship resulting from hail damage. Contrary to the committee's contention, hail cannot be anticipated. Such weather factors do not affect all producers and handlers in an area alike. During past marketing seasons, the volume moved under exemption certificates has been slight compared to total shipments. During the 1954-55 season, e. g., the acreage affected amounted to only 3 percent of the total acreage in the production area. In addition, not all of the production from any such affected acreage failed to meet minimum regulatory requirements.

The record does not support a finding that would justify deletion of the provisions of the present order relating to exemptions. It was testified that producers and handlers would be unable to seek equitable treatment under the program should the exemption feature not be in the proposed order. No other adequate or reasonable course is available to producers and handlers; therefore, the exemption provisions should be continued in the proposed order.

(21) The continuation of rules and regulations effective under the present order which may be in operation at the time of issuance of the proposed order is necessary for the efficient operation of the program. For example, rules and regulations (7 CFR 957.100 through 957.133) relative to exemption certificates, Certificates of Privilege, and safeguards are currently in effect under the present order. Since there are no substantial changes in the provisions of the proposed order authorizing these rules

and regulations, they should continue in effect until subsequently modified or terminated. Such continuation is practical and necessary for efficient operation. Any lapse in such rules and regulations for technical reasons could result in undue administrative hardship on the committee and the Secretary, and on the industry.

(22) The provisions of the present order which remain essentially unchanged by the terms and conditions of the proposed order should be applied to all handling of potatoes grown in the production area because such provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 957.80 through 957.95 which are an essential part of the present order, also common to other potato marketing orders, and they are necessary and appropriate to the operation of the proposed order. The other provisions of the present order remaining essentially the same in the proposed order are incorporated on the same basis. The record shows the desirability and necessity for doing so. These sections set forth certain definitions, rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order.

Ruling on proposed findings and conclusions. At the conclusion of the hearing, the Presiding Officer fixed March 16, 1956, later extended to April 2, 1956, as the latest day on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be received by the Hearing Clerk of this Department.

Briefs were filed within the allotted time by L. E. Haight, Attorney for Food Processing Division, J. R. Simplot Company, Boise, Idaho; and Jones, Pomeroy & Jones, Pocatello, Idaho; Attorneys for Rogers Bros. Seed Company, American Potato Company, and Idaho Potato Growers, Inc., all of Idaho Falls, Idaho. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposed amendments considered at the hearing. The briefs generally contend, among other things, that there is no competition between fresh and processed potatoes, and that the evidence received at the hearing does not justify a referendum with respect to proposed amendment.

The proposed order has as its primary purpose the establishment and maintenance of such orderly marketing conditions as will establish parity prices for potatoes grown in the production area. The proposed order relates only to the handling of fresh or raw unprocessed potatoes; and the returns to producers for such potatoes are the direct and positive concern of such authority.

There is direct competition among all buyers for each crop of potatoes grown in the production area. In most instances, potatoes grown in the production area are produced for sale to fresh market outlets. The prices at which growers

sell to processors are, for the most part, governed by the multiple factors which determine fresh market prices. Each grower first considers price alternatives and opportunities in fresh market channels, based on his best estimates of the grade and size of his particular crop or lot of potatoes, before making any sale commitments with processors, including contracts to sell to processors before planting or harvest. In such latter instances, the grower's judgment as to the prospect for fresh market prices during the ensuing marketing season are an important consideration in his decision whether to sell to processors. To the extent, then, that producers weigh prices offered by processors for potatoes grown in the production area against fresh market prices (both within and outside the State) for such potatoes, there is direct price competition between such outlets.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the fact found and stated in connection with the conclusions in this recommended decision.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agree-

ment upon which hearings have been held;

(3) The said marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Recommended amendment to the marketing agreement and order. The proposed amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the aforesaid conclusions may be carried out; and, for ready reference to all of the provisions of the present order as proposed to be amended, an entire order, as amended, is set forth:

DEFINITIONS

§ 957.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 Act. "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 Person. "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 957.4 Production area. "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

§ 957.5 Potatoes. "Potatoes" means all varieties of Irish potatoes grown within the production area and does not include any products thereof.

§ 957.6 Varieties. "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 Certified seed potatoes. "Certified seed potatoes" means and includes

all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 Handler. "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

§ 957.9 Handle. "Handle" is synonymous with "ship" and means to sell or transport potatoes within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include the movement of potatoes within the production area for the purpose of having such potatoes prepared for market, stored, or planted within such area.

§ 957.10 Producer. "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 Committee. "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.25.

§ 957.12 Fiscal period. "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 957.13 Prepare for market. "Prepare for market" means to sort or separate potatoes into grades, sizes, qualities, or packs, or any combination thereof, for market purposes.

§ 957.14 Grade and size. "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State of Idaho or Oregon or amendments thereto, or modifications, or variations based thereon.

§ 957.15 Pack. "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 Container. "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of unit used in the packaging, transportation, sale, shipment or handling of potatoes.

§ 957.17 Export. "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.18 District. "District" means each one of the geographical divisions of the production area established pursuant to § 957.27 or as reestablished pursuant to § 957.28.

§ 957.19 Marketing season. "Marketing season" is synonymous with "season" and means the period July 1 of any year to and including June 30 of the following year.

§ 957.20 Process. "Process" means to manufacture or convert potatoes into any of the products thereof.

COMMITTEE

§ 957.25 Establishment and membership. (a) The Idaho-Eastern Oregon Potato Committee consisting of eleven members, of whom seven shall be producers and four shall be handlers (including one handler from any district within the production area who may be a processor), is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a producer member or alternate shall be an individual who (1) is a producer in the district for which selected or an officer or employee of a producer in such district, and (2) is also a resident of such district. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.29, 957.30, 957.32, and 957.34, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

§ 957.26 Term of office. (a) The term of office of committee members and alternates shall be for two years beginning June 1 and ending May 31. After June 1, 1956, and on an alternating basis in succeeding years, the terms of office shall be so determined that the tenure of three producer members and two handler members, and their respective alternates, shall terminate as of May 31 of one year and the tenure of four producer members and two handler members, and their respective alternates, shall terminate as of May 31 of the following year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the term for which selected, and until their successors are selected and have qualified.

§ 957.27 Districts. For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore,

Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

§ 957.28 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts, set forth in § 957.27, within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 60 days prior to the beginning of a fiscal period; and no recommendations for such redistricting or reapportionment may be made less than four months prior to such date.

§ 957.29 *Selection.* Members and alternates shall be selected on the following basis (unless otherwise apportioned pursuant to § 957.28): (a) Three producer members and two handler members, with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates from District No. 2; and (c) three producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.30 *Nominations.* (a) The Secretary may select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations which may be made in the following manner, or from other eligible persons; and nominations for members and alternates may be submitted by producers or handlers, including processors, as the case may be, or groups of either thereof, on an elective basis or otherwise:

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, one or more meetings of producers and of handlers in each of the districts designated in § 957.27, or pursuant to § 957.28, in which the then current terms of office will expire the following May 31; and

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the expiration of the terms of office.

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers, including those who are also processors,

may participate in designating nominees for handler members and alternates.

(e) Regardless of the number of districts in which a person produces or handles potatoes, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.31 *Failure to nominate.* If nominations are not made within the time and in the manner and form specified by the Secretary pursuant to § 957.30, the Secretary may, without regard to nominations, select the committee members and alternates: *Provided*, That such selection shall be on the basis of the representation prescribed in this subpart.

§ 957.32 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.33 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 957.30, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.29.

§ 957.34 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence; and an alternate member may perform such other duties as assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified.

§ 957.35 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum; and at least seven concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings, by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.36 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed \$10.00 for each day, or portion thereof, spent in attending to committee business: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 957.37 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.38 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period; and at such other time as the committee may deem necessary or as the Secretary may request; the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart;

a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

EXPENSES AND ASSESSMENTS

§ 957.40 Expenses. The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 Budget. At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 Assessments. (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed \$1.00 per carload. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 Accounting. (a) All funds received by the committee pursuant to the provisions of this part shall be used

solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect; and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 Refunds. Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 957.47 Research and development. The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes,

REGULATION

§ 957.50 Marketing policy.—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new or revised marketing policy in the manner set forth in paragraph (a) of this section and this paragraph. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 Recommendation for regulations. Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52 or § 957.53, or both, it shall recommend such regulations to the Secretary, or amendment, thereto, or modification, suspension or termination thereof, whenever it finds that such regulations will tend to effectuate the declared policy of the act.

§ 957.52 Issuance of regulations. (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for certified seed potatoes and other potatoes, for different outlets, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period.

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Prohibit the handling of potatoes during a specified period or periods. No regulation issued pursuant to this subparagraph shall be applicable to the handling of potatoes (i) for processing, (ii) that were already loaded at the beginning of such period, or (iii) during any period other than between July 15 and September 15 of any marketing season. No such prohibition shall be deemed to limit the right of any person to sell or contract to sell any potatoes which are in conformity with the then current regulations, if any, that are in effect under this part. Further, no such prohibition shall be effective for more than 96 consecutive hours and at least 72 hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of potatoes is regulated pursuant to § 957.52 (a) (5), no handler shall, except as otherwise permitted by said § 957.52 (a) (5), handle any potatoes that were prepared for market or loaded during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 957.53 *Modification, suspension, or termination.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulation under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate the handling of potatoes for the following purposes:

- (a) Export;
- (b) Relief or charity;
- (c) Livestock feed within the production area;
- (d) Certified seed potatoes;
- (e) Processing into specified products; and
- (f) Such other purposes which may be specified by the committee, with approval of the Secretary.

§ 957.54 *Minimum quantity exemption.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 and other outlets from entering channels of trade for other than the specific purpose authorized therefor.

(b) Safeguards, as provided by this section, may include requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain certificates of privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of certificates of privilege.

(d) The committee may rescind or deny to any handler certificates of privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 *Inspection and certification.*

(a) During any period in which regulations are issued pursuant to §§ 957.52, 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendation by the committee and approval by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

EXEMPTIONS

§ 957.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 957.71 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of handling.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of handling.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 957.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The

committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 957.73 Records, reports, and review of exemptions. (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 957.70 to 957.73, inclusive.

MISCELLANEOUS PROVISIONS

§ 957.80 Reports. Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.81 Compliance. Except as provided in this part, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle potatoes except in conformity to the provisions of this part.

§ 957.82 Right of the Secretary. The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.83 Effective time. (a) The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 57, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such

rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.84 Termination. (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any season whenever he finds that such termination is favored by a majority of producers who, during the preceding season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such season, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current season.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 957.85 Proceedings after termination. (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.86 Effect of termination or amendments. (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any

regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) Each person who is a committee member or alternate on the effective date of this subpart shall continue in office under this subpart until the end of such person's term of office, and until his successor has been selected and has qualified; and all effective rules and regulations issued pursuant to this subpart shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

§ 957.87 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 957.88 Agents. The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 957.89 Derogation. Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.90 Personal liability. No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 957.91 Separability. If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.92 Amendments. Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 957.93 Counterparts. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

* Applicable only to the proposed marketing agreement.

§ 957.94 *Additional parties.* After the effective date hereof, any handler who had not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.²

§ 957.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.²

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 56-4047; Filed, May 22, 1956;
8:49 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING HANDLING

Correction

In Federal Register Document 55-3393, of the issue dated April 27, 1955, the following corrections are made:

1. On page 2803 Col. 1, 11th line of 2d full paragraph change "Class II" to "Class III".
2. On page 2806 Col. 1, 18th line of 1st paragraph change "Class II" to "Class III".
3. On page 2806 Col. 2, 7th line from end of 1st paragraph change "Class II" to "Class III".
4. On page 2806 Col. 3, 18th line from bottom change "Class II" to "Class III".
5. On page 2807 Col. 3, next to last line change "\$1.35" to "\$1.40", and on page 2808 Col. 1, 2d line change "\$1.80" to "\$1.85".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11677]

REMOTE CONTROL OPERATION OF CERTAIN STANDARD, FM, AND NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the Matter of amendment of §§ 3.66, 3.274 and 3.572 of the Commission's rules

² Applicable only to the proposed marketing agreement.

and regulations relating to remote control operation of certain standard, FM, and non-commercial educational FM broadcast stations.

1. On April 12, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56-323) in the above-entitled proceeding which specified that comments should be filed on or before June 1, 1956, with replies to comments due 20 days thereafter.

2. On May 10, 1956, the International Brotherhood of Electrical Workers (AFL-CIO) filed a request for extension of time in which to file comments, as the June 1, 1956, date would be unfair and impractical in that it would not allow it sufficient time for the presentation of considered views prepared with the degree of care and accuracy that the Commission is entitled to have before

it in its consideration of the proposed rule making in the matter.

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing, it is ordered, That the time for filing comments in the above-entitled proceeding is extended to July 2, 1956; and that the time for filing replies to such comments is extended to 20 days thereafter.

Adopted: May 17, 1956.

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-4043; Filed, May 22, 1956;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 14—California State Office]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 14, 1956.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid rights and provisions of existing withdrawals, the Departmental order of January 21, 1933, establishing Stockdriveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 35 E.,
Section 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 25 S., R. 36 E.,
Section 20, S $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 120 acres.

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

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 5th Floor Bartlett Building, 215 W. 7th St., Los Angeles 14, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 56-4030; Filed, May 22, 1956;
8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 012867, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for military purposes.

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

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

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

The lands involved in the application are:

Commencing at the point of intersection of latitude 64°35' North and longitude 146°42' West; thence South along said longitude line for a distance of 670 feet to the True Point of Beginning for this description; thence West 9,200 feet; thence North 1,540 feet; thence N. 55° 00' E. 6,875 feet; thence East 6,335 feet; thence South 5,460 feet, more or less, to a point due East of the Point of Beginning; thence West 2,710 feet, more or less, to the Point of Beginning, and containing 1,240 acres, more or less.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-4031; Filed, May 22, 1956;
8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Coast Guard has filed an application, Serial No. Anchorage 022116,

for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws and the Grazing Act.

The applicant desires the land for primary communication facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 630, Anchorage, Alaska.

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

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

The lands involved in the application are:

Point of beginning Coast Guard Reservation Corner No. 1, from which Corner No. 9 of U. S. Survey No. 3275 bears west 4.484 chains; thence approximately south 89° 24' E a distance of approximately 68.7 chains to CG Reservation Corner No. 2, which is identical to Corner No. 3 of U. S. Survey No. 3022; thence south 85° 08' 30" E a distance of 2.692 chains to Coast Guard Reservation Corner No. 3, which is identical to Corner No. 13 of U. S. Survey No. 2808; thence east a distance of 16.48 chains; passing thru Corner No. 12 of U. S. Survey No. 2808, to Coast Guard Reservation Corner No. 4; thence south a distance of approximately 40 chains to Coast Guard Reservation Corner No. 5; thence west approximately 87.88 chains, passing thru corner No. 9 of U. S. Survey No. 3155, to Coast Guard Reservation Corner No. 6; thence north a distance approximately 41 chains to Coast Guard Reservation Corner No. 1 the point of beginning. Such Reservation containing an approximate area of 356 acres, including the area occupied by the right of way of the North Tongass Highway which passes thru this Reservation.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 56-4032; Filed, May 22, 1956;
8:46 a. m.]

Bureau of Reclamation

PAONIA PROJECT, COLORADO

ORDER OF REVOCATION

MARCH 1, 1956.

Pursuant to authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 7, 1942, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PAONIA PROJECT

T. 14 S., R. 90 W.,
Sec. 16: W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22: S $\frac{1}{2}$ SW $\frac{1}{4}$.

The above areas aggregate 760 acres.

E. G. NIELSEN,
Assistant Commissioner.
[1941433]

MAY 17, 1956.

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

The released lands are within the Gunnison National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections and locations, as are permitted on national forest lands effective at 10:00 a. m. on June 22, 1956.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado. Other inquiries shall be addressed to the Regional Forester, Federal Center—Building 85, Denver, Colorado.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-4042; Filed, May 22, 1956;
8:48 a. m.]

National Park Service

[Order 14, Amdt. 6]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACCEPT
OFFERS IN SETTLEMENT OF TIMBER
TRESPASSES

Correction

In F. R. Document 56-3951 appearing in the issue for Saturday, May 19, 1956, on page 3332, the bracket should read as set forth above.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11004, 11691; FCC 56M-5.0]

OHIO VALLEY BROADCASTING CORP. ET AL.
ORDER SCHEDULING HEARING

In re applications of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849; for television construction permit. News Publishing Company, Wheeling, West Virginia, (transferor), and WSTV, Inc., Steubenville, Ohio, (transferee), Docket No. 11691, File No. BTC-2048; for commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

It is ordered, This 16th day of May 1956 that, pursuant to agreement of counsel arrived at during the pre-hearing conference held on this date, the hearing in the above-entitled proceeding will commence on June 11, 1956, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 56-4044; Filed, May 22, 1956;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6879]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AUTHORITY TO
ISSUE UNSECURED PROMISSORY NOTES

MAY 17, 1956.

Take notice that on May 11, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of not to exceed \$25,000,000 at any one time outstanding. Applicant proposes to issue the unsecured Promissory Notes in varying amounts to the banks listed below:

Name and Address	Amount
Guaranty Trust Co. of New York, New York, N. Y.	\$8,000,000
The Chase Manhattan Bank, New York, N. Y.	5,000,000
The first National City Bank of New York, New York, N. Y.	5,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	3,000,000
Continental Illinois National Bank & Trust Co. of Chicago, Chicago, Ill.	2,000,000
The Hanover Bank, New York, N. Y.	2,000,000

Total ----- 25,000,000

The First National Bank of Portland (Oregon), the United States National Bank of Portland (Oregon), and Bank of California N. A. (Portland, Oregon Branch) will have participations of \$500,000 each, and National Bank of Commerce of Seattle (Washington) and Seattle-First National Bank (Seattle, Washington) will have participations of \$300,000 each, through agreements with Guaranty Trust Company of New York.

Each of the notes to be issued will be dated the date of the borrowing evidenced thereby, have a stated maturity of November 15, 1964, and bear interest at the rate of 4% per annum from the date thereof until December 31, 1958, and at the rate of 4 1/4 percent per annum from January 1, 1959 until maturity.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 7th day of June 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-4037; Filed, May 22, 1956;
8:47 a. m.]

[Docket No. G-3802, et al.]

DAVE MORGAN OIL CO. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 18, 1956.

In the matters of Dave Morgan, d. b. a. Dave Morgan Oil Company et al.,

Docket No. G-3802 et al.; Shell Oil Company, Docket No. G-5082.

Notice is hereby given that the application of Shell Oil Company in Docket No. G-5082 in the above consolidated proceedings and scheduled for a hearing on May 23, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-4038; Filed, May 22, 1956;
8:47 a. m.]

[Docket No. G-10414]

HUNT OIL CO.

ORDER INSTITUTING INVESTIGATION

Hunt Oil Company, (Respondent) is engaged in the production of natural gas and the sale thereof in interstate commerce for resale for ultimate public consumption, and is a natural gas company within the meaning of the Natural Gas Act, as found by the Commission by order issued February 7, 1956 in the Matter of Hunt Oil Company, Docket No. G-4366.

On October 4, 1955, Respondent, as party Seller, submitted for filing a contract, dated August 22, 1955, with Texas Eastern Transmission Corporation, as Buyer, for the sale of gas produced in the Greenwood-Waskom Field in Caddo Parish, Louisiana, which was designated by the Commission as Hunt Oil Company FPC Gas Rate Schedule No. 28, and accepted for filing by Commission letter dated November 30, 1955.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent also engages in other sales of natural gas in interstate commerce. It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by the Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged or collected by the said Respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent be and it is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Com-

mission, made or proposed to be made by said Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to the Respondent that any of their rates, charges, classifications, rules, regulations, practices, or contracts subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in Paragraphs (A) and (B) above.

(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: May 17, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-4039; Filed, May 22, 1956;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3479]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED BANK BORROWINGS

MAY 17, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating Sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Columbia proposes to borrow \$35,000,000 in aggregate amount from eighteen commercial banks, as follows:

Bank	Amount
Guaranty Trust Co. of New York	\$10,910,000
Chemical Corn Exchange Bank	4,200,000
Mellon National Bank & Trust Co.	4,200,000
Bankers Trust Co.	2,500,000
The First National City Bank of New York	2,500,000
Irving Trust Co.	2,000,000
The Hanover Bank	2,000,000
J. P. Morgan & Co., Inc.	1,500,000
Manufacturers Trust Co.	1,500,000
Peoples First National Bank & Trust Co.	900,000
Brown Brothers, Harriman & Co.	750,000

Bank	Amount
Fidelity Trust Co.	\$600,000
The Ohio National Bank of Columbus	450,000
The Union National Bank of Pittsburgh	300,000
The Charleston National Bank	240,000
The Kanawha Valley Bank	240,000
The First Huntington National Bank	120,000
First-City National Bank of Binghamton	90,000
Total	35,000,000

Loans will be made and mature in accordance with this schedule:

To be borrowed on or before—	To mature—	Amount
July 13, 1956	Feb. 28, 1957	\$10,000,000
Aug. 15, 1956	Mar. 29, 1957	15,000,000
Sept. 14, 1956	Apr. 30, 1957	10,000,000

Each borrowing will be apportioned ratably among the participating banks. The loans will be evidenced by unsecured notes bearing interest at the rate of 3½ percent per annum (the prime rate at the time the loans were negotiated), payable three months after the date of each respective note and at maturity or earlier payment. Notes may be prepaid in whole or in part, in order of maturity, without penalty on ten days' notice, except that prepayments may not be made with funds borrowed from banks at a lower interest rate.

Pursuant to a separate filing (File No. 70-3478), Columbia will advance the borrowed funds to its six subsidiaries which operate facilities for the underground storage of natural gas, in order to finance their purchases of inventory gas. Funds for repayment of the bank loans will become available to Columbia as said subsidiaries repay the advances with proceeds of the sale of gas withdrawn from storage.

Columbia's aggregate fees and expenses in this matter are estimated at \$400.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than June 4, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said 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 Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-4040; Filed, May 22, 1956;
8:48 a. m.]

[File No. 7-1797]

DENVER & RIO GRANDE WESTERN RAILROAD
CO.NOTICE OF APPLICATION FOR UNLISTED TRADING
PRIVILEGES, AND OF OPPORTUNITY FOR
HEARING

MAY 17, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in The Denver & Rio Grande Western Railroad Company, common stock; File No. 7-1797.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 4, 1956, from any interested person, 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 making the request and the position he proposes to take at the hearing. 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.[P. R. Doc. 56-4041; Filed, May 23, 1956;
8:48 a. m.]INTERSTATE COMMERCE
COMMISSION

[Notice 113]

MOTOR CARRIER APPLICATIONS

MAY 18, 1956.

Protests 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 200 Sub 189, filed May 9, 1956, RISS & COMPANY, INC., Riss Building, 15 West Tenth Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave, 15 West Tenth Street, Kansas City, Mo. 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, between Peoria, Ill., and Lincoln, Ill., from Peoria over U. S. Highway 150 to junction Illinois Highway 121, thence over Illinois Highway 121 to Lincoln, and return over the same route, serving no intermediate points and with no service at the termini except as otherwise authorized, as an alternate or connecting route for operating convenience only in connection with carrier's authorized regular route operations between Peoria, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Missouri, Kansas, Colorado, Oklahoma, Texas, Illinois, Iowa, Nebraska, Ohio, Indiana, Pennsylvania, Maryland, New York, New Jersey, Michigan, Kentucky, Massachusetts, Connecticut, West Virginia, Virginia, and the District of Columbia.

No. MC 730 Sub 67, filed May 14, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. Applicant's attorney: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a common carrier, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Salt Lake City, Utah, and points within ten miles thereof, to (1) Elko, Cobre, Lamoille, Ely, Cherry Creek, Egan, Tippet, Anderson's Ranch, Aurum, Muncy, Ruth, and Kimberly, Nev., (2) points on U. S. Highway 40 between Elko, Nev., and the Utah-Nevada State Line, (3) points on U. S. Highway 50 between Ely, Nev., and the Utah-Nevada State Line, and (4) points in Nevada on U. S. Highway 93 between the Junction of U. S. Highways 50 and 93 and the Junction of U. S. Highways 40 and 93.

NOTE: Applicant states applied-for authority would remove existing restriction in applicant's Sub 52. It also broadens the authority by adding petroleum to the commodity description. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

No. MC 1150 Sub 16, filed May 9, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a common carrier, over irregular routes, transporting: Machinery, equipment, materials and supplies used in or in connection with the discovery, mining, development, production, refining, manufacture, processing, storage, transmission, and distribution of uranium and its products and by-products, and uranium, uraniferous lignite ore and other ores or materials from which uranium is derived, between points in Carter, Powder River, Fallon, Custer, Rosebud, Wibaux, Prairie, and Dawson Counties, Mont., and points in North Dakota and South Dakota on and west of U. S. Highway 83.

No. MC 1227 Sub 3, filed April 26, 1956, CHELAN TRANSFER COMPANY, INC., Box 7, Chelan, 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 the proposed Wells Dam Site to be located between Chelan Station and Wells, Wash., as an off-route point in connection with applicant's regular route operations between Chelan Falls, Wash., and Wenatchee, Wash. Applicant is authorized to conduct operations in Washington.

No. MC 1872 Sub 38, filed May 7, 1956, RULON C. ASHWORTH, JOSEPHINE G. ASHWORTH, RALPH G. ASHWORTH, AND RULON C. ASHWORTH, JR., doing business as ASHWORTH TRANSFER COMPANY, 1526 South Sixth West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a common carrier, over irregular routes, transporting: Ammonium nitrate, and damaged shipments thereof, between Bacchus, Utah, and points in Wyoming, Colorado, New Mexico, Arizona, California, Oregon, Nevada, Idaho, and Montana. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. Any duplication with present authority should be eliminated.

No. MC 2229 Sub 77, filed May 10, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a common carrier, over regular routes, transporting: General commodities, including Class A and B explosives, but excepting household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities

requiring special equipment and those injurious or contaminating to other lading, between Sherman, Tex., and Henrietta, Tex., over U. S. Highway 82, serving no intermediate points, but serving the termini for purpose of joinder only, as an alternate route in connection with applicant's authorized regular route operations between Houston and Vernon, Tex., and between Sherman and Greenville, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 7348 Sub 4, filed May 7, 1956, HIGHWAY MOTOR FREIGHT, INC., P. O. Box 451, Hastings, Nebr. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. 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 intermediate and off-route points within 20 miles of Denver, Colo., in connection with applicant's regular route operations between Akron, Colo., and Denver, Colo., restricted to commodities having a prior or subsequent movement on applicant's authorized regular route, and excluding incorporated municipalities.

NOTE: The purpose of this application is to enable applicant to make delivery to or to pickup at a number of new installations and manufacturing plants constructed and being constructed in the area around Denver. Applicant is authorized to conduct operations in Nebraska, Iowa, and Colorado.

No. MC 8989 Sub 157, filed May 9, 1956, HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1228, Lansing 4, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Motor trucks, motor truck tractors, motor truck chassis, motor vehicles (except trailers) designed for transportation of passengers and property*, with or without bodies, and parts thereof, in initial movements, in driveway service, from Fort Wayne, Ind. and Springfield, Ohio, to points in the United States; *damaged shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it holds authority to transport most, if not all, of the vehicles in this application and that its primary purpose is to clarify the commodity description. No duplicating authority is sought.

No. MC 9140 Sub 6, filed May 9, 1956, W. DON MAURER, doing business as DON MAURER TRUCK LINE, 523 First Avenue, East Spencer, Iowa. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Building, Sioux City 1, Iowa. For authority to operate as a common carrier, over irregular routes, transporting: *Farm machinery and parts thereof*, from Coldwater, Ohio, to Omaha, Nebr., Sioux City, Iowa, Spencer, Iowa, and points in Iowa within fifty (50) miles of Spencer. Applicant is authorized to transport the named commodities from specified Il-

linois points and West Bend, Wis., to Sioux City and Spencer, Iowa, and points within 35 miles of Spencer, and between Spencer and Omaha, Nebr.

No. MC 15808 Sub 17, filed April 30, 1956, GIRTON BROS., INC., P. O. Box 341, U. S. 40 East, Brazil, Ind. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a contract carrier, over irregular routes, transporting: *Internal combustion engines and parts thereof*, between Louisville, Ky., and Springfield, Ohio. Applicant is authorized to conduct operations in Indiana and Ohio.

No. MC 19201 Sub 91, filed May 8, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, W. E., Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, including *commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, between Norristown, Pa., and King of Prussia, Pa., over U. S. Highway 202, and between junction U. S. Highway 202 and unnumbered highway (Henderson Road) and King of Prussia, from junction U. S. Highway 202 and unnumbered highway (Henderson Road) over unnumbered highway to junction unnumbered highway at or near Henderson, Pa., thence over unnumbered highway to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to King of Prussia, and return over the same route, serving all points on said routes which are stations on the line of The Pennsylvania Railroad. RESTRICTION: Applied-for authority to be restricted to service which is auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 26664 Sub 3, filed April 16, 1956, HARVEY B. WATTS, 23 Belmont Avenue, Floral Park, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: *Manufactured fertilizer*, from Carteret, N. J., to points in Westchester County, N. Y. Applicant is authorized to transport fertilizer from Carteret, N. J., to New York, N. Y. and points in a defined area in New York.

No. MC 28008 Sub 2, filed April 24, 1956, (CORRECTION), MIDWEST FREIGHT FORWARDING COMPANY, INC., published on Page 3092, issue of May 9, 1956. Route 2 as published described the request for authority as "Between Boston, Mass., and Chicago, Ill., serving all intermediate points". This description was in error. The correct route description reads "From Boston, Mass., to Chicago, Ill., serving no intermediate points" over the described route.

No. MC 30837 Sub 204, filed April 23, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. For authority to operate as a common carrier, over irregular routes, transporting: *Motor trucks, motor truck tractors, motor truck chassis,*

motor vehicles (except trailers) designed for the transportation of passengers and property, with or without bodies, and parts thereof, (1) in initial movements, in driveway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in the United States; (2) in secondary movements, in driveway service, between points in the United States, restricted to transportation of vehicles which have previously been transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it holds authority similar to that sought in this application both as to commodity and as to territory to be served and that the only purpose of this application is to clarify the commodity description.

No. MC 34837 Sub 8, filed May 7, 1956, RELIABLE TRANSPORT, INCORPORATED, 1601 Wake Forest Road, P. O. Box 2323, Raleigh, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Hopewell, and Richmond, Va., and points within ten (10) miles of Norfolk, Hopewell, and Richmond, to points in South Carolina. Applicant is authorized to transport liquid petroleum products from the above-described areas to points in a described area in North Carolina and diesel oil fuel from Cheatam Annex, Va., to Raleigh, N. C.

No. MC 2329 Sub 125, filed May 7, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a common carrier, over irregular routes, transporting: *Iron and steel articles*, between Aurora, Ind., on the one hand, and, on the other, points in Indiana.

No. MC 48479 Sub 5, filed May 4, 1956, FRIGIDWAYS, INC., P. O. Box 2503, 253 West Virginia Avenue, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Packing-house products*, as described by the Commission, from Humboldt and Union City, Tenn., to points in Mississippi and Louisiana. Applicant is authorized to conduct operations in Alabama, Georgia, Iowa, Louisiana, Minnesota, Mississippi, and Tennessee.

No. MC 48479 Sub 6, filed May 9, 1956, FRIGIDWAYS, INC., 253 West Virginia Avenue, P. O. Box 2503, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Indiana, Georgia, Alabama, Mississippi, Louisiana, Michigan, Ohio, and Tennessee.

No. MC 59120 Sub 12, filed April 17, 1956, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa. Applicant's at-

torney: Samuel P. Dellis, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (but including perishable commodities requiring refrigerator equipment), (1) between Norwalk, Ohio and Girard, Pa.: from Norwalk over U. S. Highway 20 to Girard, and return over the same route, serving no intermediate or off-route points; (2) between Akron, Ohio, and Girard, Pa.: from Akron over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U. S. Highway 20 at Conneaut, Ohio, and thence over U. S. Highway 20 to Girard, and return over the same route, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular routes in Certificate No. MC 59120 Sub 11, between Chicago, Ill., and Pittsburgh, Pa.; and (3) between Akron, Ohio, and junction of U. S. Highway 62 and Pennsylvania Highway 18 in Mercer County, Pa.: from Akron over Ohio Highway 5 to Warren, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State Line, thence over U. S. Highway 62 to junction with Pennsylvania Highway 18 in Mercer County, Pa., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular routes in Certificate MC 59120 between Pittsburgh, Pa., and Buffalo, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New York, Illinois, and Ohio.

No. MC 59135 Sub 11, filed April 18, 1956, amended May 10, 1956, RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 26-50 Wright Avenue, Auburn, N. Y. Applicant's attorney: P. Bateman Ennis, 640 Shoreham Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Dry Aluminum Chloride*, in bulk, between Grasselli, N. J., and Rochester, N. Y., from Grasselli over U. S. Highway 1-9 to North Bergen, N. J., thence over U. S. Highway 1-9 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction New Jersey Highway 46, thence over New Jersey Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New York State line, thence over New York Highway 17 to junction U. S. Highway 11, thence over U. S. Highway 11 to junction New York Highway 5 to Auburn, N. Y., thence over New York Highway 5 to junction U. S. Highway 31, thence over U. S. Highway 31 to Rochester, and return over the same route, serving no intermediate points.

No. MC 60012 Sub 37, filed May 7, 1956, RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P. O. Box 1469, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P. O. Box 5482, Denver 17, Colo. For authority to operate as a *common carrier*, transporting:

General commodities, including Class A, B and C explosives, and except household goods as defined by the Commission, commodities of unusual value, livestock, commodities in bulk and those requiring special equipment, serving the site of the Glenn L. Martin Company plant located near Watertown and Kassler, Colo., approximately 15 miles southwest of Denver, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 64932 Sub 209, (Amended), filed April 30, 1956, published in the May 16, 1956, issue, of page 3240, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. 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: *Aqua ammonia solutions*, and *nitric acid*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Indiana, Ohio, Michigan, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Arkansas, and Tennessee.

No. MC 66632 Sub 1, filed May 8, 1956, JACK LURIE AND SID LURIE, doing business as VERMONT MOVING & STORAGE, 2124 Pitkin Avenue, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

No. MC 68909 Sub 47, filed May 7, 1956, DECATUR CARTAGE CO., a corporation, 1932 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, between Aurora, Ind., on the one hand, and, on the other, points in Indiana.

No. MC 71902 Sub 57, filed May 7, 1956, UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck tractors, motor truck chassis, motor vehicles (except trailers) designed for the transportation of passengers and property*, with or without bodies, and *parts thereof*, (1) in initial movements, in driveway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; (2) in secondary movements, in driveway service, between points in Kansas, Oklahoma, Texas, New Mexico, and Arizona, restricted to transportation of vehicles which have been previously transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations in Oklahoma,

Texas, Missouri, Ohio, Kansas, Arizona, and New Mexico.

NOTE: Applicant states that it holds authority similar to that sought herein both as to commodity and as to territory served and that the only purpose of filing this application is to clarify the commodity description.

No. MC 80430 Sub 79, filed May 7, 1956, GATEWAY TRANSPORTATION CO., a corporation, 2130-2150 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. For authority to operate as a *common carrier*, over irregular 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, to serve the site of the Studebaker-Packard plant located at Mound and 23 Mile Road in Shelby Township, Macomb County, Mich. (near Utica), as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Detroit, Mich., over U. S. Highway 112. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

No. MC 89726 Sub 4, filed May 4, 1956, FRANK W. EDMANDS, INC., 16 Woodbury Avenue, Saugus, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coke*, in bulk, from Everett, Mass., to Pawcatuck, Putnam, and Winsor, Conn., and Winsor, Conn., and points in Rhode Island. Applicant is authorized to conduct operations in Massachusetts and New Hampshire.

No. MC 92983 Sub 164, filed May 3, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Washington, Iowa to Muscatine, Iowa. Applicant is authorized to conduct operations in Missouri, Kansas, Nebraska, New York, Pennsylvania, Mississippi, Tennessee, Illinois, Indiana, Arkansas, Kentucky, Michigan, Ohio, and Wisconsin.

No. MC 92983 Sub 165, filed May 7, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, (Acetic)* in bulk, in tank vehicles, from Memphis, Tenn., to Louisville, Ky., Asheville, N. C., and Greenville, Spartanburg, and Ware Shoals, S. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Indiana, Iowa, Illinois, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, Ohio, South Dakota, Texas, and Tennessee.

No. MC 95084 Sub 31, filed May 7, 1956, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery and agricultural implements*, hand, and other than hand, and agri-

cultural machinery and agricultural implement parts, hand, and other than hand, as defined by the Commission, from Coldwater, Ohio, to points in Lucas, Monroe, Wapello, Wayne, Appanoose, Davis, Lyon, Osceola, Dickinson, Emmett, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pochontas, Woodbury, Ida, Sac, Calhoun, Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa, and those in Missouri on and north of U. S. Highway 50. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Kentucky, Colorado, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, Wyoming, and Kansas, and from Fort Dodge, Iowa, to Amarillo and Dallas, Tex.

No. MC 95920 Sub 9, filed May 3, 1956, D. D. SANTRY, doing business as SANTRY TRUCKING CO., 1525 Southwest Alder Street, Portland, Ore. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Ore. For authority to operate as a *contract carrier*, over regular routes, transporting: *Beer*, from Olympia, Wash., to Portland, Ore., over U. S. Highway 99, and *empty malt beverage containers and spoiled shipments* of the above-named commodity on return. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 101126 Sub 51, filed May 10, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in insulated stainless steel tank vehicles, from St. Bernard, Ohio, to Pittsburgh, Pa., and *empty containers or other such incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, Wisconsin, and New York.

No. MC 102138 Sub 22, filed May 4, 1956, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-1514 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lawrenceville, Ill., to St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 102616 Sub 620, filed May 11, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Logan, McDowell, Mingo, and Wyoming Counties, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio,

Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 103378 Sub 62, filed May 7, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Savannah, Ga., to Key West, Fla. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, North Carolina, and South Carolina.

No. MC 103435 Sub 68, filed May 7, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City 5, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, including Class A and B explosives, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate and off-route points within 20 miles of Denver, Colo., in connection with applicant's regular route operations between Deadwood, S. Dak., and Denver, Colo., restricted to commodities having a prior or subsequent movement on applicant's authorized regular routes, and excluding incorporated municipalities.

NOTE: The purpose of this application is to enable applicant to make delivery to or to pick up at a number of new installations and manufacturing plants constructed and being constructed in the area around Denver. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, and Montana.

No. MC 103993 Sub 69, filed May 3, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, 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*, over irregular routes, transporting: *Commercial trailers*, and *special purpose trailers*, in initial movements, in truckaway service, from Camp Hill, in Cumberland County, Pa., to points in the United States, and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 104430 Sub 19, filed May 7, 1956, CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within five (5) miles thereof, including the site of the Pontiac Refinery, to points in Alabama and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return movements. Applicant is authorized to conduct operations in

Alabama, Florida, Louisiana, and Mississippi.

No. MC 106379 Sub 24, filed May 11, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, *contractors' equipment and supplies*, and *commodities* the transportation of which because of size or weight requires the use of special equipment or which require special handling or rigging between points in Texas, Ohio, Michigan, Pennsylvania, New Jersey, and New York, on the one hand, and, on the other, United States-Canadian Ports of Entry located at or near the International Boundary in North Dakota, Montana, and Washington, restricted to transportation of shipments originating at or destined to points in Canada. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, North Dakota, Michigan, Illinois, Indiana, and Ohio.

No. MC 106379 Sub 25, filed April 23, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, *contractors' equipment and supplies*, and *commodities*, the transportation of which because of size or weight requires the use of special equipment or which require special handling or rigging, between points in Michigan, Ohio, Pennsylvania, New Jersey, and New York, on the one hand, and, on the other, points in North Dakota, Arizona, California, and Washington. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, North Dakota, Michigan, Illinois, Indiana, and Ohio.

No. MC 106398 Sub 65, filed May 4, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West

Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Coffeyville, Kans., and points within ten miles of Coffeyville, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107002 Sub 96, filed May 7, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue (P. O. Box 687) New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Washing compound and fatty acid esters*, in bulk, in tank vehicles, from Memphis, Tenn., to Dayton, Ohio. Applicant is authorized to conduct operations in Alabama and Texas.

No. MC 109637 Sub 34, filed May 9, 1956, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, and *Acids and chemicals*, as defined by the Commission, in bulk, in tank vehicles, between Calvert City, Ky., and points within 10 miles thereof, and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Indiana, Tennessee, and Illinois.

No. MC 110525 Sub 308, filed May 8, 1956, CHEMICAL TANK LINES, INC., 529 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids and chemicals*, in bulk in tank vehicles, (1) between points in Bergen and Passaic Counties, N. J., on the one hand, and, on the other, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N. Y., points in Montgomery County, Pa., and points in Connecticut; and (2) between points in Morris and Somerset Counties, N. J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont, except liquid chemicals and coal tar products, (a) between points in Somerset County, N. J., on the one hand, and, on the other, points in Pennsylvania on and east of U. S. Highway 220, and (b) between points in Somerset County, N. J., on the one hand, and, on the other, points in Erie, Jefferson, Niagara, Oneida and Rockland Counties, N. Y., and Allegheny, Beaver, Butler, Cambria, Fayette, McKean, Mercer, and Venango Counties, Pa.; except oil of myrbane, from Bound Brook (Somerset County), N. J., to North Haven, Conn.; and except toluol from Bound Brook, N. J., to New Haven, Conn. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indi-

ana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 110585 Sub 4, filed May 4, 1956, REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles, Calif. Applicant's attorney: Leo P. Kitchen, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 112016 Sub 5, filed April 30, 1956, ZIGMUND GANCASZ, doing business as G. & M. TRUCKING CO., 188 Dupont Street, Brooklyn 22, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toll Booths* (assembled and uncrated), from Bayonne, N. J., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. Applicant is authorized to conduct operations in New York, Pennsylvania, and New Jersey.

No. MC 112595 Sub 7, filed May 7, 1956, FORD BROTHERS, INC., 2940 South Third Street, Box 419, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, 600 Fifth Avenue, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Cobb, Kanawha County, W. Va. (gas compressor station of United Fuel Gas Company located on Elk River and on West Virginia Highway 4, about two miles east of Clendenin, Kanawha County, W. Va.), and Leach, Boyd County, Ky., and points within five (5) miles of each, to Morenci, Mich. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Virginia, and West Virginia.

No. MC 112617 Sub 22, Filed May 9, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's attorneys: Gerald Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*,

over irregular routes, transporting: *Coal Tar Products, Acids and Chemicals*, in bulk, in tank vehicles, between points in Marshall County, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Ohio, Pennsylvania, West Virginia, Indiana, Michigan, Illinois, Tennessee, Oklahoma, Iowa, Minnesota, Nebraska, Kansas, Arkansas, Louisiana, Texas, and Tennessee.

No. MC 113779 Sub 41, filed May 7, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, between El Dorado, Ark., and Luling, La. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

No. MC 114632 Sub 8, filed April 19, 1956, APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from Coffeyville, Kans., to points in Nebraska, and *Empty containers* for petroleum products, from points in Nebraska to Coffeyville, Kans. Applicant holds authority to conduct operations in Kansas, Wyoming, Oklahoma, Nebraska, Iowa, South Dakota, and Minnesota.

No. MC 115625 Sub 1, filed May 3, 1956, THE FRANKLIN TRANSFER COMPANY, 2693 Dixie Highway, Franklin, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pulpboard*, in rolls or sheets, from Franklin, Ohio, to Detroit, Mich., and Chicago, Ill.; *scrap paper* and *empty skids* from Detroit, Mich., and Chicago, Ill., to Franklin, Ohio.

No. MC 115717 Sub 1, filed May 7, 1956, SEQUOIA TRANSPORT, a corporation, 555 Hazel Avenue, Ukiah, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry ice* (solid carbon dioxide), from Hopland, Mendocino County, Calif., to points in Idaho, Nevada, Utah, Oregon, and Washington.

No. MC 115777 Sub 3, filed April 30, 1956, E. P. HOPKINS, doing business as PORT DEPOSIT GRANITE COMPANY, Port Deposit, Md. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods, as defined by the Commission, frozen foods, commodities in bulk, and those requiring special equipment, (1) from Perryville, Md., to U. S. Naval Training Center at Bainbridge, Md., over

U. S. Highway 222, serving no intermediate points, (2) between Bainbridge, Md., and Perryville, Md., over U. S. Highway 222, serving no intermediate points. **RESTRICTION:** Service to be performed under authority sought is limited to the handling of shipments having a prior movement to Perryville by the Pennsylvania Railroad.

No. MC 115777 Sub 4, filed April 30, 1956, E. P. HOPKINS, doing business as PORT DEPOSIT GRANITE COMPANY, Port Deposit, Md. For authority to operate as a common carrier, over irregular routes, transporting: Coal, in bulk, in dump motor vehicles, from Conowingo and Perryville, Md., to U. S. Naval Training Center at Bainbridge, Md. **RESTRICTION:** The service to be performed under the authority sought is limited to the handling of shipments having prior movement to Conowingo and Perryville, Md., by the Pennsylvania Railroad.

No. MC 115834, filed February 27, 1956 (REVISED) WILLIE T. BOAZ, BOBBY BOAZ AND CLYDE BOAZ, A PARTNERSHIP, doing business as BOURBON TRANSFER CO., 1 Pinecrest Avenue, Paris, Ky., published on page 1924, issue of March 28, 1956. The following portion of authority sought, "in seasonal operations between May 1 and August 1 of each year", should be revised to read "in seasonal operations from May 1 to September 1 of each year", and the commodity and territorial descriptions also revised to read: "Used farm machinery, used motor vehicles, and equipment, materials and supplies used in connection with blue grass stripping and processing, between Paris, Ky., and points in Indiana and Ohio; blue grass seed, from points in Indiana and Ohio to points in Bourbon County, Ky."

No. MC 115836 Sub 1, filed May 7, 1956, REX KLUMP OIL COMPANY, a corporation, 208 Bolivia Street, Bartonville, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121 Ridgely Building, Springfield, Ill. For authority to operate as a contract carrier, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from the River Terminal of the Clark Oil and Refining Corporation at Tuscarora, Ill., near Peoria, Ill., to points in Iowa on and East of U. S. Highway No. 69.

No. MC 115903 (REVISED), MARVIN PHILLIP DICUS, Steelville, Mo., published page 2674, issue of April 25, 1956, shows Earl E. Roberts as applicant's attorney. Letter dated May 9, 1956, advises that Mr. Roberts desires to withdraw as counsel for applicant.

No. MC 115914 Sub 2, filed April 19, 1956, DAVID JAMES ESKRIDGE, 676 Barclay Street, Craig, Colo. Applicant's attorney: Worth F. Shrimpton, Bank Building, Craig, Colo. For authority to operate as a common carrier, over irregular routes, transporting: Minerals and ores, from points within 100 miles of Craig, Colo., to mill sites at or near Rifle, Maybell and Kremmling, Colo., and Garfield, Utah, as more fully described in the application.

No. MC 115917, filed April 10, 1956, UNDERWOOD & WELD COMPANY, INC., Crossnore, N. C. Applicant's attorney: Wilmer A. Hill, Transportation

Building, Washington 6, D. C. For authority to operate as a common carrier, over irregular routes, transporting: Clay, dry ground mica, and building materials, from points in Avery, Mitchell, and Yancey Counties, N. C., to Tuscaloosa, Ala.; Camden, Ark.; Stratford, Conn.; Edge Moor, Del.; Jacksonville, and Tampa, Fla.; Savannah, Ga.; Chicago, Elgin, Joliet, Matteson, Waukegan, and Wilmington, Ill.; Whiting, Ind.; Louisville, Ky.; Goodhope, La.; Baltimore, Md.; Millis, Mass.; Detroit and Mount Clemens, Mich.; Minneapolis and Red Wing, Minn.; Kansas City, Mo.; Bayonne, East Rutherford, Jersey City, Kearny, Manville, Newark, Perth Amboy, Raritan, South Bound Brook, and Trenton, N. J.; Bronx, Buffalo, Fulton, New Brighton, Niagara Falls, Rochester, Schenectady, Syracuse, and Tonawanda, N. Y.; Cleveland, Coshocton, Crooksville, East Liverpool, East Palestine, Franklin, Gypsum, Lockland, Luckey, Newark, Salem, Sebring, Steubenville, and Wellsville, Ohio; Wynnewood, Okla.; Beaver Falls, Canonsburg, Chester, Erie, Lansdale, New Castle, Washington, and York, Pa.; Anderson, S. C.; Erwin, and Memphis, Tenn.; Acme, Dallas, Houston, and Sweetwater, Tenn.; Newport News, Va.; Chester, Mannington, Newell, Parkersburg, and Wheeling, W. Va.; and building materials, from Baltimore, Md., Chicago, and Joliet, Ill., Cincinnati, and Lockland, Ohio, to points in Avery, Mitchell, Watauga, and Yancey Counties, N. C., on return movements.

No. MC 115954, filed April 27, 1956, A. E. CARTER, doing business as CARTER TRUCKING CO., 122 10th Street, Cloquet, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Building, Minneapolis 1, Minn. For authority to operate as a common carrier, over irregular routes, transporting: Coal and coke, in bulk, (1) from Superior, Wis., to points in Minnesota and (2) from Duluth, Minn., to points in Wisconsin.

No. MC 115977, filed May 8, 1956, LOUIS F. SKOK, East 918, 28th Avenue, Spokane, Wash. For authority to operate as a contract carrier, over regular routes, transporting: Bakery products, empty containers or other such incidental facilities used in transporting the commodities specified, newspapers and U. S. mail, (1) between Spokane, Wash., and Clarkston, Wash.; from Spokane over U. S. Highway 195 to the Washington-Idaho State Line, thence over U. S. Highway 95 to Lewiston, Idaho, and thence over U. S. Highway 410 to Clarkston, and return over the same route, serving the intermediate points of Spangle, Plaza, Rosalia, Thornton, Steptoe, Colfax, Colton, and Uniontown, Wash., and Lewiston, Idaho; and (2) from Lewiston, Idaho, over U. S. Highway 95 to Moscow, Idaho, thence over Idaho Highway 8 to the Idaho-Washington State Line, thence over Washington Highway 3 to junction U. S. Highway 195 at Pullman, Wash., and thence over U. S. Highway 195 to Spokane, serving the intermediate point of Genesee, Idaho.

No. MC 115979, filed May 8, 1956, DWIGHT D. WIESE AND E. W. Mc-

BETH, doing business as WIESE AND McBETH, 17005 D Street, Victorville, Calif. Applicant's attorney: William J. Johnstone, 16890 "C" Street, Victorville, Calif. For authority to operate as a contract carrier, over regular routes, transporting: Mined ore (1) from Kingman, Ariz., to Barstow, Calif., from Kingman over U. S. Highway 66 to mill in Santa Fe right of way at Barstow, and cement, in bulk or sacks, on return movement, serving no intermediate points, but serving as an off-route point a mine located 30 miles east of Topock, Calif., and (2) between Kingman, Ariz., and Sun Valley Mill at San Fernando Valley, Calif., from Kingman over U. S. Highway 66 to Victorville, Calif., thence westerly over Palmdale County Road to junction California Highway 138, thence over California Highway 138, through Mint Canyon on U. S. Highway 6, to junction U. S. Highway 99, thence over U. S. Highway 99 to Sun Valley Mill at San Fernando Valley, and return over the same route, serving no intermediate points.

No. MC 115988, filed May 10, 1956, OLIVER W. PANKRATZ, doing business as O. W. PANKRATZ TRANSPORTATION, Henderson, Nebr. For authority to operate as a contract carrier, over irregular routes, transporting: Coiled sheet aluminum, used in the manufacture of aluminum irrigation pipe, from the site of the Alcoa Aluminum Company at or near Bettendorf, Iowa, to Henderson, Nebr.

APPLICATIONS FOR MOTOR CARRIERS OF PASSENGERS

No. MC 109736 Sub 7, filed May 7, 1956, CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Continental Building, Fourteenth at K NW., Washington 5, D. C. For authority to operate as a common carrier, over a regular route, transporting: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Scranton, Pa., and Elmira, N. Y., from Scranton over U. S. Highway 11 to Clarks Summit, Pa., thence over U. S. Highway 6 to Tunkhannock, Pa., thence over U. S. Highway 309 to Towanda, Pa., thence over U. S. Highway 220 to Waverly, N. Y., thence over New York Highway 17 to Elmira, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12645, filed April 30, 1956, PARAGON TRAVEL AGENCY, INC., 678 Pleasant Street, New Bedford, Mass. Applicant's attorney: Selwyn I. Brady, 888 Purchase Street, New Bedford, Mass. For a license (BMC 5) authorizing operations as a broker at New Bedford, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of Passengers and their baggage, in the same vehicle with passengers, both as individuals and groups, for tours, entertainment, events, and sightseeing trips, between points in the United States.

NOTE: By this application, applicant proposes to include such activity as arranging for the transportation of groups of passengers to religious shrines, baseball and other outdoor athletic events, beach, mountain, and country recreation centers, and on personally conducted tours as may be arranged by applicant. President of Corporation now holds License No. MC 12409, covering substantially the same authority sought herein and states that the purpose of this application is to substitute the Corporation for the individual.

APPLICATIONS UNDER SECTION 5 (2) AND 210A (b)

No. MC-F 6226, published in the March 28, 1956, issue of the FEDERAL REGISTER on Page 1926. Application filed May 10, 1956, for temporary authority under section 210A (b).

No. MC-F 6265. Authority sought for control by ACME MOVERS AND STORAGE, INC., 720 East Shiawassee, Lansing, Mich., LOUIS DESTEFANIS, doing business as ACME VAN COMPANY, 240 West 60th Street, New York 20, N. Y., THE ANDREWS MOVING AND STORAGE COMPANY, 6802 Lexington Avenue, Cleveland, Ohio, ARPIN-PAQUIN VAN LINES, INC., 71 Greenville Avenue, Johnston, R. I., C. BAIN, INC., 180 Walnut Street, Somerville, Mass., BEVERLY STORAGE CO., INC., 304 East 61st Street, New York, New York, CABRINI MOVING SERVICE, INC., 531 Worthington St., Springfield, Mass., CADILLAC STORAGE COMPANY, 11745 12th Street, Detroit, Mich., THE CATER TRANSFER & STORAGE COMPANY, 121 South Madison, Spokane, Wash., CITY VAN & STORAGE CO., INC., 1200 North Country Club, Tucson, Ariz., OWEN CULLEN, doing business as CLANCY STORAGE CO., 2148 Westchester Avenue, Bronx, N. Y., COLUMBIA STORAGE WAREHOUSE COMPANY, 12 Garden Street, Boston, Mass., CROWN TRANSFER & STORAGE CO., doing business as CROWN TRANSFER & STORAGE CO., AND CROWN CITY & LOS ANGELES EXPRESS, 45 South Arroyo Parkway, Pasadena, Calif., JAMES HENRY DOOLEY, HARRY DOOLEY, ADMINISTRATOR, doing business as DOOLEY TRANSFER COMPANY, 319 Pearl Street, Columbia, Ind., ENSLEE FIREPROOF STORAGE & VAN CO., 78 Elm Street, Morristown, N. J., THE FERGUSON MOVING & STORAGE CO., 5225 Madison Road, Cincinnati, Ohio, GEIGER TRANSFER & STORAGE COMPANY, INC., 401 Northwest Second, Evansville, Ind., THE GEM VAN AND STORAGE COMPANY, 503 Windsor Street, Hartford, Conn., B. F. GEORGE STORAGE AND VAN COMPANY, 900 Eighth Street, Muskegon Heights, Mich., H. A. HARTMAN & SON, INC., 537 North Front Street, Steelton, Pa., JACKSON TRANSFER AND STORAGE COMPANY, INCORPORATED, 220 East 19th Street, Norfolk, Va., JOHN-SON STORAGE & VAN CO., 901 West Vickery Street, Fort Worth, Tex., LIBERTY MOVING AND STORAGE CO., 134 44th Street, Union City, N. J., WINIFRED E. MACDONALD, doing business as B. A. MACDONALD'S EXPRESS, MCARDLE & CASAZZA TRUCKING CO., INC., 374 South Pearl Street, Albany, N. Y., DANIEL H. MCCOLLISTER, doing

business as MCCOLLISTER'S EXPRESS, Burlington, N. J., MAFFUCCI STORAGE CORP., 15 Langdon Place, Lynbrook, Long Island, N. Y., MERCHANT'S TRANSFER AND STORAGE COMPANY, 920 E Street, NW., Washington, D. C., V. D. MORGAN VAN SERVICE & STORAGE COMPANY, INC., 819 West Main Street, Louisville, Ky., MARTIN T. O'ROURKE, KATHRYN I. O'ROURKE, EXECUTRIX, KATHRYN I. O'ROURKE, and MARTIN M. O'ROURKE, doing business as O'ROURKE STORAGE & TRANSFER COMPANY, 5436 Centre Avenue, Pittsburgh, Pa., HOWARD C. RANSLER, doing business as RANSLER STORAGE & VAN SERVICE, 703 North Street, Kalamazoo, Mich., CHARLES S. ROGERS AND DAVID F. ROGERS, doing business as ROGERS CARTING & STORAGE CO., 3612 Main Street, Buffalo, N. Y., VINCENT H. SCHNURR, doing business as ROSEBANK STORAGE WAREHOUSE, 139 Bay St., St. George, Staten Island, N. Y., CARL H. SCHULTZ, doing business as SCHULTZ'S MOVING SERVICE, Second Avenue and Lawrence Street, Spring Valley, N. Y., WM. SPARKS and IVAN SPARKS, doing business as W. SPARKS AND SON, 75 Breeze Hill Avenue, Ottawa, Ontario, Canada, FELIX J. BERNERD, doing business as STRATFORD WEST END MOVING, 2400 Barnum Avenue, Stratford, Conn., PATSY SCIALLO and DOMINIC SCIALLO, doing business as SUNRISE STORAGE COMPANY, 24 South Grove Street, Freeport, N. Y., TEAGUE BROTHERS TRANSFER & STORAGE CO., INC., Mobile, Ala., THAMES MOVING & STORAGE, INC., 563 Colman Street, New London, Conn., C. L. CUTLER, doing business as UNIVERSITY VAN & STORAGE, 2217 30th Street, San Diego, Calif., WALKER TRANSPORTATION CO., 2312 North 15th Street, Philadelphia, Pa., and WASHBURN STORAGE COMPANY, 83 Fifth Street, Macon, Ga., of the operating rights and property of UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, St. Louis 17, Mo. Applicant's attorney: B. W. LaTourette, Suite 1230 Boatmen's Bank, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in the United States. Applicants are authorized to operations in all states in the United States and the District of Columbia, except the States of Colorado, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming. Application has not been filed for temporary authority under section 210A (b).

No. MC-F 6268. Authority sought for control and merger by A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind., of the operating rights and property of MORROW, INC., 1700 Bartlett Avenue, Evansville, Ind., and for acquisition by DONALD H. ANDERSON, also of Evansville, of control of such rights and property through the transaction. Applicants' attorney: John S. Powell, 520 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common car-*

rier over regular routes, between Evansville, Ind., and Chicago, Ill., and between Hammond, Ind., and the junction of U. S. Highways 41 and 6 and Indiana Highway 152, serving certain intermediate and off-route points. A. & H. TRUCK LINE, INC., is authorized to operate in New York, North Carolina, Oklahoma, South Carolina, Texas, Virginia, Indiana, Kentucky, Ohio, Tennessee, Illinois, Missouri, Michigan, Minnesota, West Virginia, Wisconsin, Iowa, Pennsylvania, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, and Nebraska. Application has been filed for temporary authority under section 210A (b).

No. MC-F 6270. Authority sought for purchase by THE OVERLAND EXPRESS, LTD., 201 Wellington Street, Woodstock, Ontario, Canada, of a portion of the operating rights and certain property of REID TRANSPORTS, LTD., 569 Christina Street North, Sarnia, Ontario, Canada, and for acquisition by G. W. A. TRANSPORT, LTD., also of Woodstock, of control of such rights and property through the purchase. Applicants' attorney: Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over irregular routes, between the international boundary between the United States and Canada at Port Huron, Mich., on the one hand, and, on the other, Port Huron, Mich., restricted to traffic moving from or to points in Canada which is interchanged with other carriers at Port Huron, either before or after going through customs. Vendee is authorized to operate in Michigan. Application has not been filed for temporary authority under section 210A (b).

No. MC-F 6271. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Ore., of the operating rights and property of HUNT TRANSFER CO., INC., 321 Northwest Glisan Street, Portland, Ore. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Ore. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points within three miles of Portland, Ore., including Portland; household goods, as defined by the Commission, between points in Washington, Oregon, California, Idaho, Utah, and Montana; *new and used store and office furniture and fixtures*, uncrated, between points in Washington, Oregon, and California; and *new and used store and office fixtures*, uncrated, between Portland, Ore., on the one hand, and, on the other, points in Idaho, Utah, and Montana. HUNT TRANSFER CO., INC., is authorized to engage in operations as a broker in the States of Oregon, Washington, and California in connection with household goods. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois, and Iowa. Application has not been filed for

temporary authority under section 210a (b).

No. MC-F 6272. Authority sought by SITES FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg., to merge the operating rights and property of SILVER WHEEL MOTOR FREIGHT, INC., 300 East First Street, Albany, Oreg., into the first-named corporation for ownership, management and operation, and for acquisition by HERMAN O. SITES, also of Portland, of control of such rights and property through the transaction. Applicant's attorney: John M. Hickson, 1012 Yeon Building, Portland 4, Oreg. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Portland, Oreg., and Harrisburg, Oreg., between Newport, Oreg., and Lebanon, Oreg., between Halsey, Oreg., and Brownsville, Oreg., between Corvallis, Oreg., and Yachats, Oreg., between Newport, Oreg., and Waldport, Oreg., and between Lebanon, Oreg., and the C. C. C. Camp near Cascadia, Oreg., serving intermediate and off-route points; alternate route for operating convenience only between Portland, Oreg., on the one hand, and, on the other, Newport, Oreg. SITES FREIGHTLINES, INC., is authorized to operate in Oregon and Washington. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6273. Authority sought for control and merger by MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul, Minn., of the operating rights and property of HESS MOTOR EXPRESS, INC., 412 Second Street NW., Pipestone, Minn., and for acquisition by E. L. MURPHY, JR., and STANLEY L. WASIE, both of St. Paul, of control of such rights and property through the transaction. Applicant's attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., Woodlief Thomas, Pillsbury Building, Minneapolis, Minn., and S. T. Persen, 620 Marquette Avenue, Minneapolis, Minn. Operating rights sought to be controlled and merged: *Household goods* as defined by the Commission, and *general commodities*, except those of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes between Pipestone, Minn., and Sioux City, Iowa, Sioux Falls, S. Dak., and Clear Lake, S. Dak., and between Sioux Falls, S. Dak., and Luverne, Minn., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over regular routes, including routes between Marshall, Minn., and Pipestone, Minn., between Luverne, Minn., and Pipestone, Minn., between Jasper, Minn., and Pipestone, Minn., between Pipestone, Minn., and Worthington and Jeffers, Minn., between Slayton, Minn., and Worthington, Minn., and between Sioux Falls, S. Dak., and Worthington, Minn., serving certain intermediate and off-route points; five alternate routes for operating convenience only; *general commodities*, with certain exceptions including household

goods, over irregular routes, between certain points in Minneapolis, between Westbrook, Minn., and points within 35 miles of Westbrook, on the one hand, and, on the other, Chicago, Ill., Sioux City and Waterloo, Iowa, Sioux Falls, S. Dak., and Wahpeton and Fargo, N. Dak., and between Luverne, Minn., and points in Minnesota within 20 miles of Luverne, on the one hand, and, on the other, Sioux Falls, S. Dak. MURPHY MOTOR FREIGHT LINES, INC., is authorized to operate in Minnesota, Iowa, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6275. Authority sought for purchase by LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N. Y., of the operating rights and certain property of B. & H. TRUCKING COMPANY, 16 River Street, Jamestown, N. Y., and for acquisition by JOHN W. COOGAN, also of Dunkirk, of control of such rights and property through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. Operating rights sought to be transferred: *Household goods* and *general commodities* with certain exceptions not including household goods, as a *common carrier* over regular routes between Union City, Pa., and Jamestown, N. Y., between Union City, Pa., and Stow, N. Y., between Elgin, Pa., and Findlay Lake, N. Y., between Corry, Pa., and Pittsfield, Pa., between Lottsville, Pa., and Chautauqua, N. Y., and between North Clymer, N. Y., and Sherman, N. Y., serving all intermediate and certain off-route points. Vendee is authorized to operate in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-4034; Filed, May 22, 1956;
8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF MAY 18, 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. 32105: *Silicon carbide briquettes—To Saginaw, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on silicon carbide briquettes, carloads from Niagara Falls and Suspension Bridge, N. Y., to Saginaw, Mich.

Grounds for relief: Circuitous routes. Tariff: Supplement 43 to Erie Railroad tariff I. C. C. A-7851; Supplement 95 to New York Central tariff I. C. C. 1611.

FSA No. 32106: *Bituminous coal—Indiana and Illinois to Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous screened coal, carloads from mines in Indiana in the Brazil-Clinton and Linton-Sullivan districts and in Illinois in the Belleville district to Aladdin, Cedar Falls, East Waterloo and Waterloo, Iowa.

Grounds for relief: Market competition and circuitry.

Tariff: Supplement 64 to Pennsylvania Railroad Company I. C. C. 3210.

FSA No. 32107: *Artificial rubber—from Baton Rouge and North Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial, guayule, natural, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Paris, Tenn., and Long Branch, N. J.

Grounds for relief: Circuitous routes, in part west of the Mississippi River.

FSA No. 32108: *Building or roofing material—Cincinnati, Ohio, to Sioux Falls, S. Dak.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on building or roofing material, carloads from Cincinnati, Ohio to Sioux Falls, S. Dak.

Grounds for relief: Competition with markets at other destinations in South Dakota, Iowa and Nebraska, and circuitry.

Tariff: Supplement 136 to Agent Hinsch's I. C. C. 4238.

FSA No. 32109: *Motor-water and motor-water-motor rates—Pan Atlantic Steamship.* Filed by Pan Atlantic Steamship Corporation, for itself, and interested motor carriers. Rates on commodities, various, moving on class rates between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, on the one hand, and points in Texas, on the other.

Grounds for relief: Competition with rail-water, water-rail and rail-water-rail carriers, and circuitry.

Tariff: Supplement 6 to Pan Atlantic Steamship Corporation tariff I. C. C. No. 253.

FSA No. 32110: *Trailer-on-flat-car service—N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and other interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars between specified points in Connecticut, Massachusetts, and Rhode Island, on the New York, New Haven & Hartford Railroad, on the one hand, and points in New York and Pennsylvania, also points in Illinois, Indiana, Michigan, Missouri, and Ohio, on the other.

Grounds for relief: Motor-truck competition, and circuitry.

Tariff: New York, New Haven and Hartford Railroad Company's tariff I. C. C. F-4394.

FSA No. 32111: *Kyanite—Clover, S. C., to Hartford, Conn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground (not pulverized), carloads from Clover, S. C., to Hartford, Conn.

Grounds for relief: Short-line distance formula, and circuitry.

Tariff: Supplement 107 to Agent Spaninger's I. C. C. 1346.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-4033; Filed, May 22, 1956;
8:46 a. m.]



