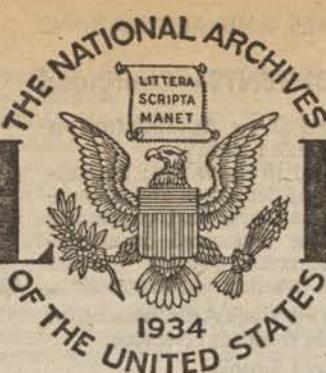


FEDERAL REGISTER



VOLUME 22

1934

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Washington, Wednesday, July 31, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MISSISSIPPI

On July 19, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MISSISSIPPI

County	Average value	County	Average value
Adams	\$20,000	Lamar	\$20,000
Alcorn	20,000	Lauderdale	20,000
Amite	20,000	Lawrence	20,000
Attala	20,000	Leake	20,000
Benton	20,000	Lee	20,000
Bolivar	25,000	Leflore	25,000
Calhoun	20,000	Lincoln	20,000
Carroll	25,000	Lowndes	20,000
Chickasaw	20,000	Madison	20,000
Choctaw	20,000	Marion	20,000
Claiborne	20,000	Marshall	20,000
Clarke	20,000	Monroe	20,000
Clay	20,000	Montgomery	20,000
Coahoma	25,000	Neshoba	20,000
Copiah	20,000	Newton	20,000
Covington	20,000	Noxubee	20,000
De Soto	20,000	Oktibbeha	20,000
Forrest	20,000	Panola	25,000
Franklin	20,000	Pearl River	20,000
George	20,000	Perry	20,000
Greene	20,000	Pike	20,000
Grenada	20,000	Pontotoc	20,000
Hancock	20,000	Prentiss	20,000
Harrison	20,000	Quitman	25,000
Hinds	20,000	Rankin	20,000
Holmes	25,000	Scott	20,000
Humphreys	25,000	Sharkey	25,000
Issaquena	25,000	Simpson	20,000
Itawamba	20,000	Smith	20,000
Jackson	20,000	Stone	20,000
Jasper	20,000	Sunflower	25,000
Jefferson	20,000	Tallahatchie	25,000
Jefferson	20,000	Tate	20,000
Davis	20,000	Tippah	20,000
Jones	20,000	Tishomingo	20,000
Kemper	20,000	Tunica	25,000
Lafayette	20,000	Union	20,000

MISSISSIPPI—Continued

County	Average value	County	Average value
Walhall	\$20,000	Wilkinson	\$20,000
Warren	25,000	Winstoh	20,000
Washington	25,000	Yalobusha	20,000
Wayne	20,000	Yazoo	25,000
Webster	20,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: July 26, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-6222; Filed, July 30, 1957;
8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54407]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

REVOCATION OF DESIGNATION OF YSLETA, TEXAS, AS CUSTOMS PORT OF ENTRY

JULY 24, 1957.

By an ordinance of the City Council of El Paso, Texas, approved March 15, 1955, under the authority of Art. 1175 (2) of the Revised Statutes of Texas, the boundaries (corporate limits) of El Paso were extended so as to annex certain additional territory, including the town of Ysleta, Texas.

The boundaries of a customs port of entry have been held to coincide with the territory within the corporate limits of the city or town designated as a customs port. Thus, the town of Ysleta, annexed by the city of El Paso, is now within the limits of the customs port of El Paso. Therefore, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is ordered that the designation of Ysleta, Texas, as a customs port of entry in Customs Collection District No. 24 (El Paso) be, and it is hereby, revoked, effective on the date of publi-

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cation of this Treasury Decision in the **FEDERAL REGISTER**.

Section 1.1 (c), Customs Regulations, is amended by deleting "(E. O. 2702, Sept. 7, 1917)." opposite "El Paso, Tex." in the column headed "Ports of entry" in District No. 24 (El Paso); by adding "(T. D. 54407)" opposite "El Paso, Tex." in the column headed "Ports of entry" in said district; and by deleting "Ysleta, Tex. (E. O. 7632, June 15, 1937; 2 F. R. 1042)." from such column.

Publication of notice of the proposed revocation of the designation of Ysleta

as a customs port, under the provisions of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c), is deemed unnecessary, as the port known as Ysleta is now within the limits of the customs port of El Paso, the customs office and personnel will be retained, and service to the public will not be affected. (R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-6217; Filed, July 30, 1957;
8:48 a. m.]

TITLE 7—AGRICULTURE

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

[Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, 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.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, 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 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 (i) 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, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the

handling of potatoes grown in the production area.

Order, as amended. The provisions of § 957.316 (b) (1) (22 F. R. 4785; 22 F. R. 5862) are hereby amended to read as follows:

(b) **Order.** (1) Except as otherwise provided in this section, during the period from July 29, 1957, through September 20, 1957, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean," as such terms are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), and

(i) If they are of the round varieties (including, but not being limited to, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, 1½ inches minimum diameter,

(ii) If they are of the White Rose variety, such potatoes meet the requirements of the U. S. No. 2, or better, grade, 5 ounces minimum weight: *Provided*, That any such potatoes that grade not less than U. S. No. 1, may be shipped if they are of 2½ inches minimum diameter or 4 ounces minimum weight,

(iii) If they are of the Kennebec variety, such potatoes meet the requirements of U. S. No. 2, or better, grade, and are of 2 inches minimum diameter or 4 ounces minimum weight, and,

(iv) If they are of any other variety (including, but not being limited to, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2, or better, grade, and are of 2½ inches minimum diameter or 4 ounces minimum weight,

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

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

Dated July 26, 1957, to become effective July 29, 1957.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable
Division, Agricultural Marketing
Service.*

[F. R. Doc. 57-6227; Filed, July 30, 1957;
8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

REDEFINING OF WORDS "STATE" OR "STATES"

The amendment of the Wagner-Peyser Act enacted on August 1, 1956 (48 Stat. 113, as amended; 70 Stat. 910, 29 U. S. C. 49), redefined the words "State" or

"States", as used therein, to include the Territory of Guam.

Therefore, pursuant to authority contained in section 12 of the Wagner-Peyser Act (48 Stat. 117, as amended; 29 U. S. C. 49k), and for the purpose of reflecting the present application of that act, § 602.1 (b) of Title 20 of the Code of Federal Regulations is hereby amended to read as follows:

(b) "State" includes the several States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 25th day of July 1957.

JAMES T. O'CONNELL
Acting Secretary of Labor.
[F. R. Doc. 57-6208; Filed, July 30, 1957;
8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes
[T. D. 6244]

PART 194—LIQUOR DEALERS

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 231—TAXPAID WINE BOTTLING HOUSES

PART 235—RECTIFICATION OF SPIRITS AND WINES

EXPORT STORAGE PROCEDURES

On November 17, 1956, a notice of proposed rule making with respect to amendments of 26 CFR Parts 194, 225, 230, 231 and 235 was published in the FEDERAL REGISTER (21 F. R. 8973). The purposes of the proposed amendments as set forth in the notice are: (1) to eliminate existing requirements regarding an especially constructed export storage room (including any requirement for describing such room on a proprietor's notice) to be used for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, and to provide, in lieu thereof, for segregated storage of such products pending transfer or exportation; (2) to authorize wholesale liquor dealers who are qualified as such under the Federal Alcohol Administration Act to establish export storage on their premises, and to receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (3) to authorize the proprietor of any internal revenue bonded warehouse to establish and use export storage on premises contiguous to the bonded premises; (4) to authorize the proprietor of any taxpaid bottling house, taxpaid wine bottling house, or rectifying plant, to establish

RULES AND REGULATIONS

and use export storage on his premises; (5) to authorize the proprietor of any internal revenue bonded warehouse, taxpaid bottling house, taxpaid wine bottling house, or rectifying plant to establish and use export storage at locations other than in connection with the qualified premises; (6) to conform 26 CFR Part 225 to 26 CFR Part 252 with respect to (a) shipments to the armed services of the United States, and (b) evidence of exportation; (7) to provide for the acceptance of railway express receipts as evidence of exportation; and (8) to make certain editorial changes.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed.

It has been determined administratively to further amend these regulations to liberalize the requirements relating to instances of non-inspection by customs officers. Certain editorial and technical changes are also being made. The amendments so published are hereby adopted, subject to the following modifications:

1. Paragraph 2 (F) of the notice is amended as follows:

(A) The first sentence of § 225.826a is amended to read: "Whenever the customs officer at the port of exportation is unable to certify to the actual inspection of the spirits, he shall make his return on Form 206 stating therein the reasons why the spirits were not inspected by him."

(B) The third sentence of § 225.826b, which begins "When the distilled spirits", is amended by striking the words "These distilled spirits will be shipped or delivered only for consumption or use outside of the jurisdiction", and inserting in lieu thereof the words "These distilled spirits will not be shipped or delivered for consumption or use in any place subject to the application".

2. Paragraph 2 (G) of the notice is renumbered paragraph 2 (H), and a new paragraph 2 (G) is inserted, as follows:

(G) Section 225.827 is amended to read as follows:

§ 225.827 *Return of inspection and landing.* After the customs officer or designated storekeeper-gauger has executed his certificate of inspection on Form 206 he shall forward all copies to the collector of customs, together with Form 1520 and Form 696, if any.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

3. Paragraphs 2 (H) and 2 (I) of the notice are renumbered paragraphs 2 (J) and 2 (K), respectively, and a new paragraph 2 (I) is inserted, as follows:

(I) By inserting a new section, reading as follows, immediately after § 225.831:

§ 225.831a *Credit in cases of non-inspection.* Where distilled spirits were not inspected by a customs officer at the port of export, credit on the export bond may be allowed, if the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 225.826a, and the exportation without

customs inspection was not to avoid inspection or with intent to defraud the revenue.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

4. Paragraph 2 (H) of the notice, which has been renumbered paragraph 2 (J), is amended, as follows:

(J) Section 225.832 is amended to read as follows:

§ 225.832. *Proof of landing.* Whenever required by the assistant regional commissioner, an owner exporting distilled spirits without payment of tax under an export bond shall, within six months from the date of exportation, or such additional time as may be granted under § 225.837, file evidence satisfactory to the assistant regional commissioner that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the spirits to which it relates.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

5. Paragraph 3 (C) of the notice is renumbered paragraph 3 (E), and new paragraphs 3 (C) and 3 (D) are inserted, as follows:

(C) Section 230.204 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(D) Section 230.351 is amended by striking ", and the entrance door of the export storage room, if any".

6. Paragraph 4 (C) of the notice is amended by inserting in the first sentence of § 231.100, immediately following "has been paid may", the phrase ", subject to the provisions of § 231.30".

7. Paragraphs 5 (D) and 5 (E) of the notice are renumbered paragraphs 5 (E) and 5 (F), respectively, and a new paragraph 5 (D) is inserted, as follows:

(D) Section 235.629 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

8. Paragraph 5 (F) of the notice is renumbered paragraph 5 (H), and a new paragraph 5 (G) is inserted, as follows:

(G) Section 235.901 is amended by striking "and export storage rooms", and inserting in lieu thereof "room".

As modified, the amendments read as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after

the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

Approved: July 25, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

PARAGRAPH 1. 26 CFR Part 194 is amended as follows:

(A) The second sentence of § 194.1, which begins "The provisions of", is amended as follows:

(1) By striking the word "and" in the phrase "and the posting".

(2) By changing the period at the end of the sentence to a semicolon and adding "and the storage by wholesale dealers of distilled spirits and wines for export with benefit of drawback."

(B) By adding, immediately following Subpart P, the following new subpart:

SUBPART Q—DISTILLED SPIRITS AND WINES FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 194.270 *General.* Distilled spirits bottled especially for export with benefit of drawback and wines bottled or packaged especially for export with benefit of drawback may be received, stored, and exported by wholesale liquor dealers, as provided in §§ 194.271 through 194.274.

§ 194.271 *Distilled spirits for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing distilled spirits and wines for resale at wholesale, may receive, store, and export taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback.

§ 194.272 *Wines for export.* A wholesale liquor dealer who holds a Federal Alcohol Administration Act permit, issued pursuant to the provisions of 27 CFR Part 1, to engage in the business of purchasing wine for resale at wholesale, may receive, store, and export wines bottled or packaged especially for export with benefit of drawback.

§ 194.273 *Export storage.* Where a wholesale liquor dealer intends to receive, store, and export distilled spirits bottled, or wines bottled or packaged, especially for export with benefit of drawback, he must provide storage for such articles on his wholesale dealer premises. During storage of such distilled spirits and wines on the dealer's premises they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers at any time during the wholesaler's business hours.

§ 194.274 *Regulations made applicable.* The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits bottled, and wines bottled or packaged, especially for export with benefit of drawback shall apply to the receipt for storage, removal, and exporta-

tion of such distilled spirits and wines by wholesale liquor dealers.

§ 194.275 *Records.* The provisions of subpart M regarding records and reports relating to liquors for domestic use are hereby extended to export storage transactions permitted under the provisions of this subpart: *Provided*, That a separate Form 338, appropriately identified, shall be submitted for each month in which there are any export storage transactions relating to distilled spirits.

PAR. 2. 26 CFR Part 225 is amended as follows:

(A) Section 225.82 is amended to read as follows:

§ 225.82 *Contiguous off-premises export storage.* If the proprietor of an internal revenue bonded warehouse intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 225.82a, provide for the storage of such articles off the bonded premises but contiguous thereto. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. The provisions of Part 252 of this chapter relating to the receipt for storage, removal, and exportation of distilled spirits and wines bottled or packaged especially for export with benefit of drawback shall apply to such distilled spirits and wines received and stored under the provisions of this section. Records covering export storage transactions at premises provided under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart VV of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 225.82:

§ 225.82a *Noncontiguous off-premises export storage.* The proprietor of an internal revenue bonded warehouse may provide storage at any noncontiguous location for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept and reports shall be rendered in accordance with the applicable provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 225.156 is amended by striking the fifth sentence, which begins "Every proprietor of".

(D) Section 225.817 is amended by inserting, immediately after the first sentence, the following new sentence: "Where shipment is made for exportation

for use of the armed services of the United States as provided in § 225.826b, the destination may be shown as "foreign" with a specific destination in navy code and the name of the vessel will be omitted."

(E) Section 225.826 is amended by striking from the first sentence the words "in every instance".

(F) By inserting two new sections, reading as follows, immediately after § 225.826:

§ 225.826a *Certificate of noninspection.* Whenever the customs officer at the port of exportation is unable to certify to the actual inspection of the spirits, he shall make his return on Form 206 stating therein the reasons why the spirits were not inspected by him. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the Form 206, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading.

(68A Stat. 614; 26 U. S. C. 5243)

§ 225.826b *Shipment to Armed Services.* When distilled spirits are to be removed without payment of tax for export to the armed services of the United States, Form 206 will be modified to show that the distilled spirits are consigned to the armed services Port Transportation Officer and the location of the supply base or place of delivery. On removal of the spirits, the exporter will consign them to the designated officer and will forward the original and one copy of Form 206, with Form 1520 attached, to such officer. When the distilled spirits are received at the supply base or other designated place of delivery, the armed services Port Transportation Officer will, in the space reserved for the certification of the collector of customs on Form 206, receipt for the quantity of distilled spirits received, and state that "These distilled spirits will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form, and indicating his title, the designated officer will return the original of Form 206, with Form 1520 attached, direct to the assistant regional commissioner of the region from which the distilled spirits were shipped, and retain the other copy for his records. The assistant regional commissioner will credit the exporter's bond account for the quantity of distilled spirits received for on Form 206.

(68A Stat. 614; 26 U. S. C. 5243)

(G) Section 225.827 is amended to read as follows:

§ 225.827 *Return of inspection and lading.* After the customs officer or designated storekeeper-gauger has exe-

cuted his certificate of inspection on Form 206 he shall forward all copies to the collector of customs, together with Form 1520 and Form 696, if any.

(68A Stat. 614; 26 U. S. C. 5243, 5247)

(H) Section 225.831 is amended to read as follows:

§ 225.831 *Evidence of exportation.* Exportation of distilled spirits may be evidenced by (a) a copy of the export bill of lading (in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading) issued by the exporting carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the distilled spirits, or (c) a certification by an armed services Port Transportation Officer, as to the lading of the distilled spirits for a foreign destination when shipped for exportation for use of the armed services of the United States, or (d) a certificate of landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation.

(68A Stat. 614; 26 U. S. C. 5247)

(I) By inserting a new section, reading as follows, immediately after § 225.831:

§ 225.831a *Credit in cases of non-inspection.* Where distilled spirits were not inspected by a customs officer at the port of export, credit on the export bond may be allowed, if the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 225.826a, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

(68A Stat. 614; 26 U. S. C. 5243, 5247)

(J) Section 225.832 is amended to read as follows:

§ 225.832 *Proof of landing.* Whenever required by the assistant regional commissioner, an owner exporting distilled spirits without payment of tax under an export bond shall, within six months from the date of exportation, or such additional time as may be granted under § 225.837, file evidence satisfactory to the assistant regional commissioner that the distilled spirits described in the application for export have been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the spirits to which it relates.

(68A Stat. 614; 26 U. S. C. 5243, 5247)

(K) Section 225.1085 is amended by adding the following sentence at the end of the section: "Where the proprietor of an internal revenue bonded warehouse provides export storage under §§ 225.82 or 225.82a, and sales are to be consummated at any such export storage premise, he must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1."

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PAR. 3. 26 CFR Part 230 is amended as follows:

(A) Section 230.49 is amended to read as follows:

§ 230.49 *Export storage.* If the proprietor of a taxpaid bottling house intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 230.49a, provide for the storage of such products on the premises of the taxpaid bottling house, or on contiguous wholesale liquor dealer premises. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered in accordance with the provisions of Subpart V of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 230.49:

§ 230.49a *Off-premises export storage.* The proprietor of a taxpaid bottling house may provide storage at any location off of his bottling house premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 230.204 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(D) Section 230.351 is amended by striking ", and the entrance door of the export storage room, if any".

(E) Section 230.352 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any".

PAR. 4. 26 CFR Part 231 is amended as follows:

(A) Section 231.41 is amended to read as follows:

§ 231.41 *Export storage.* If the proprietor of a taxpaid wine bottling house intends to receive, store, and remove taxpaid wines bottled or packaged especially for export with benefit of drawback, he must, except as provided in § 231.41a, provide for the storage of such wines on the premises of the taxpaid wine bottling house. During storage of such wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained in accordance with the provisions of Subpart H of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 231.41:

§ 231.41a *Off-premises export storage.* The proprietor of a taxpaid wine bottling house may provide storage at any location off of his wine bottling house premises for the receipt, storage, and removal of taxpaid wines which have been bottled or packaged especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) Section 231.100 is amended to read as follows:

§ 231.100 *General.* Wine manufactured or produced in the United States and on which the internal revenue tax has been paid may, subject to the provisions of § 231.30, be bottled or packaged especially for export in a taxpaid wine bottling house. On exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

PAR. 5. 26 CFR Part 235 is amended as follows:

(A) Section 235.105 is amended to read as follows:

§ 235.105 *Export storage.* If the rectifier intends to receive, store, and remove taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback, he must, except as provided for in § 235.105a, pro-

vide for the storage of such products on the premises of the rectifying plant, or on contiguous wholesale liquor dealer premises. The receiving room may not be used for such storage. During storage of such distilled spirits and wines, they must be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. Records covering export storage transactions conducted under the provisions of this section shall be maintained and reports shall be rendered under the provisions of Subpart JJ of this part.

(68A Stat. 614; 26 U. S. C. 5062)

(B) By inserting a new section, reading as follows, immediately after § 235.105:

§ 235.105a *Off-premises export storage.* The rectifier may provide storage at any location off of his rectifying plant premises for the receipt, storage, and removal of taxpaid distilled spirits which have been bottled and stamped, and taxpaid wines which have been bottled or packaged, especially for export with benefit of drawback. The provisions of §§ 194.273 and 194.274 of this chapter shall be applicable to such operations. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept, and reports rendered, as a wholesale liquor dealer, in accordance with the applicable provisions of Part 194 of this chapter. If sales are to be consummated at any premise established under the provisions of this section, the proprietor must first qualify as a wholesale liquor dealer for each such premise under the provisions of 27 CFR Part 1, and must pay special occupational tax under the provisions of Part 194 of this chapter.

(68A Stat. 614; 26 U. S. C. 5062)

(C) The last sentence of § 235.584 is amended to read as follows: "He will then remove the packages to export storage in accordance with the applicable provisions of Part 252 of this chapter, securely attach the canceled stamps to the original of the Form 237 and immediately forward the original and the additional copy of the Form 237 to the assistant regional commissioner."

(D) Section 235.629 is amended as follows:

(1) By striking, in the first sentence, the words ", except distilled spirits bottled especially for export with benefit of drawback,".

(2) By inserting, immediately following the first sentence, the following new sentence: "Distilled spirits bottled especially for export with benefit of drawback will be stamped in accordance with the provisions of 26 CFR 252.55."

(E) Section 235.632 is amended as follows:

(1) By inserting a comma after the phrase "such cases must", and by striking "be immediately removed to the finished products room".

(2) By inserting, immediately following "§ 235.104", the following: ", be im-

mediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105."

(F) Section 235.705 is amended as follows:

(1) By inserting a comma after the phrase "then sealed and", and by striking "immediately removed to the finished products room".

(2) By inserting, immediately following "§ 235.104", the following: ", be immediately removed to the finished products room or, in the case of products bottled especially for export with benefit of drawback, to the export storage maintained on the bottler's premises as provided in § 235.105".

(G) Section 235.901 is amended by striking "and export storage rooms", and inserting in lieu thereof "room".

(H) Section 235.902 is amended by inserting a comma after the word "vault", and by striking "on the entrance door of the export storage room, if any;".

[F. R. Doc. 57-6218; Filed, July 30, 1957; 8:48 a. m.]

[T. D. 6245]

PART 252—DRAWBACK OF LIQUORS EXPORTED

EXPORT PROCEDURES

On November 17, 1956, a notice of proposed rule making with respect to amendments of 26 CFR Part 252 was published in the **FEDERAL REGISTER** (21 F. R. 8976). The purposes of the proposed amendments as set forth in the notice are: (1) to provide that qualified wholesale liquor dealers may receive, transfer, and remove for exportation taxpaid distilled spirits bottled, and taxpaid wines bottled or packaged, especially for export with benefit of drawback; (2) to permit the proprietor of any taxpaid bottling house, taxpaid wine bottling house, rectifying plant, or internal revenue bonded warehouse, regardless of where located, to engage in export storage transactions; (3) to permit a freer movement of taxpaid spirits and wines for export by liberalizing the requirements dealing with transfers between any established export storage facilities; (4) to conform to changes which are concurrently being made in other parts of this chapter which will eliminate requirements for separate storage rooms for the storage of taxpaid distilled spirits and wines bottled or packaged especially for export with benefit of drawback; (5) to remove most of present requirements for Government control and supervision of transfers between, or removals from, export storage; (6) to provide for the use of overprinted strip stamps of bottles of distilled spirits bottled for export; (7) to insert clarifying language governing the requirements for records and reports; (8) to eliminate, in the case of shipment to the armed services of the United States, the requirement for clearance of forms through the collector of

customs after a certification by an armed services Port Transportation Officer; (9) to provide for the acceptance of railway express receipts as evidence of exportation; and (10) to conform to a change made by the Bureau of Customs.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed.

It has been determined administratively to further amend these regulations (1) to expedite the processing of claims for drawback of tax, and (2) to liberalize the requirements relating to instances of noninspection by customs officers. The amendments so published are hereby adopted subject to the following modifications:

1. Paragraph 1 of the notice is renumbered paragraph 2, and a new paragraph 1 is inserted, as follows:

PARAGRAPH 1. Section 252.41 is amended to read:

§ 252.41 General. Whenever, under the provisions of this subpart, the exporter desires drawback on a shipment of distilled spirits or wines withdrawn for exportation or for use as supplies on vessels prior to the submission to the assistant regional commissioner of all required proof of exportation, use, or lading for use, he shall file bond in accordance with the provisions of this subpart.

2. Paragraphs 2 to 16, inclusive, of the notice are renumbered paragraphs 4 to 18, respectively, and a new paragraph 3 is inserted, as follows:

PAR. 3. Section 252.43 is amended as follows:

(A) By striking "evidence satisfactory", and inserting in lieu thereof "and has submitted";

(B) By striking "of exportation, affidavit of lading and intended", and inserting in lieu thereof ": (1) an export bill of lading issued by the exporting carrier in the case of a shipment withdrawn for exportation; or (2) a receipt signed by the master or other authorized officer of the vessel in the case of a shipment withdrawn for";

(C) By inserting a period after "supplies on vessels", and by striking the balance of the sentence, starting at ", or proof of loss".

3. Paragraph 17 of the notice, amending § 252.90, is renumbered paragraph 19, and is amended to read:

PAR. 19. Section 252.90 is amended as follows:

(A) By striking, in the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By amending the second sentence to read: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

4. Paragraphs 18 and 19 of the notice are renumbered paragraphs 21 and 22, and a new paragraph 20 is inserted, as follows:

PAR. 20. By inserting a new section, reading as follows, immediately after § 252.90:

§ 252.90a Claim and entry signed by agent. Where a claim and entry on Form 1582 or 1582-A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

5. Paragraph 20 of the notice, amending § 252.92 is renumbered paragraph 23, and is amended to read:

PAR. 23. Section 252.92 is amended as follows:

(A) By striking, from the first sentence, the words "the" and "room" from the phrase "the export storage room";

(B) By striking the second sentence, which begins "In part 2 of Form 1582";

(C) By adding, at the end of the section, the following new sentence: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

6. Paragraph 21 of the notice, amending § 252.93, is renumbered paragraph 24, and is amended to read:

PAR. 24. Section 252.93 is amended to read as follows:

§ 252.93 Removal from export storage. Where distilled spirits or wines which have been bottled or packaged especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages will be inspected by the proprietor and removed.

7. Paragraph 22 of the notice is renumbered paragraph 25.

8. Paragraph 23 of the notice, amending § 252.95, is renumbered paragraph 26, and is amended to read:

PAR. 26. Section 252.95 is amended as follows:

(A) By amending the first sentence to read "When the spirits or wines are shipped, the proprietor will execute the certificate of removal on the Form 1582 or the Form 1582-A (as the case may be);

(B) By striking the second sentence, which begins "One copy of the claim".

9. Paragraph 24 of the notice, amending § 252.96, is renumbered paragraph 27, and is amended to read:

PAR. 27. Section 252.96 is amended as follows:

(A) By amending the heading to read "Forwarding of claim and entry";

(B) By inserting a new first sentence which reads:

"One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the original and remaining copy will be delivered to the exporter.";

(C) The existing first sentence is amended as follows:

(1) By striking "The exporter will complete the claim and entry for draw-

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back of tax on the distilled spirits or wines, on all", and inserting in lieu thereof "On receipt of the";

(2) By striking the word "received" from the phrase "received from the proprietor";

(3) By striking "of the export storage room and immediately shall", and inserting in lieu thereof "the exporter shall immediately";

(4) By striking "and appropriate arrangements have been made with the collector of customs and a customs bonded warehouse has been established for use by the Armed Services Port Transportation Officer.:";

(D) By striking the last sentence, which begins "Where a claim and entry".

10. Paragraph 25 of the notice, amending § 252.97, is renumbered paragraph 28, and is amended to read:

PAR. 28. Section 252.97 is amended as follows:

(A) The first sentence is amended by striking "rooms";

(B) The third sentence, which begins "All distilled spirits or wines", is amended by striking, at the end of the sentence, the words "in care of the collector of customs".

11. Paragraphs 26 to 30, inclusive, of the notice are renumbered Paragraphs 29 to 33, respectively, and a new paragraph 34 is inserted, as follows:

PAR. 34. The first sentence of § 252.109 is amended to read: "Whenever the inspecting officer is unable to certify to the actual inspection of the spirits or wines, he shall make his return on Form 1582, or Form 1582-A, stating therein the reasons why the spirits or wines were not inspected by him."

12. Paragraph 31 of the notice, amending § 252.110, is renumbered paragraph 35, and is amended to read:

PAR. 35. Section 252.110 is amended to read as follows:

§ 252.110 *Shipment to the armed services, certificate of lading.* In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the armed services Port Transportation Officer will, when the shipment is received at the supply base or other designated place of delivery, in the space reserved for the certification of the collector of customs on Form 1582 or Form 1582-A, as the case may be, receipt for the quantity of distilled spirits or wines received, and state that: "These spirits (or wines) will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form and indicating his title, the designated officer will retain one copy of the form for his records and will transmit the original to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped.

13. Paragraph 32 of the notice, amending § 252.112, is renumbered paragraph 36, and is amended to read:

PAR. 36. Section 252.112 is amended to read as follows:

§ 252.112 *Allowance of claim—(a) Where bond is filed.* Where bond has been filed under the provisions of this subpart, the assistant regional commissioner will, on receipt of the claim on Form 1582 or 1582-A from the proprietor, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed has been correctly computed, and the transaction has been in accordance with law and regulations. If the claimant has furnished the required export bill of lading in the case of a shipment for export, or the required receipt in the case of a shipment for use as supplies on a vessel, the assistant regional commissioner may allow the claim and charge the amount allowed against the bond. On receipt of the Form 1582 or 1582-A executed by the collector of customs, or by the armed services officer in the case of shipments for use by military personnel of the United States, and of satisfactory evidence of exportation or of lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), the assistant regional commissioner will credit the bond as provided in § 252.48.

(b) *Where no bond is filed.* Where a claim for drawback is filed for distilled spirits or wines shipped for use as supplies on aircraft, or where no bond is furnished to support claims for drawback filed on shipments for exportation or for use as supplies on vessels, the assistant regional commissioner will, on receipt of the claim on Form 1582 or Form 1582-A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, or from the armed services Port Transportation Officer in the case of shipments for use by military personnel of the United States, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed is correctly computed, the transaction has been in accordance with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

14. Paragraph 33 of the notice is renumbered paragraph 38; and a new paragraph 37 is inserted, as follows:

PAR. 37. Section 252.113 is amended to read as follows:

§ 252.113 *Allowance in cases of non-inspection.* Where the spirits or wines were not inspected by a customs officer at the port of export, the claim for drawback may be allowed, provided that the regulations were complied with in other

respects, the identity of the shipment is established by collateral evidence, as provided in § 252.109, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

15. Paragraph 34 of the notice is renumbered paragraph 44, and new paragraphs 39, 40, 41, 42, and 43, reading as follows, are inserted:

PAR. 39. Section 252.138 is amended as follows:

(A) The second sentence, which begins "The customs officer shall inspect", is amended by inserting a period after the phrase "in triplicate", and by striking the rest of the sentence.

(B) The fourth sentence, which begins "He will then cause", is amended by striking the word "superintend" and inserting in lieu thereof the word "permit".

(C) The last sentence is amended to read: "The customs officer shall then execute his certificate of inspection, gauge, and lading, on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and return the original and one copy of each form to the collector of customs."

PAR. 40. Section 252.139 is amended to read as follows:

§ 252.139 *Customs certification of clearance.* On receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and one copy of Form 1629. He will forward the original of the Form 1629 and the original Form 696 (with scalped stamps attached) to the assistant regional commissioner of the region in which the exporter is located. He shall retain the remaining copy of Forms 1629 and 696.

PAR. 41. Section 252.140 is amended as follows:

(A) The first sentence is amended as follows:

(1) By striking "collector of customs" from the phrase "696 from the collector of customs", and inserting in lieu thereof "customs officer";

(2) By striking "received from the collector of customs";

(B) The second sentence, which begins "He shall then", is amended by inserting, immediately following "forward the claim", the words "Form 1629, and the copy of Form 696, together";

(C) By striking the last sentence.

PAR. 42. Section 252.142 is amended by striking the first word, "The", and inserting in lieu thereof the words "Except for §§ 252.109 and 252.113, the".

PAR. 43. The second sentence of § 252.162 is amended to read: "The officer must also certify on the receipt that the beer will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States."

As modified, the amendments read as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after

the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 26, 1957.

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

PARAGRAPH 1. Section 252.41 is amended to read:

§ 252.41 *General*. Whenever, under the provisions of this subpart, the exporter desires drawback on a shipment of distilled spirits or wines withdrawn for exportation or for use as supplies on vessels prior to the submission to the assistant regional commissioner of all required proof of exportation, use, or lading for use, he shall file bond in accordance with the provisions of this subpart.

PAR. 2. The third sentence of § 262.42, which begins "A separate bond", is amended to read: "Whenever an exporter maintains export storage in more than one internal revenue region, a separate bond must be filed for each such region."

PAR. 3. Section 252.43 is amended as follows:

(A) By striking "evidence satisfactory", and inserting in lieu thereof "and has submitted";

(B) By striking "of exportation, affidavit of lading and intended", and inserting in lieu thereof "(1) an export bill of lading issued by the exporting carrier in the case of a shipment withdrawn for exportation; or (2) a receipt signed by the master or other authorized officer of the vessel in the case of a shipment withdrawn for";

(C) By inserting a period after "supplies on vessels", and by striking the balance of the sentence, starting at ", or proof of loss".

PAR. 4. Section 252.49 is amended as follows:

(A) By striking the word "rooms".

PAR. 5. Section 252.50 is amended to read as follows:

§ 252.50 *Wines*. Any person qualified as a proprietor of a taxpaid wine bottling house, who has established export storage at the taxpaid wine bottling house, in conformity with the provisions of Part 231 of this chapter, may bottle or package, especially for export with benefit of drawback, at his taxpaid wine bottling house, wines manufactured or produced in the United States on which an internal revenue tax has been paid.

PAR. 6. Section 252.55 is amended to read as follows:

§ 252.55 *Bottle export stamps*. An export strip stamp shall be affixed to each bottle of distilled spirits bottled especially for export with benefit of drawback. The red strip stamps prescribed in Parts 230 or 235 of this chapter shall be overprinted by the proprietor and used for this purpose. The overprinting will be accomplished by printing in black ink the word "EXPORT" in boldface 8-point century or gothic type in the center of the stamp between the words

"bottle" and "stamp". Bottle export stamps shall be accounted for as red strip stamps, and the provisions of Parts 230 and 235 of this chapter relating to red strip stamps shall be applicable to such bottle export stamps.

(68A Stat. 614; 26 U. S. C. 5062)

PAR. 7. The second and third sentences of § 252.65 are amended by striking the words "the" and "room" from the phrase "the export storage room".

PAR. 8. The first sentence of § 252.66 is amended by striking "and supervision of the deposit in the export storage room".

PAR. 9. The last sentence of § 252.71, which begins "The proprietor", is amended to read "The proprietor shall hold such cases or packages pending inspection by the storekeeper-gauger and will then deposit the cases or packages in export storage".

PAR. 10. Section 252.74 is amended as follows:

(A) The headnote is amended to read: "Removal to export storage".

(B) The third sentence, which begins "He will then", is amended to read as follows: "The proprietor will then remove the bottled or packaged spirits or wines to export storage on the bottling or packaging premises."

(C) The fourth sentence, which begins "The storekeeper-gauger will note", is amended to read as follows: "The storekeeper-gauger will note on each copy of the form 230, 237 or 1684, immediately following the proprietor's statement, a signed statement of his examination of the cases or packages, as follows:

"The _____ described
(Cases or packages)
above as bottled or packaged especially for export were inspected by me on _____, 19____, and removed to export storage.

Signed _____

(Storekeeper-gauger)"

PAR. 11. Section 252.79 is amended to read as follows:

§ 252.79 *Removal to export storage*. After completion of bottling, and casing, or packaging and execution by the proprietor of his certificate on Form 230 or Form 230 and 1684, as the case may be, of the quantity of wine bottled or packaged, he will remove the wine to export storage on the bottling or packaging premises, pending shipment, unless the wine is to be shipped immediately for export or use as supplies on vessels or aircraft.

PAR. 12. Section 252.82 is amended to read as follows:

§ 252.82 *Record by rectifiers and proprietors of taxpaid bottling houses*. Records and reports relating to the receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by rectifiers, shall be maintained in accordance with the provisions of Part 235 of this chapter. Records and reports relating to the receipt, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export with benefit of drawback, by proprietors of taxpaid bottling houses, shall be main-

tained in accordance with the provisions of Part 230 of this chapter.

PAR. 13. By inserting a new section, reading as follows, immediately after § 252.82:

§ 252.82a *Record by wholesale liquor dealer*. Every wholesale liquor dealer who maintains export storage on his premises shall maintain records and render reports relating to the receipt and disposition of distilled spirits bottled especially for export with benefit of drawback, and wines bottled or packaged especially for export with benefit of drawback, in accordance with the applicable provisions of Part 194 of this chapter. Forms 1656 shall be preserved for a period of two years and, during such period, shall be available during business hours for inspection by any internal revenue officer.

(68A Stat. 619; 26 U. S. C. 5114)

PAR. 14. Section 252.84 is amended as follows:

(A) By striking "the" and "room" in the phrase "the export storage room".

PAR. 15. Section 252.85 is amended to read as follows:

§ 252.85 *Use of export storage*. Export storage established by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, contiguous to or on his qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits and wines bottled or packaged especially for export by the proprietor or other qualified persons. Export storage established by a proprietor of a taxpaid wine bottling house under the provisions of Part 231 of this chapter, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid wines bottled or packaged especially for export with benefit of drawback by the proprietor or other qualified persons.

Export storage provided by a wholesale liquor dealer under the provisions of Part 194 of this chapter, or by a proprietor of an internal revenue bonded warehouse, taxpaid bottling house, or rectifying plant, at locations noncontiguous to or off the qualified premises, as the case may be, under the provisions of Parts 225, 230, or 235 of this chapter, respectively, may be used for the storage, pending exportation or transfer to other premises for export storage, of taxpaid distilled spirits which have been bottled and stamped especially for export with benefit of drawback and are in immediate containers having a capacity not in excess of one wine gallon, and taxpaid wines which have been bottled or packaged especially for export with benefit of drawback.

(49 Stat. 985, 68A Stat. 614; 27 U. S. C. 206, 26 U. S. C. 5062)

PAR. 16. Section 252.86 is amended to read as follows:

§ 252.86 *Notice of transfer, Form 1656*. Distilled spirits and wines bottled or packaged especially for export may,

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pursuant to notice on Form 1656, and subject to the limitations set forth in § 252.85, be transferred from any export storage established under the provisions of Parts 194, 225, 230, 231, and 235 of this chapter, to any other export storage established thereunder for storage, pending transfer to other premises for export storage or removal for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate if the consignee is located in another region) by the consignor-proprietor.

PAR. 17. Section 252.87 is revoked.

PAR. 18. The headnote and first sentence of § 252.88 are amended to read as follows:

§ 252.88 *Transfer from export storage.* On shipment of the cases or packages described on Form 1656, the proprietor will execute the report of removal on all copies of the form, retain one copy, and, in the case of intraregion shipments, forward the original and one copy to the assistant regional commissioner.

PAR. 19. Section 252.90 is amended as follows:

(A) By striking, in the first sentence, the words "the" and "room" from the phrase "the export storage room":

(B) By amending the second sentence to read: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

PAR. 20. By inserting a new section, reading as follows, immediately after § 252.90:

§ 252.90a *Claim and entry signed by agent.* Where a claim and entry on Form 1582 or 1582-A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

PAR. 21. Section 252.91 is amended to read as follows:

§ 252.91 *Packages of distilled spirits to be gauged.* Where distilled spirits to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage shall gauge the packages prior to preparation of his notice on Form 1582: *Provided*, That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the distilled spirits for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. The storekeeper-gauger at a rectifying plant, taxpaid bottling house, or internal revenue bonded warehouse, shall supervise the gauging of the distilled spirits by such proprietor. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 and considered a part thereof. The report of gauge will be checked by the store-

keeper-gauger, by verifying the gauge of a representative number of packages, selected at random.

PAR. 22. By inserting a new section, reading as follows, immediately after § 252.91:

§ 252.91a *Packages of wines to be gauged.* Where wines to be removed from export storage have been packaged especially for export with benefit of drawback, the proprietor shall gauge the packages prior to preparation of his notice on Form 1582-A: *Provided*, That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the wines for export with benefit of drawback, the filling gauge shall be considered the gauge at time of removal. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582-A and considered a part thereof.

PAR. 23. Section 252.92 is amended as follows:

(A) By striking, from the first sentence, the words "the" and "room" from the phrase "the export storage room":

(B) By striking the second sentence, which begins "In part 2 of Form 1582":

(C) By adding, at the end of the section, the following new sentence: "The exporter will also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits or wines are to be removed."

PAR. 24. Section 252.93 is amended to read as follows:

§ 252.93 *Removal from export storage.* Where distilled spirits or wines which have been bottled or packaged especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages will be inspected by the proprietor and removed.

PAR. 25. Section 252.94 is amended to read as follows:

§ 252.94 *Export marks.* Before distilled spirits or wines are removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the exporter will place on the Government head of each package or the Government side of each case, in plain and durable letters and figures the words "Exported by" followed by the name of the exporter, the city and State in which he is located, and the date of removal: *Provided*, That if the exporter is the bottler or packager of the spirits or wines, or is the person for whom such spirits or wines were bottled or packaged, as indicated by the markings on the case or package, then the name of the exporter and the city and State in which he is located need not again be shown: *Provided further*, That in the case of shipment for deposit in a foreign-trade zone, there shall be inserted, immediately following the words "For Export From U. S. A.", the words "via F. T. Z. No." followed by the number of the zone.

PAR. 26. Section 252.95, is amended as follows:

(A) By amending the first sentence to read "When the spirits or wines are shipped, the proprietor will execute the certificate of removal on the Form 1582 or the Form 1582-A (as the case may be).";

(B) By striking the second sentence, which begins "One copy of the claim".

PAR. 27. Section 252.96 is amended as follows:

(A) By amending the heading to read "Forwarding of claim and entry.";

(B) By inserting a new first sentence which reads: "One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the original and remaining copy will be delivered to the exporter.";

(C) The existing first sentence is amended as follows:

(1) By striking "The exporter will complete the claim and entry for drawback of tax on the distilled spirits or wines, on all", and inserting in lieu thereof "On receipt of the";

(2) By striking the word "received" from the phrase "received from the proprietor";

(3) By striking "of the export storage room and immediately shall", and inserting in lieu thereof "the exporter shall immediately":

(4) By striking "and appropriate arrangements have been made with the collector of customs and a customs bonded warehouse has been established for use by the Armed Services Port Transportation Officer.:";

(D) By striking the last sentence, which begins "Where a claim and entry".

PAR. 28. Section 252.97 is amended as follows:

(A) The first sentence is amended by striking "rooms":

(B) The third sentence, which begins "All distilled spirits or wines", is amended by striking, at the end of the sentence, the words "in care of the collector of customs".

PAR. 29. Section 252.98 is amended as follows:

(A) The first sentence is amended by striking "room".

(B) The fourth sentence, which begins "The bill of lading", is amended by striking "as the shipper".

PAR. 30. The first and second sentences of § 252.99 are amended by striking "room" from the phrase "export storage room".

PAR. 31. Section 252.101 is amended as follows:

(A) The first sentence is amended by striking "the" and "room" from the phrase "the export storage room".

(B) The fourth sentence, which begins "The assistant regional", is amended by striking "room".

PAR. 32. The last sentence of § 252.105, which begins "Upon receipt of", is amended by striking "room".

PAR. 33. The first sentence of § 252.106 is amended by striking "room".

PAR. 34. The first sentence of § 252.109 is amended to read: "Whenever the inspecting officer is unable to certify to the actual inspection of the spirits or wines,

he shall make his return on Form 1582, or Form 1582-A, stating therein the reasons why the spirits or wines were not inspected by him."

PAR. 35. Section 252.110 is amended to read as follows:

§ 252.110 *Shipment to the armed services, certificate of lading.* In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the armed services Port Transportation Officer will, when the shipment is received at the supply base or other designated place of delivery, in the space reserved for the certification of the collector of customs on Form 1582 or Form 1582-A, as the case may be, receipt for the quantity of distilled spirits or wines received, and state that: "These spirits (or wines) will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States." After signing the form and indicating his title, the designated officer will retain one copy of the form for his records and will transmit the original to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped.

PAR. 36. Section 252.112 is amended to read as follows:

§ 252.112 *Allowance of claim—(a) Where bond is filed.* Where bond has been filed under the provisions of this subpart, the assistant regional commissioner will, on receipt of the claim on Form 1582 or 1582-A from the proprietor, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed has been correctly computed, and the transaction has been in accordance with law and regulations. If the claimant has furnished the required export bill of lading in the case of a shipment for export, or the required receipt in the case of a shipment for use as supplies on a vessel, the assistant regional commissioner may allow the claim and charge the amount allowed against the bond. On receipt of the Form 1582 or 1582-A executed by the collector of customs, or by the armed services officer in the case of shipments for use by military personnel of the United States, and of satisfactory evidence of exportation or of lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), the assistant regional commissioner will credit the bond as provided in § 252.48.

(b) *Where no bond is filed.* Where a claim for drawback is filed for distilled spirits or wines shipped for use as supplies on aircraft, or where no bond is furnished to support claims for drawback filed on shipments for exportation or for use as supplies on vessels, the assistant regional commissioner will, on receipt of the claim on Form 1582 or Form 1582-A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, or from the armed services Port Transportation Officer in the case of shipments

for use by military personnel of the United States, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether such spirits or wines have been taxpaid, the amount claimed is correctly computed, the transaction has been in accordance with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels (including the certified copy of Customs Form 5125 in the case of supplies for vessels employed in the fisheries), or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

PAR. 37. Section 252.113 is amended to read as follows:

§ 252.113 *Allowance in cases of non-inspection.* Where the spirits or wines were not inspected by a customs officer at the port of export, the claim for drawback may be allowed, provided that the regulations were complied with in other respects, the identity of the shipment is established by collateral evidence, as provided in § 252.109, and the exportation without customs inspection was not to avoid inspection or with intent to defraud the revenue.

PAR. 38. Section 252.114 is amended by inserting, immediately after the words "export bill of lading" the following: "(in the case of railway express shipments to contiguous foreign countries, copy of the express receipt, showing the identity of the containers and the quantities shipped, and otherwise conforming to the requirements for bills of lading)".

PAR. 39. Section 252.138 is amended as follows:

(A) The second sentence, which begins "The customs officer shall inspect", is amended by inserting a period after the phrase "in triplicate", and by striking the rest of the sentence.

(B) The fourth sentence, which begins "He will then cause", is amended by striking the word "superintend" and inserting in lieu thereof the word "permit".

(C) The last sentence is amended to read: "The customs officer shall then execute his certificate of inspection, gauge, and lading, on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and return the original and one copy of each form to the collector of customs."

PAR. 40. Section 252.139 is amended to read as follows:

§ 252.139 *Customs certification of clearance.* On receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and one copy of Form 1629. He will forward the original of the Form 1629 and the original Form 696 (with scalped stamps attached) to the assistant regional commissioner of the region in which the exporter is located. He

shall retain the remaining copy of Forms 1629 and 696.

PAR. 41. Section 252.140 is amended as follows:

(A) The first sentence is amended as follows:

- (1) By striking "collector of customs" from the phrase "696 from the collector of customs" and inserting in lieu thereof "customs officer";
- (2) By striking "received from the collector of customs";

(B) The second sentence which begins "He shall then", is amended by inserting, immediately following "forward the claim", the words ", Form 1629, and the copy of Form 696, together";

(C) By striking the last sentence.

PAR. 42. Section 252.142 is amended by striking the first word, "The", and inserting in lieu thereof the words "Except for §§ 252.109 and 252.113, the".

PAR. 43. The second sentence of § 252.162 is amended to read: "The officer must also certify on the receipt that the beer will not be shipped or delivered for consumption or use in any place subject to the application of the internal revenue laws of the United States."

PAR. 44. The second sentence of § 252.183 is amended by striking "the quantity chargeable against such certificate, Form 646, and".

[F. R. Doc. 57-6219; Filed, July 30, 1957; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

FISH CULTURAL STATIONS

CROSS REFERENCE: For order affecting the tabulation in § 17.1, see F. R. Doc. 57-6210, General Services Administration, Public Buildings Service, Transfer of property known as San Angelo Fish Cultural Station, San Angelo, County of Tom Green, Texas, in Notices section, *infra*.

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

EXTENSION OF FISHING TIME

Basis and purpose. On the basis of improvement in the red salmon run in the Bear River district of the Alaska Peninsula Area it has been determined that additional fishing time can be allowed.

Therefore, effective immediately upon publication in the *FEDERAL REGISTER*, paragraph (a) of § 105.5, as amended June 28, 1957, is further amended by deleting "to 6 o'clock antemeridian Monday" at the end of the text and substituting in lieu thereof "to 6 o'clock antemeridian Friday, from 6 o'clock post-meridian Friday to 6 o'clock antemeridian Saturday, and from 6 o'clock post-meridian Saturday to 6 o'clock antemeridian Monday."

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Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

JULY 29, 1957.

[F. R. Doc. 57-6268; Filed, July 29, 1957;
3:09 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

[AO-294]

POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

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

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 Marketing Agreement No. 135 and Order No. 38 (hereinafter referred to as the "marketing agreement and order") regulating the handling of Irish potatoes grown in certain designated counties in the Red River Valley of North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker and Clay of the State of Minnesota), 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.), 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 fifth 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 marketing agreement and order were formulated was held at Grand Forks, North Dakota, on May 20-22, 1957, pursuant to notice thereof which was published April 10, 1957, in the *FED-*

ERAL REGISTER (22 F. R. 2362). Such notice set forth the proposed marketing agreement and order which were sponsored by growers of Irish potatoes in the Red River Valley as represented by the Red River Valley Potato Growers Association.

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

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on the commodity handled;

(d) The authority to establish marketing research and development projects for the commodity covered by the marketing agreement and order;

(e) The method for limiting the handling of the commodity grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of special shipments of the commodity and modifications or amendments of grade, size and quality regulations;

(h) The requirement of inspection and certification of the commodity handled;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 938.78 through 938.91 and published in the *FEDERAL REGISTER* (22 F. R. 2362; April 10, 1957), which are common to marketing agreements and marketing orders.

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

(1) Findings with respect to the right to exercise Federal jurisdiction: The Red

River Valley, comprised of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota, and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker and Clay Counties in Minnesota, is one of the important potato production areas in the United States and it is recognized as such by growers, handlers, receivers, and others engaged in the potato industry. This important late potato production area is located along the Red River of the north and is made up of the aforementioned eleven counties along the Eastern border of North Dakota and eleven counties along the northern end of the western border of Minnesota. These Red River Valley Counties, on the basis of the 1954 agricultural census, account for approximately 95 percent of North Dakota's and about two-thirds of Minnesota's potato production.

In 1956 North Dakota's estimated production was 12.4 million hundredweight and Minnesota's was 11.2 million, compared with 1956 total U. S. Fall potato production of 166.0 million hundredweight. Similarly, for the preceding 5 crop years, 1951-55, North Dakota's production estimate averaged 9.4 million hundredweight annually. Minnesota's averaged 8.4 million, and total U. S. Fall States averaged 142.5 million hundredweight annually.

Shipments of North Dakota potatoes from the 1956 crop totaled approximately 15 thousand carlot equivalents for the season through February 1957; for the same period Minnesota's shipments totaled approximately ninety-six hundred carlot equivalents. During the 5 previous crop years, 1951-55, shipments for North Dakota averaged annually 16.8 thousand carlot equivalents and Minnesota shipments averaged annually 11.2 thousand carlot equivalents.

Ninety-five percent or more of the Red River Valley potato shipments are marketed outside the valley. Marketing conditions and data with respect to North Dakota also are representative of the Minnesota counties within the Valley because 95 percent or more of North Dakota production and marketings therefrom originate in the Red River Valley portion of that State.

North Dakota and Minnesota potatoes are distributed extensively in the States lying south of the Great Lakes and between the Appalachians and the Rockies. Chicago is the chief market for Red River Valley potatoes. Carlot unloads of Minnesota potatoes were reported in 75 of the 100 cities covered in 1956 (Exhibit 6 of the hearing record). For the same period, and from the same official source, truck unloads were reported in 17 of the 32 cities covered. For the same year, North Dakota potatoes were unloaded in 68 U. S. and 1 Canadian city. Similarly for 1955 (Exhibit 7), Minnesota potatoes were unloaded in 82 U. S. cities and 1 Canadian city and potatoes from North Dakota in 75 U. S. and 2 Canadian cities.

Unloads of North Dakota and Minnesota potatoes during 1955 and in 1956, which are representative of usual marketing conditions during the past 5 sea-

sons, were larger in Chicago than in any of the other 100 U. S. cities listed in the above identified unloads report. Growers and handlers throughout the Red River Valley commonly accept the Chicago potato market as the most important market area in reflecting current levels, daily changes, discounts and premiums for their potatoes. Chicago is commonly accepted as the basing point for potato prices from which calculations are made, with allowances for freight and other essential adjustments, to provide a basis for trading both at shipping points within the Red River Valley and at delivery points outside the valley.

Growers and handlers of Red River Valley potatoes maintain close, constant communications with receiving markets outside the production area, such as Minneapolis-St. Paul, Chicago, Milwaukee, Kansas City, St. Louis, Cincinnati, Louisville, Memphis, and other similar points in the general area of distribution in the Central and Southern States. These communications are maintained through telephone, telegraph, teletype, radio, market news reports, commercial bulletins, letters, personal visits, and other modern media. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at shipping point in the production area and at terminals outside the production area tend to move together around average price levels. Factors affecting supplies at such shipping points are soon known and reflected in prices both at shipping points and at receiving markets outside the production area. Also, shifts in supplies at terminal markets, either in the quantity or quality on hand, or estimated as available or to become available, affects prices at terminals and, due to the rapid, constant communications between such terminals and handlers within the Red River Valley, such changes in prices are soon reflected in the offerings and bids, with resultant sales prices and, ultimately, prices to growers in the production area. The prices at which potatoes are sold and bought in the production area are directly related by close tie in with prices for potatoes in receiving markets outside the production area. Potatoes are sold by Red River Valley handlers on a basis of delivery at receiving markets, also in other cases on the basis of buyers taking title at shipping point in the production area. In other instances handlers consign potatoes to receiving markets or, in some instances, consign cars of potatoes to points within Minnesota, such as Minneapolis, with the idea of diverting such potatoes to outside points when a sales contract has been concluded. In these latter cases, shipments consigned to Minneapolis or other points within Minnesota frequently are diverted to points outside such State and outside the production area. Some potatoes from the production area are transported and sold in Canada, others in Cuba.

On the basis of the foregoing, it is hereby found and determined that all sales of potatoes grown in the production area which are destined for distribution outside of such production area and all

transportation of such potatoes between points within the production area and any point outside of such production area are in the current of interstate or foreign commerce, or directly burden, obstruct, or affect such commerce. It is concluded, therefore, that the right to exercise Federal jurisdiction with respect to the marketing agreement and order for Red River Valley potatoes, hereinafter set forth, is established.

(2) The need for a marketing agreement and order program for Red River Valley potatoes is supported by substantial evidence in the record of hearing on which specific findings, as follows, are made:

The model type of farming unit most common to the Red River Valley is predominately one of "cash grains and specialty crops production."

About ninety percent of farms in the production area consist of cropland.

About two-thirds of this cropland is devoted each year to growing close grown grains or flaxseed and about one-third to production of specialty crops and legumes.

Specialty row crops, in order of their widespread usage on Red River Valley farms and economic contribution to farm income over time, are potatoes, corn, sugar beets, and soybeans. Historically potatoes have been a part of the area's farm economy for about 50 years.

Farm value of potatoes in the Red River Valley has ranged from approximately 16 to 30 million dollars annually during the 1953 thru 1956 seasons, averaging about 26 million dollars. During the eight seasons, 1949-56, total farm value of potatoes ranged from about 16 to 40 million dollars annually, averaging about 29 million dollars.

The season average farm price for North Dakota potatoes, which are determined representative of Red River Valley potato prices during the seasons 1949 thru 1956, ranged from \$1.03 to \$2.91 per hundredweight. Industry witnesses represented that these farm prices were relatively low in six of the eight seasons and depressingly low in four of such seasons. They also represented that a healthy farm economy for the Red River Valley cannot exist with the prices obtained during these four years.

Prices received for potatoes by North Dakota farmers, which as above determined are representative of Red River Valley farm prices for potatoes, during the seasons 1949-1955, were below parity in all but two (1951 and 1952) seasons. The 1954 North Dakota farm price of \$1.51 per cwt. was 65 percent of parity, the 1955 season farm price for the same area of \$1.94 per cwt. was 92 percent of parity. The 1956 preliminary farm price of potatoes for North Dakota is estimated at \$1.30 per cwt.

Prices of potatoes vary with the size of the crop grown in the production area, also with the quality and size of tubers available for market from the production area. The size and quality of the potato crop in competing areas also affect prices for potatoes grown in the production area.

Yields per acre of potatoes have a direct relationship to the size, usually to

the quality, also, of the potato crop in the Red River Valley.

The demand for potatoes is relatively inelastic. Growers and handlers can adjust supplies of marketable potatoes by limiting the grades, sizes, qualities and maturities of potatoes sold or transported in commerce between the production area and points outside thereof.

Some growers and handlers in the Red River Valley indulge in marketing practices which tend to depress the prices producers receive for their potatoes. Some of these practices are shipment of small sizes; shipment of lower grades, or portions thereof, when price levels do not justify; shipment of potatoes which the housewife does not readily accept when potatoes from competing areas with better appearance, more uniform and preferred sizes, are available for her alternative choices.

Lower grades and discounted sizes of potatoes tend to substitute for better quality and preferred sizes of potatoes which return higher prices to growers. The sale of such lower grades and non-preferred sizes of Red River Valley potatoes tends to depress the average prices received by producers thereof.

The adjustment of supplies from the production area by means of grade, size, quality, or maturity regulations limiting marketings to those qualities and sizes which are acceptable in the potato market at preferred prices tends to improve growers' prices for potatoes.

The Red River Valley potato industry sells in competition with potatoes from other areas. Some competing areas have developed merchandising programs catering to the consumers' requirements so that potatoes from the Red River Valley sell only at discounted prices. Red River Valley producers deem it important as sound marketing practice to supply the buying trade with potatoes comparing favorably in quality and price with competing supplies.

In the absence of a program as provided in the proposed marketing agreement and order, many Red River Valley growers and handlers will offer and sell any potatoes that will bring a price regardless of whether such potatoes be number ones, twos, or culls, and regardless of the effects of such sales on the potato market and the price structure.

The potato marketing situation changes from year to year due to total supplies, as well as due to changes in the grade, size, quality, and maturity of such supplies. Red River Valley producers and handlers have found from state marketing programs, and from other experience, that elimination of some grades, sizes, and qualities of potatoes tends to improve grower prices. The year to year changes in supplies introduce marketing conditions that the industry representatives find cannot be coped with adequately under the states' programs and a Federal marketing agreement and order, as hereinafter provided, is needed to provide flexibility of operation to meet such changing marketing conditions. The exercise of the authority in the proposed order with respect to the establishment and maintenance in effect of minimum standards

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of quality, in terms of grades and sizes, together with grading and inspection requirements, when prices are above the parity level would tend to effectuate such orderly marketing of production area potatoes as will be in the public interest.

Upon the basis of the foregoing, it is hereby concluded that adequate need exists for a marketing agreement and order as hereinafter set forth.

(3) A definition of the agricultural commodity to be regulated under the proposed marketing agreement and order is necessary to distinguish it from other agricultural commodities. The agricultural commodity grown in the production area, scientifically known as "Solanum tuberosum," is commonly known in the production area and in receiving markets outside the production area as "potatoes," or "Irish potatoes." Such definitions should include all varieties of potatoes grown in the production area, some of the common varieties of which are the Red Pontiacs, Cobblers, Kennebecks, Russet Burbank, White Rose, Triumphs, Red La Sota, Red Warbas, and Dazoka. The definition of the term "potatoes," as hereinafter set forth, provides a basis for determining, and distinguishing from other agricultural commodities, the agricultural commodity for which regulation is authorized under the proposed marketing agreement and order.

"Production area" is defined to mean the territory in which potatoes must be grown before becoming subjected to regulation authorized by the proposed marketing agreement and order. Such territory includes all the area within the boundaries of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey Counties in North Dakota and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay Counties, in Minnesota, which geographic area is commonly referred to locally, as well as in other potato producing areas, as the Red River Valley.

The Red River Valley as comprised of the above named counties is one of the important potato producing areas within the United States. Its boundaries are distinct, well delineated, and well known by producers and handlers within the valley as well as by potato handlers from outside the area. The 11 counties constituting the North Dakota portion of the production area are grouped along the eastern border of North Dakota and the 11 counties constituting the remainder of the production area are similarly located along the northern part of the western border of Minnesota. The Red River of the North runs between these two groups of counties, drains the valley and gives the area the chief identification for its common name. The western boundary of the Red River Valley, as set forth in this definition, is distinct as also is the eastern boundary in the State of Minnesota. All boundaries of the Red River Valley are based on county lines; they are well known by producers and handlers; and the record of hearing shows that they provide a practical basis for delimiting the production area. In addition, these bound-

aries do not pass through any major potato producing sections, so the prospect of confusion or difficulty in administration of a potato marketing program for this production area because of potatoes being grown close to or on both sides of the boundary lines is reduced to a minimum by reason of the boundaries as set forth. This proposed production area has been used under marketing agreement and order programs operated by the States of North Dakota and of Minnesota for the past several years. Experience under these States' programs has found the production area established by this definition to be practicable and workable. The territory included within the production area under the proposed Federal marketing agreement and order will be the same as the areas established in the past under the States' programs, and also the same as established as boundaries of the Red River Valley Potato Growers Association. The same varieties of potatoes are grown in the Minnesota and North Dakota portions of the proposed Red River Valley production area and the markets for both portions are the same. To exclude any portion of the production area would tend to defeat the purpose of the proposed marketing agreement and order in that poor quality potatoes from a section outside the area could then be marketed free from regulations and thereby depress the prices of regulated potatoes. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and this production area, as set forth in the notice of hearing and as hereinafter set forth under the proposed marketing agreement and order, provides the smallest regional production area practicable for carrying out the objective of the marketing agreement and order and of the Agricultural Marketing Agreement Act of 1937, as amended.

(4) The terms "handler" and "shipper" are synonymous in the production area and in receiving markets. Handlers sell or transport potatoes, or cause the sale or transportation of potatoes, and their activities place or have the effect of placing potatoes upon the market, and thereby affecting the prices received by growers.

Handlers are to be subject to the regulation authorized by the marketing agreement and order. Handlers should include persons who are responsible for the sale or transportation of potatoes between the production area and any point outside thereof or who cause potatoes to be so sold or transported. The act of handling potatoes (as such activities are hereinafter discussed) makes a person a handler. More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the marketing agreement and order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling activity or function insomuch as they

are transporting potatoes, but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade, size, quality, and maturity of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into commerce. The 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, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne solely by the person or persons responsible for delivering such potatoes to the carrier or by the person who causes such potatoes to be delivered to such carriers. Therefore, the term handler, which is synonymous with shipper, should mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

The terms "handle" and "ship" are synonymous in the marketing agreement and order. The sale or the transportation of potatoes grown in the production area has a direct effect on the market for potatoes grown in the Red River Valley, also on the market for potatoes grown in other areas, and such act or acts, individually or collectively, should be within the definition of handle.

The great bulk of potatoes marketed from the Red River Valley are first stored for varying periods of time, then run over a grader, usually a combination grader and washer, separated into grades and sizes, placed in appropriate containers, then sold at shipping point for movement to markets outside of the production area or transported to such markets and title is transferred at destination. These activities cover the major portion of the crop that is sold and transported as tablestock. Seed potatoes are handled in much the same manner, in that they too are stored and later separated into appropriate grades, and sizes for the seed trade, and either sold at shipping point or transported to receiving point where title is passed to the receiver.

Some Red River Valley potatoes are also sold or transported in other manners. At times, potatoes immediately following digging are picked up either mechanically or by hand and a separation is made at this time which leaves some of the potatoes behind and others are placed in containers and transported to market either by rail or truck. Such potatoes often do not go through a packing house and over conventional type grading equipment, however, some grading takes place in that they are prepared for the market in which they are sold. While the amount of potatoes handled in this manner is relatively small, such sales or transportation of potatoes have a direct effect upon the potato market and the prices received by growers for potatoes. The act of the person making such sales or causing such sales to be

made, or of the person who transports, or who causes the transporting of potatoes to market, each constitutes handling of such potatoes.

The transportation or movement of potatoes from the field where grown to storage or to packing houses or for processing within the production area is not included within the definition of handle as set forth in the marketing agreement and order. The movement of potatoes from the field where grown to storage or for processing outside the production area should be classed as within the definition of handle because such potatoes are then in commercial market channels affecting growers prices and should meet market requirements established under the marketing agreement and order.

The definition of handle should not include the activities of a producer in his capacity as producer. Such activities should include the production, digging, and the harvesting of potatoes. All activities subsequent to harvest which have a definite bearing on the market for potatoes which include the sale or transportation of potatoes directly to market should be within the definition of handle.

The definition of handle should not include the sale of potatoes at retail by a person in his capacity as a retailer.

The movement of potatoes from storage in the production area to a packing house within the production area for the purpose of having such potatoes graded or prepared for market should not be considered an act of handling because such movement is considered under this program to be within the function of the producer, and not a part of the marketing process. The movement to fresh market of potatoes which have been graded should be included in the definition of handle. Also, the movement or sale of potatoes which have been graded, but which are not considered as a part of the tablestock supply and which include culls, pickouts, or other off grade, off size types of potatoes, should be considered as handling and should be subject to the appropriate authority in the proposed marketing agreement and order. Such movement is included within the activity of transporting potatoes to market. Such transportation is a handling activity and should be subject to regulation under the proposed marketing agreement and order.

On the basis of the foregoing it is hereby concluded that the sale or transportation of potatoes effectuating the movement of such potatoes from any point within the production area to any point outside thereof should be within the definition of handle in the proposed marketing agreement and order.

(5) Certain terms and provisions of the proposed order should be defined and explained for purpose of designating specifically their applicability and limitations whenever they are used.

(a) The definitions of Secretary, act, and person, as set forth in the notice of hearing were not in controversy at the hearing. These terms are used in marketing agreements and marketing orders effective under the statute and indicate, respectively, the officials of the Department of Agriculture who may exercise

authority under the proposed marketing agreement and order, the official citations of the legal authority of the program, and the identity of the individuals and others embraced within the meaning of the term "person." The use of such terms in the marketing agreement and order is essential to the basic framework thereof and should therefore be set forth therein.

"Producer" is a commonly understood term throughout the production area. Any person engaged within the production area in the production of potatoes for market is commonly classed as a producer within the Red River Valley and such person should be included within the definition of producer in the proposed marketing agreement and order. Any person who has an ownership interest in the potatoes produced should be classed as a producer and the definition should be limited to those persons who have such ownership interest. The term producer should not include laborers or others who perform work for fee or for hire in producing the potatoes, as they have no ownership interest in the commodity. The term producer as used in the proposed marketing agreement and order provides the basis for determining eligibility for voting in nominations and other procedures relating to the qualifications of membership on the Red River Valley Potato Committee. Also, the term producer provides a basis for determining qualifications for eligibility for exemptions under the marketing agreement and order.

"Grading" is usually a mechanical operation whereby potatoes are carried by a mechanical conveyor over a series of moving screens, revolving rollers, or tables where sizes are determined and good quality, as represented by preferred grades and sizes or both, are sorted from the poor, so the potatoes which are to go to preferred price outlets are separated from those going to lower price outlets. This grading or preparation for market is an operation which applies to all potatoes grown in the production area even though the extent to which the potatoes are sorted may vary considerably according to the types of outlets. Red River Valley potatoes are currently graded or prepared for market as part of the handling process whereby the potatoes are sorted into classifications based on grade, variety, size, quality, or maturity. Some of the usual or typical classifications are U. S. Fancy, U. S. No. 1, U. S. Commercial, U. S. No. 2, in combination with a size designation 2 inch minimum, Size A, or 2 inch minimum-3½ maximum, Red River Reds (such term indicating variety), and similar designations of value attributes based on commonly accepted measures of potato characteristics.

A definition of "grading" or "prepare for market," based on the foregoing should also be set forth in the proposed marketing agreement and order. Such definition should mean the sorting or preparation of potatoes into grades and sizes by any means, including any repacking, regrading, or resorting of potatoes which may have been previously prepared for market.

Definitions of "grade" and "size" are incorporated in the proposed marketing

agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1559 and §§ 51-1575 to 51.1587), (ii) in the state standards for potatoes issued by the State in which potatoes are shipped, (iii) in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed marketing agreement and order. Regulations under such marketing agreement and order can then use such terms ("grade" and "size") with the constant meaning assigned thereto in such standards or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing such regulation. Inspectors of the Federal or Federal-State Inspection Service are qualified to certify the grade and size of potatoes grown in the proposed production area, in terms of any of the aforesaid standards, or modifications, amendments, or variations thereof.

The United States Standards for Potatoes provide that in order to meet certain grade requirements potatoes shall be mature. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. The same standards also set forth various skinning classifications. The record of hearing shows that "maturity" as now used by the industry, as interpreted by Federal-State Inspectors and certified on the basis of such inspections, and as the proposed marketing agreement and order should provide, means the basis, as set forth in the aforesaid skinning classification or modifications or adaptations thereof, for determining the extent or degree to which any lot of potatoes is mature, or falls short of qualifying as mature potatoes. "Maturity" should be defined as set forth in the proposed marketing agreement and order.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences in the characteristics of different varieties and differences in types of regulations which might be considered and recommended therefor. The great bulk of potatoes now being produced in the proposed production area fall within the general group known as red or red skinned varieties, such as Pontiacs, Red Wabas, and others. However, round white varieties such as Cobblers, Kennebec, Cherokee, and others, and long whites such as Russet Burbank, Early Gem, White Rose, and others, are also grown. Differences by groups of varieties should be recognized by the committee in their deliberations and the marketing agreement and order should authorize different regulations by

different varieties. It is particularly important, especially in the development of a new variety, that the marketing agreement and order should contain authority to provide special treatment, such as freedom from regulations, for each variety. The means set forth in the definition of "varieties" is appropriate for determining different varieties of potatoes grown in the production area.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are terms commonly used in the production area. Testimony shows that "seed potatoes" or "seed," as the terms are commonly used in the proposed production area, includes only potatoes which are certified, tagged, or otherwise appropriately identified as such by the official seed certifying agency of the State of North Dakota or the State of Minnesota. "Tablestock" potatoes as testified at the hearing has a common meaning in the production area and is used to refer to potatoes offered for use on the fresh market. This term as commonly used in the production area also includes potatoes used for livestock feed, potato chips, etc.—as a residual type classification to refer to all potato stocks other than "seed." Hence, the total of "seed potatoes" plus "tablestock" potatoes includes all potatoes to be covered by the marketing agreement and order.

"Washed potatoes" as the term is used in the production area is defined to mean potatoes that have been cleaned by water and in addition meet the degree of cleanliness measured by standards of cleanliness in the United States Standards for Potatoes or modifications thereof. Interpretations of cleanliness can be made by official inspectors of the Federal, or Federal-State, Inspection Service. The proposed marketing agreement and order, therefore, provides that such standard of cleanliness shall be the basis for standards of cleanliness to be established by the Secretary pursuant to committee recommendations.

The terms "seed potatoes" or "seed," "tablestock potatoes" or "tablestock" and "washed potatoes" are incorporated into the marketing agreement and order because different regulations are authorized under appropriate circumstances for each.

The term "pack" is commonly used throughout the production area by the Red River Valley potato industry. It refers to one or more of the combinations of factors relating to the grade, variety, quality, size, and maturity of the potatoes in particular containers. For example, "U. S. No. 1" and "U. S. No. 2" refer to particular grades. Differences in pack are also recognized by the size of the package. For example, potatoes in ten-pound bags are referred to as a ten-pound pack. A pack of U. S. No. 1 Reds -2" -3" would use grade, variety, and size factors. It is essential that such differentiation should be authorized in the marketing agreement and order so that appropriate regulations tailored to the particular pack involved, and the market demands therefor, may be made effective and thereby tend to achieve the declared policy of the act.

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Pack should be defined as a basis for distinguishing the various sizes of shipping units in which potatoes are packaged, as well as the contents of the packages in terms of the quantity of potatoes and the grade and size thereof. The definition for the term pack should therefore, be as set forth in the proposed marketing agreement and order.

"Container" should be defined in the marketing agreement and order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The Red River Valley potato industry, as represented by growers and shippers at the hearing, indicated that undesirable practices in the marketing of potatoes relating to net weights and numerous container types and sizes tend to create disorderly marketing conditions. Use of authority enacted in the recent container amendment to the act will provide a basis for alleviation of the problems associated with containers. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads.

The definition of "Committee" is incorporated in the marketing agreement and order to identify the administrative agency responsible for assisting in the administration of the program. Committee means the Red River Valley Potato Committee as authorized by the act and which is necessary and incidental to the operation of the marketing agreement and order.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

"Fiscal period" should be defined to mean the period beginning and ending on the dates as recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of a fiscal period relatively close to the opening of a marketing season so that a minimum of expenses may be incurred by the committee prior to receipt of revenue. There is a definite break in shipments between one potato marketing season and another in the production area and no difficulty should be encountered in establishing the beginning of one marketing year and the close of another. Such flexibility should facilitate operations under the marketing agreement and order.

The definition of "export" is incorporated in the marketing agreement and order because different regulations thereunder are authorized for export shipment than for domestic shipments. Export markets may have requirements which differ from the domestic markets

and special regulations may be justified. Export should be defined to include all shipments of potatoes outside the continental United States.

No evidence was offered to support the provisions of § 938.21 "Label" in the notice of hearing, hence this section is dropped.

(b) The Red River Valley Potato Committee, composed of fourteen producer members, is the administrative agency sponsored by the industry to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. For the past several years fourteen members have made up the board of directors of the Red River Valley Potato Growers Association, and the Red River Valley Potato Control Board, as set up to administer the States' marketing and promotion programs. These two organizations have been operating for several years with a committee of fourteen producer members on each, and have operated marketing and promotional programs for the potato industry in a geographic area identical with the proposed production area which is to be administered by the Red River Valley Potato Committee. Industry representations show that experience with the two aforementioned committees of fourteen members each has established this as a satisfactory number of committee members to adequately and equitably represent the industry. As a result of this success with 14-member committees giving ample representation to the producers in the proposed production area it is recommended that the proposed Red River Valley Potato Committee also should have 14 members. Testimony at the hearing was that many producers are also handlers and as a result of the operations of committees now serving the potato industry it has been found that a 14-member committee composed entirely of producers will have among its members those who are also handlers and in such manner both producers and handlers will be adequately represented. Experience with these two committees also shows that any program which serves potato producers also serves the handlers. This plan of representation has received intensive study by the industry and after thorough consideration by the industry, based both upon study and experience, such representation is considered appropriate and equitable.

Each member and alternate of the Red River Valley Potato Committee selected to represent producers in a particular district should be a producer of potatoes, or an officer or employee of a corporate producer or other type of business unit engaged in producing potatoes in such district and each such person should reside within the production area. Some qualified persons may not reside in the district where their principal interest lies. Industry representations show that if such person can otherwise qualify for committee membership by reason of farming operations in a particular district but with residence in another district, these facts should not prevent his selection to represent a particular district even though his residence is outside of such district but

within the production area. Producers who have the above qualifications should be intimately acquainted with the problems of producing potatoes grown in such district and each may reasonably be expected to present accurately the problems incident to production or marketing of potatoes grown in such district. For obvious reasons the qualifications of each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the producer group from which each is selected will be adequately represented in committee deliberations.

Circumstances may arise when it is impossible for a member or members to attend particular meetings of the committee or where positions are vacant because of resignations or for other reasons. In such situations it is desirable for the respective alternates to serve in lieu of the members so that there will be no interruption of committee operations and to assure producers in all districts of the production area representation in the conduct of all committee business. Also, industry representation shows that alternates could relieve members by performing assigned tasks necessary for administration of the program.

The selection of committee members and alternates on the basis of districts, as set forth in the marketing agreement and order, provides a practicable and equitable manner of representation. The geographical basis for the extent and selection of the committee membership is related to the acreage and production of potatoes within the production area so that such selection thereby provides an equitable basis for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. Future shifts or other changes in the development of acreage within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operation, so that if it should be in the best interests of the administration of the proposed marketing agreement and order to change the boundaries of some districts, the committee may so recommend, and the Secretary take, such action.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of appointment so that the committee will not be unduly delayed. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to indicate his willingness and intention to serve on the committee.

The term of office of committee members and alternates under the proposed program should be for two years be-

ginning on July 1 and ending June 30 and any additional period needed for the selection and qualification of his successors. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office occurs during a period prior to the commencement of a marketing season and hence should allow adequate time for the committee to organize and start operating before the opening of each season.

Provisions are made in the marketing agreement and order for staggered terms of office of the committee members and alternates. Under this provision, six of the initial committee members and their alternates will serve for a term ending on the second June 30 following their appointment; the remaining eight of the initial committee members and their alternates will serve for a term of office ending on the first June 30 following appointment. The establishment of such staggered terms will provide for more efficient administration of the program in that members and alternates constituting the newly appointed members of the committee will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the marketing agreement and order.

The potato industry within the proposed production area has used a similar method of designating committee membership on the Red River Valley Potato Growers Association and the Red River Valley Potato Control Board. Industry representatives show that growers believe this to be a satisfactory method of determining terms of office; the terms of office for the membership of the Red River Valley Potato Committee under the Federal program should be the same.

The industry established the position that no member should serve for more than three consecutive terms so that fresh points of view could be brought before the agency, also so that responsibilities of membership could be spread among more farmers. This industry policy is deemed reasonable and desirable. Therefore, it is incorporated in the terms and provisions of the marketing agreement and order.

The industry representations established that a quorum of the Red River Valley Potato Committee should consist of ten members and ten concurring votes should be necessary for passing any motion or approving any action of the committee. Such quorum and voting requirements, constituting a minimum of over two-thirds of the membership are deemed reasonable and adequate by the industry. The committee should be authorized to vote by telephone, telegraph, or other means of communication when matters to be considered are so routine it would be unreasonable to call for an

assembled meeting, or, on the other hand, when rapid action is necessary for an emergency. Votes cast at other than assembled meetings should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting however, all votes should be cast in person, so as to preclude participation by members and alternates who did not participate in the assembled meeting deliberations.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act because such powers are authorized to be granted by the enabling statutory authority. They are common to marketing agreements and marketing orders operating under the act and necessary so that an agency of the character set forth in the proposed marketing agreement and order can function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. It should be recognized that these specified duties are not necessarily all inclusive in that there may be other duties which are incidental to and not inconsistent with the terms and conditions of the act and the marketing agreement and order which the committee may need to perform in connection with its operations under the programs.

Provisions are made in the proposed marketing agreement and order to require that the committee receive and consider complaints and petitions from growers, in connection with the operations of the proposed program, and that consideration will be initiated within five days following receipt of appropriate presentation to the committee. A request or petition from 50 percent of the producers in a producing section or 30 producers whichever is smaller is also provided. These provisions are desirable in that they assure growers they will receive the consideration of their problems that the committee would normally provide in any instance. These provisions do not preclude growers and committee from making arrangements for consideration of problems and complaints in manners that would be satisfactory and convenient for the committee and growers.

Committee members and alternates should be reimbursed for reasonable expenses necessarily incurred when they are engaged in committee business. These expenses should be paid because it would be unfair for committee members and alternates, who are to serve on the committee without compensation, in the interest of the industry, to be required to bear such expenses, in addition to the time lost in their business.

The Red River Valley Potato Committee is the agency established pursuant to the terms and conditions authorized by the act. Nominations for membership on this committee are provided by the terms of the marketing agreement and order as a method for selecting such membership so that the wishes of the affected industry with respect to membership on such agency may be made known to the Secretary.

The methods for calling and conducting nomination meetings, with the rules set forth for determining the rights and

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privileges of participating in producers' meetings for expressing preferences for membership on the committee, as set forth in the notice of hearing and as set forth in the proposed marketing agreement and order were declared acceptable, equitable, feasible and were supported by substantial evidence by industry representatives.

The methods set forth in the marketing agreement and order for calling and conducting producer meetings to express preferences for nominations for membership on the committee are substantially the same as those followed by the Red River Valley Potato Association and by the potato industry in the same valley in providing membership on similar committees under State orders. These methods have proven acceptable and practical under the State programs. The industry representatives declare they will be acceptable and practical for the Federal program.

It is found that the provisions for nominations in the marketing agreement and order accord with the wishes of the Red River Valley Potato industry and that such terms and conditions are incidental to, not inconsistent with, and they are necessary to effectuate, the other provisions of the marketing agreement and order.

(c) It is found from the record of the hearing that expenses would have to be incurred by the committee in the administration of the proposed program. These expenses, which should be reasonable, include, but should not be limited to, salaries for secretary, manager, and field personnel, rent for office space and office equipment, supplies and travel expense. Expenses incurred by the committee in operating the marketing agreement and order must, under the act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles potatoes, subject to regulation under the proposed program, to pay his pro rata share of such expenses on the basis of the ratio of his total potato shipments under the proposed marketing agreement and order, as the first handler thereof, to the total of such potato shipments by all such handlers, during a particular fiscal period. According to the record all of the production area potatoes are inspected by the Federal-State Inspection Service serving the area. In most cases, the person who first shipped the potatoes also applied for inspection, and in such instances the inspected shipments could serve as a basis for computing assessments due. Such person is the one who started the commodity on its way to market. Therefore, such person, i. e., the first handler, should be the person who is to pay the assessments. 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 requirement that the first handlers pay assessments on potatoes will preclude multiple assessments on potatoes that are handled more than once; and han-

dlers will be able to arrange their operations accordingly.

A similar method of levying and collecting assessments has been used by the Red River Valley Potato Control Board for several years and has proven successful and satisfactory under that program. The method of defraying expenses through assessments on shipments has the support of producers and handlers within the proposed production area.

Good business practices require that the committee prepare a budget prior to the beginning of each fiscal period. Such a budget should show estimated income and expenses necessary for the administration of the marketing agreement and order for the fiscal period for which the budget is prepared. Producers within the production area have several seasons' experience in preparing budgets for the Red River Valley Potato Control Board under the States' orders. With such experience any budget prepared by the committee as representatives of the industry which is to pay the expenses should be a realistic, practical, and businesslike budget. If unforeseen expenses should occur, or other unforeseen happenings come about, such as a partial crop failure, so that assessments collected are not sufficient to defray the expenses of the committee during a particular fiscal period, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment to balance necessary committee expenses and revenue. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve an amended budget and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the proposed marketing agreement and order, he should be authorized to increase the rate of assessment. Such increased rate should apply to all potatoes handled under the proposed marketing agreement and order during such fiscal period, including those previously handled, by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Except as indicated below, handlers should be entitled to a proportionate refund of any excess assessments collected and which remain at the end of a fiscal period. Refunds should be credited to respective contributory handlers against their operations of the following fiscal period, unless payments should be demanded, in which event proportionate refunds should be paid.

If and when a committee should be required to liquidate its affairs upon termination of the marketing program, considerable expense would be involved in the liquidation process. The affairs of the committee which are to be liquidated would usually result from a number of years' operations. It would be appropriate, therefore, for the maintenance and functioning of the committee that, 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, a reason-

able amount should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained upon the basis of the committee's recommendation and Secretary's approval to cover the expenses of final liquidation in the event of the termination of the marketing agreement and order. All funds collected under the marketing agreement and order should be used solely for operations thereunder.

It is a matter of good business practice to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that the administration of the committee as the agency of the Secretary will be readily subject to inspection at any time by the Secretary. The responsibility of the Secretary for committee's activities, funds for agency operations, and the marketing policies, establish additional basis for requiring full accounting and records of all committee actions. The committee should have periodic audit reports at appropriate times, such as at the end of each fiscal period or at such other times as may be necessary and provide copies to the Secretary to enable him to maintain appropriate supervision and control over the committee's activities and operations. Copies of the audit report should also be available in the office of the committee for inspection by interested producers and handlers.

The Red River Valley potato industry has operated under state marketing order programs which provided for incurring expenses and payment of such expenses from assessments on shipments. Assessments have been levied, collected, and accounted for under the States' programs in a manner substantially parallel to the provisions and methods set forth in the proposed marketing agreement and order.

The industry representatives intend that the existing state programs and the Federal marketing agreement and order should operate in co-operation with one another so that mutually beneficial services, such as accounting, management, staff, and similar operating facilities, can be used economically and in the best interests of each organization representing growers. This is a businesslike, practical arrangement which should help to improve growers' returns. It is practical and feasible that the Red River Valley Potato Committee under the Federal marketing agreement and order should be authorized to provide, with approval of the Secretary, for collection through state agencies of assessments levied under the marketing agreement and order.

(d) It was testified that the potato industry wishes to avail itself of the authority granted by the act for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes. Such authorization should be included in the proposed marketing agreement and order.

Through the medium of research investigation, the committee could be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and

other factors with respect to potatoes which would be of value in determining what regulations could be established, in accordance with the act and the proposed marketing agreement and order, for the benefit of the potato industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing. The committee should be empowered to engage in such projects (except advertising projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies, such as State Universities, and public and private agencies. Prior to engaging in any such activities, the committee should of course submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things that the projects are within the purview of the act and the proposed marketing program. The cost of any such projects should be included in the budget for approval and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) Potato prices in receiving markets, also at shipping points, and in turn, to producers, are directly affected by the quantity and quality of potatoes being sold or transported and available for sale or transportation to market during any period.

The quantity and quality of potatoes being transported to market during any period is a function of the accumulated plans of growers and handlers in disposing of potato crops available for market during such periods.

Growers and handlers who have developed plans for marketing potato crops consider the total supplies they have for market, the grade, size, quality, and the maturity of such potatoes, and give consideration to similar factors with respect to supplies in competing production areas. Growers and handlers in the Red River Valley, as well as other competing areas, also consider the trend and level of consumer income, general marketing or merchandising programs, such as the sale and shipment of potatoes in particular types of containers and within particular size and quality ranges, and the maintenance of orderly flow of potatoes to market so that receiving markets are supplied with adequate quantities of potatoes, with the objective of maximizing their returns. These factors are important in the consideration given by all growers and handlers who market Red River Valley potatoes. The accumulation of such individual plans provides a general marketing pattern for the Red River Valley in much the same manner as such plans also develop in other areas.

It is essential in the interest of promoting orderly marketing and improving growers prices that the industry representation, as established by the Red River Valley Potato Committee, should consider such plans as soon as practical after the beginning of each season and the plans that the industry should follow for the coming season in marketing particular grades, sizes, and qualities of potatoes in different kinds of packs and the amount of such potatoes which should be marketed during the particular marketing year.

The procedures and methods which are outlined in the marketing agreement and order for developing the institution of marketing policy statements relating to the grade, size, quality, and maturity regulations which may be attempted during subsequent periods are similar and parallel to industry marketing plans usually followed in the Red River Valley and should provide a practical basis for the committee to obtain appropriate data and information relating to potatoes grown in the Red River Valley. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry to follow with respect to the marketing of potatoes in the production area. In addition, members of the industry, including both growers and handlers, should be provided with the information regarding the policy and regulations which might be recommended by the committee. Inasmuch as the factors set forth in the proposed marketing agreement and order are those commonly considered by growers and handlers in marketing their potatoes in their efforts to maximize producers' returns and such factors provide a practical basis which the committee should take into consideration in developing its marketing policies, they are adequate and proper for the intended purposes.

A report on the marketing policy considered and formulated by the committee should be prepared for distribution to the growers and handlers and a copy of such report should be made available to the Secretary. The initial marketing policy offered by the committee for any marketing season should be submitted to the Secretary prior to, or simultaneously with, its initial recommendations for regulations. This would help to insure proper notice to all interested parties. The reports on marketing policy and regulation should be submitted to the Secretary and presented to the industry by the committee. The Red River Valley Potato Committee is the administrative agency established for local administration of the proposed marketing agreement and order. One of the primary functions of the committee is to advise the Secretary, as part of the administration of the marketing agreement and order, in connection with marketing policies and the grade, size, quality, maturity and other regulations that should be effective. Inasmuch as the committee is given the responsibility for this important phase of local administration the committee should be authorized to consider and recommend any and all regulations which are set forth by the

marketing agreement and order for the Secretary to issue thereunder.

As heretofore indicated the quantity and quality of potatoes grown in the production area and sold or transported to markets during any period have a direct effect upon the total quantity and the composition of such supplies which, in turn, have a direct effect upon the prices received for potatoes in the market and the prices returned to Red River Valley producers. Limitation of the handling of poorer grades, off quality, less desirable sizes, and maturity of potatoes grown in the production area as authorized by the marketing agreement and order provides a method for adjusting the total quantity of potatoes, and the composition thereof, which may move to markets, and in turn such limitation provides a means for tending to increase prices of the more desirable grades, sizes, maturities, and qualities and to promote more orderly marketing and increase the returns to producers of such potatoes. Promotion of the more orderly marketing of potatoes grown in the production area may be effectuated through the types of packs of such potatoes that can be shipped and the kinds and types of containers in which such potatoes may be shipped. Also more orderly marketing may be promoted through the handling of particular grades, sizes, qualities, and maturities of potatoes differently for different varieties, and for washed and unwashed table stock as well as differently for table stock and for seed, and for different portions of the production area, or any combination of the foregoing during any period.

A means for measuring the grade, size, quality, and maturity of potatoes is provided in the standards issued by the United States Department of Agriculture (7 CFR §§ 51.1540-51.1559; and §§ 51.1575-51.1587) for potatoes. The United States Standards for Potatoes, as well as the United States Consumers Standards for Potatoes and State Standards, provide the common and accepted means for determining the grade, size, quality, and maturity of potatoes grown in the production area. Such standards are widely used throughout the production area both by producers and by shipping point handlers, as well as buyers, all of whom are generally acquainted with such standards as commonly used in their market transactions. The lower grades and off qualities include not only the unclassified potatoes as set forth in the Federal standards for potatoes, which are commonly referred to as culls, but also potatoes which show defects as set forth and described in such standards and in any modification or variation based thereon, which may be considered desirable by the Secretary.

In the interests of promoting more orderly marketing conditions for potatoes grown in the production area and improving prices paid to growers, authority should be provided in the marketing agreement and order for limiting the grades, sizes, qualities and maturities of potatoes which may be placed in any given pack or container. This type of limitation would provide an additional means for tailoring the supply of mar-

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ketable potatoes to demand for the most desirable grades, sizes, qualities and maturities depending upon the particular outlet involved.

Growers receive different prices for different varieties of potatoes also for different grades, sizes, qualities, maturities and packs of such potatoes grown in such production area. It is generally recognized in the production area as well as in receiving markets that potatoes of the round red varieties, including but not limited to Red Pontiacs, Red Warbas, Triumphs, and other varieties noted for their red skin, are preferred by buyers in certain parts of the receiving market in which Red River Valley potatoes are generally distributed. Also similar recognition is given to a somewhat distinct demand for particular grades and sizes of white potatoes such as Cobblers, Kennebecs, and similar varieties. Also, a somewhat distinct demand is recognized in the receiving trade for particular grades and sizes of long type varieties of potatoes such as the Russet Burbank, Gems, White Rose and others. The potato growers and handlers within the production area recognize such differentials and they attempt to market their potatoes accordingly in an effort to maximize their returns and bring about the highest prices for their products. The proposed marketing agreement and order should give similar recognition to such differences and the terms and provisions thereof should authorize different regulations by grade, size, quality, and maturity for different varieties, also different regulations for table stock and for seed. The potato industry in the Red River Valley customarily ships sizeable amounts of washed potatoes, also a large portion of the crop is shipped as unwashed potatoes. The record of hearing shows that a proportion of the crop which can be shipped as washed stock meeting grades, such as U. S. No. 1 grade, may be somewhat less than for unwashed stock. In the interest of preserving equitable portions of the market for growers and shippers of washed and unwashed stock the proposed marketing agreement and order should provide, as set forth herein, authority for issuing regulations differently for washed and unwashed table stock potatoes. Also authority should be included in the marketing agreement and order for different regulations by grade, size, quality, and maturity for different portions of the production area to take care of such matters as disaster arising from storms, hail, and other situations beyond the control of the growers and shippers.

In order to promote more orderly marketing, regulations should be authorized for different packs so the industry can best meet the demands of the receiving market. Similarly, different regulations should be authorized for different sizes or types of containers or any combination of the foregoing during any period so that the committee can advise the Secretary who in turn can issue regulations based on preferred demand for particular packs or containers including the grades, sizes, quality and maturity of the contents thereof, in the interest of maximizing returns to growers.

The industry indicated that no regulation under the proposed marketing agreement and order applicable to seed should modify or impair the official seed specifications established by the official seed certification agency of the State in which the potatoes were grown. Such industry policy is hereby confirmed as the policy which should be followed under the terms and provisions of the marketing agreement and order.

The permissive use of the authority to fix the size, weight, capacity, dimensions, and pack of containers will allow the committee to reduce or eliminate any deceptive practice which a few members of the potato industry might be inclined to follow. This is not a particularly disturbing problem at the present time, but if a new type of container should enter the marketing of Red River Valley potatoes such type of container should be eliminated if it causes misleading merchandising practices thereby tending to confuse buyers of potatoes grown in the production area. The committee would be able to determine such practices which tend to reduce prices to growers and recommend regulation, which the Secretary may issue, to eliminate such undesirable practices.

The marketing agreement and order should authorize different regulations for any period so that the committee and the Secretary may take account of the different supply and demand conditions as they may arise and become apparent. This becomes particularly important in that the committee may wish to begin the season with one type of regulation (e. g., one prescribing grade, size and maturity requirements) but as harvesting progresses and the information with respect to the total size and composition of the crop in the production area as well as competing areas becomes more apparent the committee may wish to vary the regulation so as to prohibit the shipment of particular grades and sizes or to allow the shipment of particular grades and sizes. It is particularly important that this flexibility should be provided in the marketing agreement and order as set forth.

(f) The committee should be authorized to recommend and the Secretary to establish, in any period when the season average prices for potatoes grown in the production area may be above parity, such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate orderly marketing as will be in the public interest. Some potatoes are of such low quality they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality potatoes; and even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such poor quality. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for such potatoes adversely affect growers' prices. The marketing agreement and order

should authorize the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The proposed marketing agreement and order authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, pack, maturity, container, or other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes which are subject to regulations. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate such regulation.

When regulations are issued adequate notice of such regulations should be given to the committee and in turn the committee should give reasonable notice to handlers. Any change in requirements under a regulation requires handlers to change their operations in order to conform with the limitations of the new regulations. Such changes in operations require time with respect to packing house management and related activities, as well as the adjustment of supplies bought at particular prices and the replenishment of supplies to meet commitments. It is anticipated in the interest of good management that the committee will provide general notice to producers and handlers of recommendations to the Secretary relating to grade, size, quality, maturity and any other regulations or amendments thereto. Persons to be affected by such regulations or changes therein will thereby have advance notice of the obligations, or change in obligations which are to affect them. Such advance notice, with the adequate notice given by the Secretary to the committee and in turn the reasonable notice given by the committee to handlers, should provide ample opportunity for all producers and handlers to adjust their operations within the time between issuance and effective date of regulations or changes therein. Representatives of the proponents indicated that ten days elapsed time should offer reasonable notice for regulations imposing additional limitations on handling and twenty-four hours elapsed time could be construed as ample reasonable notice with respect to amendments relieving restrictions.

The members of the committee will be in close contact with producers and handlers in the production area and should be in a position to know the length of time which handlers would need to adjust their operations to meet proposed

regulations including the relaxations thereof and still be able to accomplish the declared policy of the act. It is anticipated that the length of time may vary and that the committee will recommend to the Secretary an effective date for each regulation which will permit handlers to so adjust their operations in view of the foregoing.

Most shipments of Red River Valley potatoes are in carlots or trucklots. Some small shipments, such as for 50 hundredweight, are made, but they constitute a small percentage of total sales. Small sales or shipments, such as to individual household purchasers, convenience purchases by friends or tourists and similar "nuisance" purchases present difficult operating problems if inspection must be performed on each. Administrative difficulties caused by regulating the grade, size, quality, or maturity of such small shipments, and the certification that such shipments are inspected and conform to such grade, size, qualities, or maturity would make it uneconomical, undesirable and impractical to attempt to do so in many cases. Under such circumstances and others which can readily be determined by the committee, regulation in all respects of such small shipments may not be administratively feasible, in that producers' prices may not be sufficiently enhanced to offset costs. It may be desirable, for example, to exempt small shipments from the proposed marketing program's mandatory inspection or payment of assessments, or both. In such instances, however, the committee could still recommend that handlers be required to have such shipments meet the then current grade, size, quality, and maturity regulations.

It is concluded, therefore, that the committee should be authorized to recommend, and the Secretary to establish, minimum quantities which would not be completely subject to regulations under the marketing agreement and order. The committee and the Secretary should use such authority to relieve minimum quantities from required inspection and certification and assessments thereon. The foregoing provisions would thus permit flexible operation of the marketing agreement and order in a practical way. The use of such authority will tend to minimize financial burdens upon handlers making such small shipments.

The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information to modify, suspend, or terminate grade, size, quality, maturity or other regulations for the handling of "table stock potatoes" for other than disposition in normal domestic fresh markets. The committee should be well qualified because of the experience and knowledge of its individual members and experience in the operation of the State marketing orders, to recommend such modifications, suspensions, or terminations as would be in the best interests of the Red River Valley potato industry and which would tend to effectuate the declared policy of the act. Additional authority to exempt shipments

of potatoes from inspection or from assessment should be set forth in the marketing agreement and order in order to facilitate shipment of potatoes in a manner that will help to increase growers' returns.

Potatoes moving to or sold in certain outlets, such as those specified in proposed § 938.54 of the marketing agreement and order, are usually handled differently than fresh shipments for retail markets, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or combinations for which different prices are returned. Ordinarily potatoes sold or shipped to such outlets would not be competitive to the same extent as other "table stock" shipments with potatoes sold on the domestic fresh market.

Certain outlets for potatoes, such as for livestock feed and starch, provide a salvage outlet for culs and off-grade and off-size potatoes and other potatoes for which there is no other market. Potatoes moving to these markets are of low value and disposal in any such type of outlet is deemed only a salvage operation by producers and growers, so authority should be included in the marketing agreement and order to allow reflection of industry judgment as to whether such marketings should bear costs of inspection and assessments. Committee members familiar with these markets should be able to recommend and the Secretary to designate such outlets to which potatoes from the production area may move without payment of assessments or obtaining inspection of such potatoes. However, supervision of these potatoes should be maintained through the use of Certificates of Privilege, as herein-after authorized, to prevent these potatoes, which are free of certain regulations, and of lower quality or less desirable sizes, from competing with potatoes which are subject to such limitations.

Export requirements for potatoes differ materially on occasion from domestic market requirements. Certain market outlets, such as Cuba or Mexico, for example, prefer certain grades, sizes and qualities of potatoes which usually are discounted on the domestic market. Canada, for example, prefers potatoes of grades, sizes, qualities, and maturity which are more common to our own domestic table stock market. However, if there should be a demand from export outlets for off grades and off sizes for livestock feed or other uses, provisions should be made for dealing with them. The committee and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets. Export markets are usually additional outlets for Red River Valley potatoes. Unless the committee has the authority to recommend and the Secretary to issue regulations to meet the requirements of the export markets, loss of markets may occur, thereby tending to prevent the accomplishment of the declared policy of the act.

The marketing agreement and order should provide that special consideration may be given to shipments of potatoes 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 shipper and the receiver, and are not considered as being in competition with the usual table stock shipment.

The committee should be authorized to recommend and the Secretary to provide that potatoes shipped for manufacture or conversion into specified products should not be regulated to the same extent as table stock potatoes or that regulations thereon be suspended or terminated. Shipments of potatoes for such manufacture or conversion reduce the supply of potatoes available for shipment from the production area to the domestic fresh market; and therefore such shipments for manufacture or conversion tend to increase the value of the crop. The committee should be given the authority to recommend which shipments should be classed as being for manufacture or conversion into specified products because committee members should be in a position to appraise market conditions and determine whether such products are competitive with domestic fresh markets for potatoes. New potato products may be developed from time to time, some of which may and some of which may not be competitive with table stock potatoes. The committee should be in a favorable position to assess such competition, if any, between such products and fresh table stock potatoes. It is concluded that the committee and the Secretary should have the necessary authority with respect to such modifications, suspensions and terminations for special shipments of potatoes from the production area.

The committee should also be authorized to recommend and the Secretary to provide that shipments of potatoes for livestock feed should not be regulated, or to recommend and provide the modification or suspension of regulations so as to facilitate the movement of potatoes to such outlets. Livestock feed provides a salvage outlet for potatoes that is not competitive with the domestic fresh potato market. When such outlets are available they would tend to furnish a source of revenue for potatoes that otherwise would not be permitted to be handled because of failure to comply with grade, size, quality, maturity or other regulations. Off grades, off sizes, and other poor quality potatoes should be allowed to move with freedom from grade and size requirements to livestock feed outlets and thereby augment growers' returns for the total crop.

The committee should also be empowered to recommend similar special treatment, through modification, suspension, or termination or regulation, applicable to shipments for other purposes or products, the effect of which would be to increase growers' returns generally, and which later may be specified by the committee with the approval of the Secretary. (g) The authority contained in the marketing agreement and order for

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modifying, suspending, or terminating regulations should be accompanied by the additional administrative authority for the committee to prescribe with the approval of the Secretary adequate safeguards to prevent shipments made thereunder from entering market channels contrary to the provisions of such special regulations.

Testimony was offered at the hearing by representatives of the seed potato industry of the production area that adequate safeguards should be authorized to prevent the movement of seed potatoes onto the table stock market, unless such seed potatoes meet regulations applicable to the table stock market.

Such safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards could include, among others, the mandatory inspection requirements so that the committee may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets, applications to make such special shipments, reports by handlers on the number of such shipments and the amounts of potatoes shipped, and assurances by the purchasers that the potatoes would be used for the purpose designated.

In order to maintain appropriate identification of shipments of potatoes to special outlets, the safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of Privilege issued by the committee could serve as an indication of the authority for the handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

The committee should be authorized by the marketing agreement and order to deny as well as to rescind Certificates of Privilege when such action would be necessary to prevent abuse of the exemption conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to it that a handler to whom a Certificate of Privilege had been issued handled potatoes covered thereby contrary to the provisions of such certificate. Applications for Certificates of Privilege should be handled promptly. Notice from the committee with respect to rescinding or denying of any Certificates of Privilege should be given promptly to the applicants. Likewise, any appeals from committee action with respect to an application or the denial of a Certificate of Priv-

ilege should be handled promptly. Representatives of the proponents indicated that prompt notice and prompt handling should be construed to mean that action should be taken within seven days. This is believed to be a reasonable construction of prompt notice and prompt action and such obligation on the part of the committee appears reasonable. Such prompt action by the committee is essential in order that handlers may adjust operations to meet the market requirements and the requirements of the program. If the committee should rescind or deny a Certificate of Privilege, such action should be in terms of a specified period of time. Applicants affected by the denial of such a certificate or applicants affected by the denial or the rescinding of such a certificate, should have the right of appeal to the committee for a reconsideration. They should, of course, also have the right to request the Secretary to review such action and such right is hereby recognized and confirmed.

These provisions for prompt action by the committee are desirable in that growers need to know the action taken by the committee as soon as possible so they, in turn, may pursue courses they feel desirable.

The requirement that handlers transfer Certificates of Privilege with the potatoes covered by such certificates is necessary so that all subsequent handlers of such potatoes may know that such potatoes have met the provisions of the program. When Certificates of Privilege accompany potatoes, handlers can then quickly determine whether the potatoes meet the requirements of the proposed program.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(h) According to the record evidence inspection of potatoes grown in the production area by the Federal-State Inspection Service is mandatory under present applicable State marketing regulations. Potato producers and handlers in the proposed production area are well acquainted with the Federal, and the Federal-State Inspection Services and the requirements of the United States Standards for Potatoes, also the United States Consumer Standards for Potatoes as indicated by the fact that they pack potatoes meeting such requirements and market potatoes accordingly. Such inspection service is available throughout the production area and with reasonable notice inspection has been and can be

given on all shipments at reasonable times.

Provisions should be included in the marketing agreement and order for mandatory inspection and certification by the Federal, or the Federal-State, Inspection Service of all shipments of potatoes grown in the production area and shipped to points outside the production area so as to insure compliance under the program. Such inspection and certification requirements should apply to all potatoes shipped under regulations issued under the marketing agreement and order except when relieved from inspection pursuant to § 938.53 or § 938.54 thereof, or both, for the reasons heretofore set forth. Such requirements are necessary so that the shipper thereof as well as subsequent handlers, the committee, and other interested parties may determine if such shipments comply with the regulations in effect and applicable thereto. However, in order to obtain flexibility in administering this program and under such circumstances as may be warranted these requirements should be subject to modification or pursuant to § 938.53 or § 938.54, or both.

All potatoes handled under the terms of the proposed marketing agreement and order during periods of regulation thereunder, should have a valid inspection certificate applicable thereto. When potatoes that have been inspected and certified are removed from the containers in which they were so inspected and certified such potatoes lose their identity in so far as the previously issued inspection certificate is concerned. The inspection certificate loses its applicability to such potatoes. Therefore, inspection and certification should be required with respect to any potatoes that are handled after they are repacked, regraded, or resorted, or further prepared for market, or rehandled as smaller lots. The marketing agreement and order provides that any such potatoes shall not be handled unless they are inspected and certified except when exempted by the Secretary. Such inspection and certification of repacked, regraded or resorted potatoes or potatoes that have been further prepared for market or are rehandled as smaller lots are also necessary for effective operation of the program.

The committee should be authorized to recommend and the Secretary to require that all lots of potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each container thereof by the handlers thereof, under the direction or supervision of the Federal, or Federal-State, Inspection Service or the committee. Such identification requirement could result in more efficient and effective administration of the program because compliance problems would be minimized. When potatoes that have been identified and certified as a single lot are identified by such seals, stamps, or tags prior to any handling, it may not be necessary in certain instances to require separate inspection on loads or parts of loads of such potatoes. The committee should be able, as experience in operation under this program is acquired, to indicate the instances when

the identification requirement would facilitate handling of such potatoes in quantities smaller than those in which was originally inspected. The marketing agreement and order therefore should contain such authority for the Committee and the Secretary.

In view of the perishable nature of potatoes and their susceptibility to deterioration, which under certain conditions may be fairly rapid, the committee, with the approval of the Secretary, should be authorized to fix the length of time inspection certificates may be valid insofar as the requirements of the proposed marketing agreement and order are concerned. This would assure to the extent feasible, that an inspection certificate properly reflects the grade, size, and quality of a particular lot of inspected potatoes at the time it is handled.

Copies of inspection certificates issued by the Federal-State Inspection Service within the proposed production area are now available to the Red River Valley Potato Control Board. Such copies of inspection certificates could be available jointly to the proposed Red River Valley Potato Committee and the Board. If, for some reason, the Red River Valley Potato Control Board should not operate, such copies of inspection certificates could still be made available to the Red River Valley Potato Committee. The Federal and the Federal-State Inspection Services indicate they will be able to supply promptly copies of the inspection certificates so both organizations may properly discharge their respective administrative responsibilities under each program.

Responsibility for obtaining the requested inspection certificates should fall on each handler who handles regulated potatoes because each lot of such potatoes must be identified and certified with respect to grade, size, quality, maturity and other regulatory requirements at the time of handling. Each handler, regardless of whether the first or a subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification are essential to proper administration of the marketing agreement and order so that a determination could be made as to whether each shipment accords with the grade, size, quality, maturity, and other pack regulations issued thereunder. Each handler who first handles potatoes should be required to obtain inspection, but subsequent handlers should not be permitted to handle potatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment and when required accompanies the shipment. If a handler should receive potatoes which have not been inspected he should have them inspected before selling or otherwise handling them. This requirement is necessary so that the committee could obtain evidence in forms of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the marketing

agreement and order and regulations issued pursuant thereto.

Truckers and other carriers can be supplied with copies of inspection certificates or evidence thereof to accompany each lot of potatoes. The committee should be authorized to recommend and the Secretary to issue regulations requiring truckers and other carriers of potatoes subject to regulation under proposed §§ 938.52 to 938.55, inclusive, to accompany such potatoes with evidence of inspection in the form of a valid inspection certificate or evidence thereof which may be required to be surrendered to such authority or agency as designated by the Secretary upon the committee recommendation. The presence of a valid inspection certificate or evidence thereof will simplify the determination of the inspection of such potatoes and thereby reduce the expense of the committee and thereby tending to accomplish the purposes of the act.

The committee is charged under the powers of the marketing agreement and order with administration of its terms and provisions. Appropriate and proper administration necessitate inclusion of authority for requiring truckers with potatoes to have with them evidence of inspection of each such shipment. Such authority is incidental to, not inconsistent with, and necessary to effectuate the other provisions of the marketing agreement and order.

(i) Certain hazards such as floods, drought, hail, or tornadoes, may result in potatoes which have hollow heart, growth cracks, secondary growth, jumbo and small potatoes and other conditions which are beyond the control of the growers; other conditions such as blight, frost damage, and dry rot may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of conditions beyond control of handlers and growers and, hence as the committee is composed of producers they can properly advise with respect to such facts and conditions.

These hazards are encountered in the production and storing of potatoes grown in the production area and are beyond the control and reasonable expectation of the growers of such potatoes or the handlers who may buy and store them. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to permit qualified applicants to handle their equitable proportion of all shipments from their respective producing regions. The committee by reason of its knowledge of the conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate his request for exemption, and to fix the quantity of exempted potatoes which each such ap-

plicant may ship. It is reasonable to require all such applicants for exemption to furnish the committee with satisfactory evidence to support their applications.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order. In addition, provision should be made that the committee shall take an appeal under consideration within 7 days from the date it is submitted and the appellant shall be notified of the action taken thereunder within 14 days from the date of such submission. The provisions as herein found and determined incidental and necessary to the effectuation of the program should therefore be incorporated in the marketing agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedures established by the committee for granting exemptions and exemptions granted pursuant to such procedures. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the proposed marketing agreement and order. It is difficult to anticipate every type of report or kind of information which the committee may require; but it should have the authority to request reports and information, as needed, including those of the types set forth in the proposed marketing agreement and order, and at such times and in such manner as it may deem necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information or reports in order to protect handlers from unreasonable requests thereon.

Any reports and records submitted for committee use by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released to the industry should be on a composite basis and no such release of information should disclose either the identity of handlers or their operations. This will assure that the information contained in the reports which may adversely affect a competitive position of a reporting handler in relation to other handlers will not be disclosed.

Since it is possible that a question could arise with respect to the verification of the information obtained in the reports submitted under the program, handlers should be required to maintain complete records on their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows

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that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed marketing agreement and order.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant to the marketing agreement and order; and no handler should be permitted to handle potatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 938.78 through 938.88, and of §§ 938.89 through 938.91, as published in the *FEDERAL REGISTER* of April 10, 1957 (22 F. R. 2362) are common to marketing agreements and marketing orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the proposed marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions should, therefore, be included in the proposed marketing agreement and order.

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

(1) The marketing agreement and order hereinafter set forth, 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 therefore as will tend to establish as prices to 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, (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 said marketing agreement and order authorize regulation of the handling of Irish potatoes grown in the pro-

duction area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order 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 several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, as 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 as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until June 8, 1957, to file briefs with respect to findings and conclusions based on evidence produced at the hearing. No opposition appeared at the hearing. Proponents indicated they would file no briefs and urged prompt action due to the need for making the proposed program available for a producer referendum prior to potato harvest. No briefs were filed. No rulings are necessary.

DEFINITIONS

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

§ 938.2 *Act.* "Act" means Public Act No. 10, 73d 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).

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

§ 938.4 *Production area.* "Production area" means all territory included within the boundaries of the Counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota, and of Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota.

§ 938.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 938.6 *Handle or ship.* "Handle" or "ship" means to sell or transport potatoes, or cause the sale or transportation of potatoes, in the current of the com-

merce between the production area and any point outside therof.

§ 938.7 *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.

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

§ 938.9 *Grading.* "Grading" is synonymous with "prepare for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

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

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

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

(c) State standards for potatoes issued by the State in which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 938.11 *Maturity.* "Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

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

§ 938.13 *Seed potatoes.* "Seed potatoes" or "seed" means 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 were grown.

§ 938.14 *Table stock potatoes.* "Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 938.15 *Washed potatoes.* "Washed potatoes" means potatoes cleaned by water that meet standards of cleanliness established by the Secretary pursuant to committee recommendations. The United States Standards for Potatoes (§§ 15.1540 to 15.1559, inclusive of this title) shall be the basis for standards of cleanliness and determinations and certification of cleanliness shall be by the Federal, or the Federal-State, Inspection Service.

§ 938.16 *Pack.* "Pack" means a quantity 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.

§ 938.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 938.18 *Committee.* "Committee" means the Red River Valley Potato Committee, established pursuant to § 938.25.

§ 938.19 *District.* "District" means each of the geographical divisions of the production area established pursuant to § 938.32.

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

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

COMMITTEE

§ 938.25 *Establishment and membership.* (a) The Red River Valley Potato Committee consisting of fourteen members, all of whom shall be producers, is hereby established.

(b) Each person selected as a committee member or alternate shall be a producer or an officer or employee of a producer in the district for which selected and each such person shall be a resident of the production area.

(c) For each member of the committee there shall be an alternate who shall have the same qualifications as the member. 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. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 938.26 *Selection.* (a) Committee members and alternates shall be selected by the Secretary on the basis of districts as established pursuant to § 938.32. One member and one alternate member shall be selected from each district.

(b) 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.

§ 938.27 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30, except that of the initial fourteen members selected, six shall serve for a term ending on the second June 30 following their selection and eight shall serve for a term ending on the first June 30 following their selection. Each of the initial fourteen alternate members shall be selected to serve for the same term of office as the respective member from each district. No member shall serve for more than three consecutive terms.

(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 during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 938.28 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication. Any vote cast at such meeting shall be confirmed promptly in writing. If any assembled meeting is held, all votes shall be cast in person.

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

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

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

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

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

§ 938.30 *Duties.* The committee shall have the following duties.

(a) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable.

(b) Act as intermediary between the Secretary and any producer or handler.

(c) Appoint such employees, agents, and representatives as it may deem necessary and determine the salaries and define the duties of each.

(d) 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.

(e) Furnish the Secretary promptly with copies of the minutes of each committee meeting, and the annual report of the committee's operations for the preceding fiscal period, and such other reports or information as may be requested by the Secretary.

(f) Subject to § 938.75 (b), consult, cooperate, and exchange information with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives.

(g) Take any proper action necessary to carry out the provisions of this subpart.

(h) To establish and pay the expenses of advisory committees for the purpose of consulting with Federal, State, or other appropriate agencies with respect to marketing research and development projects pursuant to § 938.47.

(i) To receive and consider complaints and petitions from growers with

respect to marketing problems arising in connection with operations of this part and to initiate consideration by the committee within five days following receipt of appropriate presentations to the committee. A request or petition for consideration by 50 percent of the producers in a producing section, as determined by the committee, or 30 producers, whichever is smaller, shall be deemed adequate for invoking this duty.

§ 938.31 *Members' expenses.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 938.32 *Districts.* (a) For the purpose of selecting committee members and alternates, the following districts of the production area are hereby initially established:

North Dakota District No. 1—Pembina County.

North Dakota District No. 2—Walsh County, that portion east of Highway 18.

North Dakota District No. 3—Towner and Cavalier Counties.

North Dakota District No. 4—Grand Forks and Nelson Counties.

North Dakota District No. 5—Traill and Steele Counties.

North Dakota District No. 6—Cass and Richland Counties.

North Dakota District No. 7—Ramsey and Walsh (that portion west of Highway 18) Counties.

Minnesota District No. 1—Kittson County.

Minnesota District No. 2—Marshall County.

Minnesota District No. 3—Pennington and Red Lake Counties.

Minnesota District No. 4—Polk County.

Minnesota District No. 5—Mahnomen and Norman Counties.

Minnesota District No. 6—Otter Tail and Wilkin Counties.

Minnesota District No. 7—Clay and Becker Counties.

(b) The Secretary, upon the recommendation of the committee, may re-establish districts within the production area. In recommending any such changes in districts, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative positions of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided*, That there shall be no change in the total number of districts. No change in districting may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting may be made within less than six months prior to such date.

§ 938.33 *Nominations.* The Secretary may select the members of the Red River Valley Potato Committee and their respective alternates from nominations which may be made in the following manner, or from other eligible persons:

(a) Nominations for members and alternates of the committee may be submitted by producers, or groups thereof, on an elective basis or otherwise.

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

- (1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each district in which the term of office of a committee member and alternate will commence the following July 1;

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

(3) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers who reside within the production area may participate in designating nominees for committee members and their alternates.

(6) Regardless of the number of districts in which a person handles or produces potatoes, each 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. In the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this part.

§ 938.34 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 § 938.33, or from previously unselected nominees on the current nominee list from the district involved or from other eligible persons. If the names of nominees to fill any 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 this part.

EXPENSES AND ASSESSMENTS

§ 938.40 Budget. At the beginning of each fiscal period and as may be necessary thereafter, the committee shall pre-

pare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 938.41 Expenses. The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this part.

§ 938.42 Assessments. (a) Handlers shall share expenses on the basis of each fiscal period. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessment shall be in payment of such handler's pro rata share of the committee's expenses. 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 such fiscal period.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit.

(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 recommendations, 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 handled by the first handler thereof during such fiscal period.

(d) The committee, with the approval of the Secretary, may provide for collection of assessments through State agencies.

§ 938.43 Fiscal reports. The books of the committee shall be audited by a competent accountant at the end of each fiscal period and at such other time as the committee may deem necessary or as the Secretary may request. Copies of each audit report shall be furnished the Secretary and a copy shall be made available at the principal office of the committee for inspection by producers and handlers.

§ 938.44 Refunds. At the end of each fiscal period, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) 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 operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation 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 liquidation shall to the extent practicable be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 938.47 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 and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

REGULATION

§ 938.50 Marketing policy. Each season prior to or at the same time as initial recommendations are made pursuant to § 938.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping potatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

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

(b) Supply of potatoes by grade, size, quality, and maturity in the production area and in other potato producing areas;

(c) The trend and level of consumer income;

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

- (e) Orderly marketing of potatoes as will be in the public interest; and
- (f) Other relevant factors.

§ 938.51 Recommendations for regulations. The committee, upon complying with the requirements of § 938.50, may recommend regulations to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 938.52 Issuance of regulations. (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations 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 of any or all varieties of table stock or of seed potatoes, or any combination of the foregoing during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for washed and unwashed table stock for seed, for different sizes and types of containers, for different portions of the production area, for different packs, 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) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) No regulation applicable to seed shall modify or impair the official seed certification specification and requirements established by the official seed certification agency of the State in which the potatoes were grown.

(c) The Secretary may amend or modify any regulation issued under this subpart whenever he finds from the recommendations of the committee or other available information that such regulation as amended or modified would tend to effectuate the declared policy of the act. In like manner, the Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(d) The Secretary shall notify the committee of each regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 938.53 Minimum quantities. The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments of potatoes will be free from requirements in effect pursuant to § 938.42 or § 938.60, or both.

§ 938.54 Handling for special purposes. Upon the basis of recommenda-

tions and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 938.42 to 938.60, inclusive, in order to facilitate handling of the following special shipments of potatoes:

- (a) Shipments of potatoes for export;
- (b) Shipments of potatoes for distribution by relief agencies, or for charitable institutions;
- (c) Shipments of potatoes for manufacture or conversion into specified products;
- (d) Shipments of potatoes for livestock feed;
- (e) Other shipments which the Secretary may specify.

§ 938.55 Safeguards. (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent potatoes handled pursuant to § 938.54 from entering channels of trade for other than the specific purpose authorized therefor, and the rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to § 938.54.

(2) Handlers shall obtain inspection required by § 938.60, or pay the assessment levied pursuant to § 938.42, or both, in connection with shipments made under § 938.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of potatoes affected or to be affected under the provisions of § 938.54.

(b) The committee may rescind or deny Certificate of Privilege to any handler if proof is obtained that potatoes handled by him for the purposes stated in § 938.54 were handled contrary to the provisions of this part. The right to be informed promptly of the basis for rescinding or denying a Certificate of Privilege shall be preserved to the holder thereof or applicant therefor. In addition, the right of appeal to the committee and in turn to the Secretary from any action rescinding or denying such certificate shall be preserved to the holder thereof, or applicant therefor.

(c) 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.

(d) 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 handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 938.60 Inspection and certification. (a) During any period in which the handling of potatoes is regulated pursuant to § 938.52 or § 938.54, or both, no handler shall handle potatoes unless such pota-

toes are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 938.53 or § 938.54, or both.

(b) Regarding, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. 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 by an authorized representative of the Federal, or Federal-State, Inspection Service. Such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated upon recommendation by the committee, and approval by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal, or Federal-State, inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

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

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 938.65 Policy. (a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 938.52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation

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issued pursuant to § 938.52, is prevented from shipping during the then current marketing season as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 938.66 Rules and procedures. The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures shall provide for processing applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 938.65), and for such other procedures as may be necessary to carry out the provisions in this section and § 938.65.

§ 938.67 Granting exemptions. The committee shall issue certificates of exemption to any qualified applicant who furnished adequate evidence to such committee:

(a) 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:

(b) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 938.52, in case of an applicant who is a handler who has acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 938.68 Investigation. The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 938.69 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.

REPORTS

§ 938.75 Reports. Upon the request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection: (a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of potatoes received and disposed of by types of outlets during specific periods;

(2) Sales records including dates, car or truck numbers, and inspection certificate numbers;

(3) Record of shipments handled under exemption certificates including number of such certificates;

(4) Record of all potatoes handled pursuant to § 938.53 and § 938.54 including Certificates of Privilege and inspection certificate numbers, if any.

(b) All such reports shall be held under appropriate protective classification in custody by the committee, or duly authorized individuals or agencies thereof, so that the competitive position of any handler in relation to other handlers will not be disclosed. Compilation of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 938.76 Compliance. No handler shall handle potatoes except in conformance with the provisions of this subpart and the rules and regulations issued thereunder.

MISCELLANEOUS PROVISIONS

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

§ 938.78 Right of the Secretary. 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. The members of the committee (including successors and alternates), and any agent or employee, shall be subject to removal by the Secretary at any time. Each and every 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 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.

§ 938.79 Effective time. 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.

§ 938.80 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 fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, 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 at least 30 days prior to the end of the then current fiscal period.

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

§ 938.81 Proceedings when terminated, suspended, or inactive. (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in 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 and shall proceed pursuant to directions of the Secretary's liquidation order.

(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.

(d) 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 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.

§ 938.82 Effect of termination or amendment. 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: (a) 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 of any regulation issued under this subpart;

(b) Release or extinguish any violation of this subpart or of any regulation issued under this subpart; or

(c) Affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 938.83 Agents. The Secretary may by designation in writing name any person, including any officer or employee of the Government, 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 part.

§ 938.84 Personal liability. (a) 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 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, willful misconduct, or gross negligence.

(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 such 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 the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

§ 938.85 Duration of immunities. The benefits, privileges, and immunities conferred upon any persons 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.

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

§ 938.87 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 to-

gether, one and the same instrument as if all signatures were contained in one original.¹

§ 938.88 Additional parties. After the effective date hereof, any handler who has 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.¹

§ 938.89 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.¹

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be therein inspected.

Issued at Washington, D. C., this 26th day of July 1957.

[SEAL]

F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6220; Filed, July 30, 1957;
8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 681]

HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

PIECE RATE FOR HAND-BRAIDING LEATHER BUTTONS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) and pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended;² 29 U. S. C. 206 (a) (2)) and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), that the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend the regulations relating to homeworkers in industries in Puerto Rico other than the needlework industries, contained in Title 29, Code of Federal Regulations, Part 681, by amending § 681.9 to read as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator. A minimum piece rate of 36 cents a gross for homeworkers in Puerto Rico engaged in the handbraiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the

¹ Applicable only to the proposed marketing agreement.

strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

This proposed amendment is deemed necessary in order to make the piece rates commensurate with the minimum hourly rate for this work. If adopted, the proposal will effect approximately the same percentage increase in the presently established piece rate as resulted from the increase from 53 cents to 63 cents per hour in the minimum hourly rate which became effective June 17, 1957, as recommended by Industry Committee No. 29-A (22 F. R. 3852).

Prior to the adoption of this proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., on or before August 16, 1957.

Signed at Washington, D. C., this 25th day of July 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-6209; Filed, July 30, 1957;
8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSED AMENDMENT OF DEFINITION OF "CHEMICAL PRESERVATIVE"; PROPOSED EXEMPTION OF FRUITS AND VEGETABLES BEARING CHEMICAL PRESERVATIVES APPLIED PRIOR TO HARVEST FROM LABELING REQUIREMENTS

Notice is given that the Commissioner of Food and Drugs, pursuant to authority conferred on the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403 (k), 701 (a), 52 Stat. 1048, 1055; 21 U. S. C. 343 (k), 371 (a)) and delegated to him by the Secretary (22 F. R. 1045), proposes to amend the definition of the term "chemical preservative" contained in § 1.12 (a) (3) of the Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.12 (a) (3)) and to exempt from the labeling requirements of section 403 (k) of the act fruits and vegetables with respect to chemical preservatives applied as pesticide chemicals prior to harvest.

The purpose of the amendment to the definition of the term "chemical preservative" is to make clear that the Food and Drug Administration does not interpret that term as including chemicals applied to foods for their insecticidal and herbicidal properties. (It does interpret the term as applying to fungicides.) The

PROPOSED RULE MAKING

exemption of fruits and vegetables from the labeling requirements of section 403 (k) with respect to chemical preservatives applied as pesticide chemicals prior to harvest is in recognition of the fact that it is impracticable for shippers of fruits and vegetables to label these articles with the names of each fungicide that may have been used by the grower prior to harvest.

All interested persons are invited to present theirs views in writing regarding the proposals published herein, and to submit such comments or suggestions in quintuplicate prior to the thirtieth day following the publication of this notice in the *FEDERAL REGISTER*. Comments and suggestions should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

The proposals are as follows:

1. To amend § 1.12 *Food; labeling* * * * *chemical preservatives* by adding thereto the following: "or chemicals applied for their insecticidal or herbicidal properties." As amended, § 1.12 (a) (3) will read as follows:

(a) * * * (3) The term "chemical preservative" means any chemical that, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.

2. To further amend § 1.12 by adding thereto the following new paragraph:

(f) A fruit or vegetable shall be exempt from compliance with the requirements of section 403 (k) of the act with respect to a chemical preservative applied to the fruit or vegetable as a pesticide chemical prior to harvest.

Dated: July 24, 1957.

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

[F. R. Doc. 57-6205; Filed; July 30, 1957;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 57-15]

CONTROL OF AIRSPACE AT HIGH ALTITUDES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations as hereinafter set forth.

These proposed amendments were previously circulated in Civil Air Regulations Draft Release No. 57-11 in a more abbreviated form as agenda items for the recent Air Traffic Rules Conference held in Washington, D. C., on June 13-14, 1957. It should be noted that as a result of this conference, the amendment to § 60.45 proposed in Draft Release No. 57-11 has been modified. It is considered advisable to proceed with the rule-

making process of the proposals herein-after set forth, apart from the other conference items, in order to facilitate the early implementation of the high altitude plans for improved and expanded air traffic control services.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 26, 1957. Copies of such communications will be available after August 28, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 60 of the Civil Air Regulations contains the air traffic rules which apply to aircraft operated anywhere in the United States, including the several Territories and possessions of the United States. Under Part 60, the Administrator has designated those areas in which he presently exercises control over air traffic as control areas or control zones. Currently effective § 60.60 of Part 60 defines a "control area" as an airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised, and a "control zone" as an airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic. The consistent and rapid growth of air traffic, coupled with the greatly increased speed ranges inherent in the advanced type of aircraft now in use, has resulted in a considerable strain on the effectiveness of present-day air traffic control services to handle safely and expeditiously the volume of air traffic.

Today the capacity of important parts of the Federal airway system is at times overtaxed. In certain areas, the volume and nature of the traffic are such that the airway facilities and services cannot assure its efficient flow in bad weather. Even while the capacity of the system is thus being overtaxed by bad weather operations alone, yet another demand is becoming increasingly apparent; namely, en route control of traffic in good weather. This demand arises from the higher speeds of many aircraft which make avoidance of collision by sight more difficult, and from the great increase in traffic volume.

In order to cope with the demands being made on the present air traffic control system and to provide for future requirements, the Civil Aeronautics Administration has developed a comprehensive plan calling for improved and expanded air traffic control services. In formulating this plan, the Administrator has found that improved effectiveness of the air traffic control system can be gained in two ways: (1) By extending the system framework, and (2) by increasing the ability of air traffic control

facilities to handle safely a greatly increased flow of traffic. The former is possible by enlarging the areas in which air traffic control is exercised; the latter by improved equipment and techniques.

Since it is axiomatic that the highest aircraft speeds are encountered at high altitude, it is apparent that the traffic separation problem inherent in operations at high speeds should be resolved, at least initially, at high altitudes. It is, therefore, planned to expand the system framework so as to include all that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, as airspace within which air traffic control is exercised. Although it is not contemplated that all aircraft operating in such airspace will be subject to the instrument flight rules, it is clear that this initial implementation will enable the Administrator to determine what facilities and control techniques will be required to accommodate all traffic.

The plan envisages implementation in two phases; the first will include that airspace at and above 24,000 feet, exclusive of prohibited and restricted areas, while the second phase will lower the floor of this controlled airspace to 15,000 feet when experience and necessary facilities permit.

The air traffic rules which would be applicable initially in this airspace are similar to those presently prescribed for flight in control areas. Thus, the rules proposed herein do not eliminate VFR or "on top" flight operations. One significant difference between this controlled airspace and the currently used control area is the matter of dimensions. For example, control areas are normally designated along civil airways that are 10 miles wide and the floor of a control area is set at 700 feet above the surface. This new controlled airspace would have a floor of 24,000 feet and its lateral boundaries would be those of the continental United States.

Flight operations in this "continental control area" would be subject to the air traffic rules of Part 60 which, among other things, prescribe requirements both for aircraft operations during good weather conditions when pilots may rely upon seeing each other to insure separation, and for aircraft operations during poor weather conditions when pilots cannot insure their own separation.

Another significant change herein proposed is the increase in the minimum weather conditions prescribed for VFR flight within the "continental control area." The aircraft that are expected to make the greatest use of this area are the high performance aircraft whose airspeeds are such that the present VFR minimums may not provide sufficient time for pilots to observe and avoid each other. It is believed that the risk of collision in this area will be alleviated if the minimum visibility for VFR flight is increased to 5 miles and the clearance from clouds minimums are increased to 1,000 feet vertically and one mile horizontally. Additionally, such an increase would require a greater number of flight operations to be conducted in accord-

ance with the instrument flight rules with separation being assured by air traffic control.

It should be clearly understood that the proposed plan contemplates that air traffic control of flights conducted in the "continental control area" will extend to all aircraft operating in accordance with the instrument flight rules.

With respect to the control of all IFR flights, the Administrator of Civil Aeronautics proposes to establish the following navigation procedures to govern flights conducted in the "continental control area." The results of his studies indicate that it is not feasible at this time to provide effective IFR air traffic control services for flight operations on a completely random basis with existing navigation and control techniques. It is considered, therefore, that IFR flight operations will have to be conducted to the maximum extent possible on a system of routes, if a reasonable volume of traffic is to be handled safely and expeditiously.

The plan for the route structure and navigation at high altitude is based on a demarcation altitude which effectively separates piston-engined aircraft from jet aircraft; 26,000 feet being a practical maximum altitude for the former and 27,000 feet being a minimum altitude for normal en route operation for the latter.

The present system of colored and Victor airways will extend up to but not include 27,000 feet mean sea level (MSL).

At and above 27,000 feet MSL, navigation will be conducted primarily on designated high altitude L/MF or VOR facilities, with L/MF facilities being phased out as TACAN and VORTAC facilities are phased in and the airborne equipments are implemented.

The designated navigation aids will delineate the high altitude route system to be employed at and above 27,000 feet. It is contemplated that these routes will be given a special designation and will be coded. The designated navigation aids will also serve to define the route to be flown by IFR flights which must operate outside the high altitude route system.

In addition to the foregoing, it is believed vitally important, in order to provide effective and safe air traffic control, that the route of flight be accurately determined for all IFR flights, regardless of the altitude, when such flights are conducted within controlled airspace, or in other words when conducted within control zones and control areas, as well as within the continental control area proposed herein. If an entire flight is to be conducted along a civil airway, the route should be described by indicating the type and number of the airway. On the other hand, if a flight is of the direct route type, but still within controlled airspace, which may join or cross civil airways, or terminate within civil airways, the route of flight should be indicated by the names of radio fixes over which the flight will pass and should be flown on a direct course between the navigational aids forming such route. Accordingly, it is proposed herein to amend § 60.45 so as to require that all IFR flights in controlled airspace being

flown on routes other than civil airways be flown on the direct course between the aids forming such routes.

At the recent Air Traffic Rules Conference, it was recommended by the Department of Defense that the current provisions of § 60.45 which require that aircraft be flown to the right on L/MF airways and on designated radials of VOR airways, be amended in favor of a single uniform rule which would require that, on any airway, IFR aircraft be flown "along the center line of the airway." The discussions and comment on this recommendation indicated support for such an amendment. It was pointed out that the amendment, in addition to providing a uniform rule for all airway flight, would also provide a standard to be observed by those aircraft being navigated with direction finding equipment.

It is realized that the maintenance of a specific track may not always be possible with a high degree of precision; however, the rule takes into account the operational tolerances involved. The present practice of achieving lateral separation by use of right side operation on L/MF airways will be retained by including the phrase, "unless otherwise authorized by air traffic control."

This proposal would introduce the phrase "continental control area" into Part 60 and would add therein an appropriate definition. In addition, it is deemed advisable to introduce another phrase, "controlled airspace", and define it as including control zones, control areas, and the continental control area. The use of this single phrase, where appropriate, will avoid complexity and achieve brevity of expression.

The Board recently adopted Civil Air Regulations Amendment 60-6 which contained certain provisions relating to the flight testing of aircraft. It is not intended, nor is it expected, that any procedure developed pursuant to the provisions of Amendment 60-6 will be inconsistent or incompatible with the rules proposed herein for operation in the "continental control area."

The current high altitude quadrantal rules applicable to IFR operations in uncontrolled airspace above 29,000 feet would conflict with the rules proposed herein. Accordingly, appropriate amendments to the high altitude quadrantal rules are contained in this proposal.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended.

1. By amending § 60.30 by redesignating paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

§ 60.30 Ceiling and distance from clouds. * * *

(b) *Within the continental control area.* Aircraft shall not be flown less than 1,000 feet vertically and one mile horizontally from any cloud formation;

2. By amending § 60.31 by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d) to read as follows:

§ 60.31 Visibility. * * *

(d) *Flight visibility within the continental control area.* When the flight visibility is less than 5 miles, no person shall operate an aircraft within the continental control area;

3. By amending § 60.32 (a) by changing the title thereof to read "Within controlled airspace."

4. By amending the introductory paragraph of § 60.41 to read as follows:

§ 60.41 *IFR flight plan.* Prior to take-off from a point within a control zone or prior to entering controlled airspace, a flight plan shall be filed with air traffic control. Such flight plan shall contain the following information unless otherwise authorized by air traffic control.

5. By amending § 60.43 to read as follows:

§ 60.43 *Air traffic clearance.* Prior to take-off from a point within a control zone or prior to entering controlled airspace, an air traffic control clearance shall be obtained from air traffic control.

6. By amending § 60.44 by changing the title of paragraph (a) to read "Within controlled airspace", by changing the title of paragraph (b) to read "Elsewhere", and by deleting paragraph (c).

7. By amending § 60.45 to read as follows:

§ 60.45 *Course to be flown.* Aircraft operating IFR in controlled airspace shall be flown as follows unless otherwise authorized by air traffic control.

(a) *On civil airways.* Along the center line of the airway.

(b) *On other routes.* Along the direct course between the navigational aids or fixes defining the route.

8. By amending § 60.47 by deleting the phrase "Within control zones and control areas" at the beginning of the section and inserting in lieu thereof the phrase "Within controlled airspace".

9. By amending § 60.60 by amending the definition of an "Air traffic clearance" by deleting the words "a control zone or control area" at the end of the definition and inserting in lieu thereof the words "controlled airspace" and by adding in proper alphabetical order the following new definitions:

§ 60.60 Definitions. * * *

Controlled airspace. Controlled airspace is that airspace designated by the Administrator as a control zone, control area, or the continental control area, within which air traffic control is exercised.

Continental control area. The continental control area is an area designated by the Administrator which includes that airspace within the continental United States at and above 24,000 feet (mean sea level), exclusive of prohibited and restricted areas.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., July 19, 1957.

By the Bureau of Safety.

[SEAL]

OSCAR BAKKE,
Director.

[F. R. Doc. 57-6228; Filed, July 30, 1957;
8:50 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-162]

SUBMISSION OF DATA BY INDEPENDENT PRODUCERS; REVISION OF FORM

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 25, 1957.

The Commission, on April 18, 1957, issued a notice of proposed rulemaking wherein it proposed to prescribe FPC Form No. 301-1956, Independent Producers Report of Natural Gas Transactions for the Year Ending December 31, 1956.

PROPOSED RULE MAKING

General public notice of this proposed rulemaking was given by publication in the **FEDERAL REGISTER** on April 24, 1957 (22 F. R. 2882) and mailing notices to interested parties, including State and Federal regulatory agencies. In response to the notice, 297 replies were received of which 241 were completed forms and 56 were comments invited by the notice.

These comments variously assert that the form (1) would cause an excessive burden of work and expense, (2) is illegal in that it requires the filing of information with respect to matters over which the Commission has no jurisdiction, (3) would make public information that should not be divulged, and (4) requires information that could serve no useful purpose in the Commission's regulation of producers. A further suggestion was made that the Commission require the information only from those larger independent producers supplying the bulk of the natural gas moving in interstate commerce. Hearings were requested either before the Commission or the Bureau of the Budget.

In order to provide full opportunity to all interested parties who have com-

mented on the promulgation of FPC form No. 301-1956 we will afford an opportunity to support their position by briefs to be filed not later than August 26, 1957. We will thereafter on September 5, 1957, hear oral argument upon the matters and issues presented. Counsel so appearing should consolidate their arguments, where possible, to avoid undue repetition.

The Commission orders:

(A) Oral argument will be heard on September 5, 1957, commencing at 10:00 a. m., e. d. s. t., in Hearing Room of the Commission, 441 G Street NW., Washington, D. C., on behalf of persons who by May 20, 1957, had filed comments in response to our invitation in the notice issued April 18, 1957.

(B) Persons desiring to be heard on oral argument shall advise the Secretary by August 20, 1957, of the time requested, and time allotted will be announced on the day of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6211; Filed, July 30, 1957;
8:46 a. m.]

NOTICES

POST OFFICE DEPARTMENT

HIGHWAY POST OFFICE SERVICE

DECENTRALIZATION

Following are excerpts taken from Regional Circular No. 322 of the Post Office Department, dated July 8, 1957:

I. *Purpose.* To further decentralize work now performed in the Bureau of Transportation, by authorizing each region to contract for highway post office service. This authority does not apply to routes under negotiated contracts with railroads and paid out of railway transportation funds.

II. *Authority.* A. Each fiscal year, each Regional Director shall appoint a committee to open and mark bids.

B. Each Regional Director and Regional Transportation Manager is authorized subject to regulations prescribed by the Assistant Postmaster General, Bureau of Transportation, to issue orders and perform other duties as shown below. These actions will be performed in the name of the United States of America by the Regional Director or Regional Transportation Manager. The actions are:

1. Advertising and establishing routes.
2. Awarding and signing contracts.
3. Renewing contracts.
4. Contracting with subcontractors.
5. Approving subcontractors and terminating recognition of subcontractors.
6. Readjusting contractor's pay.
7. Removing contractors and subcontractors.
8. Taking action in matters resulting from the death or removal of contractors or subcontractors.
9. Discontinuing routes.

The foregoing decentralization is effective August 15, 1957.

[SEAL] ABE McGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-6226; Filed, July 30, 1957;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-017938]

COLORADO

REVOKING AIR NAVIGATION SITE WITHDRAWAL

July 24, 1957.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to the authority delegated by section 2.5, of Bureau of Land Management Order No. 541, of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Air Navigation Site Withdrawal No. 255, dated December 20, 1948, affecting lands described below, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 86 W.
Sec. 1, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 5 S., R. 84 W.
Sec. 6, S $\frac{1}{2}$ NW $\frac{1}{4}$ of lot 11, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of lot 11; (All of NW $\frac{1}{4}$, lot 11, except 2.5 acres, described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$, lot 11).

The areas described total approximately 13.94 acres of public land.

The lands are located in Eagle County, Colorado. One tract is located approximately 2 miles west and north from

Eagle, Colorado. The other tract is located approximately one mile north and west of Gypsum, Colorado.

The soils are generally shallow and rocky, lying on steep slopes. The vegetation is of the mountain-browse aspect, dominant species being Gamble Oak, Serviceberry, and Birch Leaf Mahogany. The lands are not considered suitable for any agricultural use except grazing.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph two hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

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

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

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference

rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 29, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 28, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on November 28, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on November 28, 1957.

Persons claiming veterans' preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to: The Manager, Colorado Land Office, Room 357, New Custom House, P. O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Acting State Supervisor.

JULY 24, 1957.

[F. R. Doc. 57-6224; Filed, July 30, 1957; 8:49 a. m.]

[Classification 15]

COLORADO

SMALL TRACT CLASSIFICATION: AMENDMENT;
SMALL TRACT OPENING: (PUBLIC SALE)

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), Classification Order No. 15 appearing as Federal Register Document 57-5204 on pages 4585 and 4586, the issue of June 28, 1957, is hereby amended to read as follows: Under paragraph 2, "Three of these small tracts, described in paragraph 4 below, are covered by applications from persons entitled to preference under 43 CFR 257.5 (a)." is amended to read, "Four of these small tracts, * * *." In the tabulation under paragraph 4, reference No. 63 should be asterisked (*), to show that this tract is under application

from an individual having statutory preference.

J. ELLIOTT HALL,
Acting State Supervisor.

JULY 24, 1957.

[F. R. Doc. 57-6225; Filed, July 30, 1957; 8:49 a. m.]

Bureau of Reclamation

LOWER YELLOWSTONE PROJECT,
MONTANA-NORTH DAKOTA

ORDER OF REVOCATION

DECEMBER 14, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, (19 F. R. 5004), I hereby revoke Departmental Order of April 9, 1940, which affects the following described land; provided, however, that such revocation shall not affect any other orders withdrawing or reserving the land hereinafter described:

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA
T. 151 N., R. 104 W.,
Sec. 18, lot 7.

The above area aggregates 4.84 acres.

E. G. NIELSEN,
Acting Commissioner.
[1809274]

JULY 24, 1957.

I concur.
The lands will be disposed of under the provisions of the act of March 31, 1950 (64 Stat. 39; 43 U. S. C. 3756).

EDWARD WOOLLEY,
Director,

Bureau of Land Management.

[F. R. Doc. 57-6207; Filed, July 30, 1957; 8:45 a. m.]

Geological Survey

[Power Site Cancellation 113]

CALIFORNIA

POWER SITE CLASSIFICATIONS CANCELLED IN
PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classifications Nos. 138, 267, 300, and 366 are hereby cancelled in so far and to the extent that they affect the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 24 E.,
Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 36, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 13 S., R. 24 E.,
Sec. 30, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 11 S., R. 25 E.,
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$;
Sec. 34, lots 8, 9, and NW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 12 S., R. 25 E.,
Sec. 4, lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, lot 3;
Sec. 6, NE $\frac{1}{4}$ lot 1 and S $\frac{1}{2}$ lot 2;
Sec. 7, lot 1;
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 31, lot 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 12 S., R. 26 E.,
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lot 4;
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 21, lots 5, 6, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$
SE $\frac{1}{4}$;
Sec. 28, lot 2;
Sec. 36, W $\frac{1}{2}$.

The area described aggregates 2,901 acres.

Dated: July 23, 1957.

ARTHUR A. BAKER,
Acting Director.

[F. R. Doc. 57-6206; Filed, July 30, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-72]

ISTHMIAN LINES, INC.

AMENDED NOTICE OF HEARING

The notice published in the FEDERAL REGISTER on April 10, 1957 concerning a public hearing to be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Isthmian Lines, Inc., for an operating-differential subsidy agreement, is hereby amended to delete the descriptions of the Round-the-World Service and the Persian Gulf Service and to substitute in lieu thereof the following service descriptions. In all other respects the notice of April 10, 1957 remains unchanged.

ROUND-THE-WORLD WESTBOUND SERVICE

From United States Atlantic ports via the Panama Canal, completing loading at California ports, with the privilege of carrying cargo from U. S. Atlantic ports to Hawaii and Hawaiian exports onward to foreign ports, and thence:

(a) To ports in the Far East (the Philippines and the Continent of Asia from Hong Kong south to and including Thailand).

(b) To ports in Indonesia and Malaya (including Singapore).

(c) To ports in southwest Asia (Suez to Burma, inclusive).

(d) To ports in Africa on the Red Sea and Gulf of Aden, and

(e) To ports in the Mediterranean when the Suez Canal is available; otherwise via the Cape of Good Hope,

returning to Eastern Canadian and U. S. Atlantic ports.

SAILING FREQUENCY

A total of 24 to 36 sailings a year, of which a minimum of 6 and a maximum of 12 sailings a year would turn at Indonesia-Malaya

NOTICES

and return to U. S. Atlantic ports via the Philippines, Hawaii, and the Panama Canal, while a minimum of 18 and a maximum of 24 sailings a year would continue around the world.

PERSIAN GULF SERVICE

Trade Route No. 18

Between United States Atlantic ports, with the privilege of calling at United States ports on the Gulf of Mexico and Eastern Canadian ports, via the Suez Canal, when available, otherwise via the Cape of Good Hope, and ports in Iran, Saudi Arabia, Bahrain Island, Kuwait, Iraq, West Pakistan and India, with the privilege of calling at ports on the Red Sea and Gulf of Aden and in the Eastern Mediterranean—12 to 24 sailings a year.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's Rules of Practice and Procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding are requested to notify the Secretary of the Federal Maritime Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

By order of the Federal Maritime Board.

Dated: July 26, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6216; Filed, July 30, 1957;
8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 163]

ILLINOIS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of July, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Will and Kankakee (flood beginning on or about July 12).

Office: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

2. A special field office to receive and process such applications will be established in the Public Works Building,

Corner of DesPlaines and Van Buren Streets, Joliet, Illinois.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1958.

Dated: July 19, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-6212; Filed, July 30, 1957;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10648 etc.]

LONE STAR PRODUCING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 25, 1957.

In the matters of Lone Star Producing Company, Docket No. G-10648; J. D. Sprecher, Docket No. G-10777; R. S. Shannon, Docket No. G-11014; Pan American Petroleum Corporation, Docket No. G-12483.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings as hereinafter tabulated separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to continue to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant proposes to continue the sale of natural gas in interstate commerce from production of certain units, leases or acreage as tabulated to the purchaser as indicated for resale.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

AMENDMENT TO JULY 1957 MONTHLY SALES LIST

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1957 is amended, effective July 18, 1957, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) by the addition of the following:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Pea beans (36,000 bags).	Domestic or export: Market price but not less than \$8.17 per hundredweight, f. o. b. cars at points of production. Available Chicago CSS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: July 25, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 57-6221; Filed, July 30, 1957;
8:49 a. m.]

Docket Nos.	Dates filed	Applicants and addresses	Sources of gas	Purchasers
G-10648	6-26-56	Lone Star Producing Co., 301 South Harwood St., Dallas 1, Tex.	An interest in W. B. Gibson Unit, Golden Trend Area, Garvin County, Okla.	Lone Star Gas Co.
G-10777	7-20-56	J. D. Sprecher, Drilling Contractor, Box 299, Casper, Wyo.	An interest in Ace Unit, Powder Wash Gas Field, Moffat County, Colo.	Mountain Fuel Supply Co.
G-11014	9-4-56	R. S. Shannon, 603 Midland Savings Bldg., Denver 2, Colo.	Hiawatha Field, Sweetwater County, Wyo.	Do.
G-12483	4-26-57	Pan American Petroleum Corp., 511 South Boston Ave., Tulsa 3, Okla.	Allison Unit Area, Blanco Mesa Verde and North Los Pinos-Dakota Fields, San Juan County, N. Mex., and Archuleta and La Plata Counties, Colo.	El Paso Natural Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 19, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however, That the*

Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6229; Filed, July 30, 1957;
8:50 a. m.]

[Docket No. G-12399]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

JULY 25, 1957.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware Corporation, with its principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed on April 12, 1957, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport an additional 185,000 Mcf of natural gas per day for resale to municipalities and local utility companies at any point on its existing system extending from Fritch, Texas to Joliet, Illinois. No additional direct sales or increase in volumes to such existing consumers are proposed by applicant. The facilities proposed to be constructed will consist of approximately 59 miles of 36" loop pipeline, approximately 336.6 miles of 30" loop pipelines, an aggregate of 29,750 additional horsepower at existing compressor stations and additional metering facilities at Joliet, Illinois.

The estimated cost of the proposed facilities is \$62,668,000. The proposed financing includes the issuance of bonds and common stock and the use of funds on hand.

It is anticipated that the proposed facilities will be in operation by January 1, 1960, however the present scheduled pipe deliveries extend into the first quarter of 1960. This proposed increase of 185,000 Mcf per day of natural gas is over and above the increase of 485,000 Mcf per day of natural gas requested by application filed in Docket No. G-9966. Applicant states that the additional volume of 185,000 Mcf of natural gas per day is not intended by it for direct sales of gas for industrial use in the Chicago-Gary area, nor will any part of such volume resulting from the proposed increase in system capacity be made available for resale by any local distributing companies, to the United States Steel Company or the Inland Steel Company in the Chicago-Gray area, pending decision by the Commission on the application of Midwestern Gas Transmission Company in Docket No. G-9451. It is further alleged that the filing of this application is made at this time for the purpose of enabling Applicant to comply with the requirements set forth in the Commission's Opinion No. 299 and order issued December 4, 1956, in Docket No. G-4280, et al.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-6230; Filed, July 30, 1957;
8:50 a. m.]

[Docket No. G-3128 etc.]

E. W. CAMPBELL ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JULY 25, 1957.

In the matters of E. W. Campbell and E. S. Villines,¹ Docket Nos. G-3128-G-3130, incl.; Bright and Schiff,¹ Docket No. G-5558; Pan American Petroleum Corporation,² Docket No. G-7535; Pan American Petroleum Corporation, Docket No. G-8708; J. P. Neill et al.,³ Docket No. G-10903; The Carter Oil Company, Docket Nos. G-11109, G-11224, G-11921, G-11922; Continental Oil Company, Docket Nos. G-11460, G-12009; Frank J. Hall et al.,⁴ Docket No. G-11607; Continental Oil Company, Operator,⁵ Docket No. G-11613; Skelly Oil Company, Operator, Docket No. G-11620; Amerada Petroleum Corporation, Docket Nos. G-11649, G-11750, G-11901, G-12042; Sunray Mid-Continent Oil Company, Docket Nos. G-11661, G-11662, G-11762, G-11878; Skelly Oil Company, Docket Nos. G-11663, G-12146; Tidewater Oil Company, Docket No. G-11768; Shell Oil Company, Docket Nos. G-11853, G-12147; Keating Drilling Company, Operator, et al.,⁶ Docket No. G-11858; Sunnyland Contracting Company, Inc., Docket No. G-11881; C. V. Lyman, d. b. a. Lyman-Damascus Operations, Docket No. G-11885; Nue-Wells Pipe Line Company, Docket No. G-11886; Appell Drilling Company, Operator, et al.,⁷ Docket No. G-11887; Colorado Western Exploration, Inc., Operator,⁸ Docket No. G-11896; Holland-American Petroleum Corporation, Operator, et al.,⁹ Docket No. G-11897; Lyons & Logan, Operator, et al.,¹⁰ Docket No. G-11899; S. H. Killingsworth, Operator, et al.,¹¹ Docket No. G-11919; Phillips Petroleum Company,¹² Docket No. G-12039; Jack W. Grigsby, Operator, et al.,¹³ Docket No. G-12040; Western Natural Gas Company, Docket No. G-12041; Union Oil and Gas Corporation of Louisiana, Operator, et al.,¹⁴ Docket No. G-12043; The British American Oil Producing Company, Docket No. G-12044; Jay Kornfeld, Operator, et al.,¹⁵ Docket No. G-12143; Musgrove Petroleum Corporation, Operator, et al.,¹⁶ Docket No. G-12144; Lyons & Logan, Operator, et al.,¹⁷ Docket No. G-12145; George W. Graham, Operator, et al.,¹⁸ Docket No. G-12389; Tidewater Oil Company,¹⁹ Docket No. G-12522.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, author-

izing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce, sell, and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-, Location of Field, and Buyer

3128-3130 inclusive; Hugoton Field, Kearny and Stanton Counties, Kansas; Cities Service Gas Company.

5558; Ragsdale Field, Bee County, Texas; Texas Eastern Transmission Corporation.

7535; Langlie-Mattix and Cooper-Jal Fields, Lea County, New Mexico; El Paso Natural Gas Company.

8708; Panhandle Field, Gray County, Texas; Phillips Petroleum Company.

10903; Andrews Field, Andrews County, Texas; Phillips Petroleum Company.

11109, 12039; Camrirk Southeast Pool, Beaver County, Oklahoma; Natural Gas Pipeline Company of America.

11224, 11661, 11662; Bethany-Longstreet Field, De Soto Parish, Louisiana; Texas Eastern Transmission Corporation.

11460; West Delta Area, Plaquemines Parish, Louisiana; Tennessee Gas Transmission Company.

11607, 12145; Greenwood-Waskom Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

11613; Meyersville and East Meyersville Fields, De Witt and Victoria Counties, Texas; Texas Eastern Transmission Corporation.

11620; Unnamed field in Meade County, Kansas; Panhandle Eastern Pipe Line Company.

11649; Eumont Field, Lea County, New Mexico; Permian Basin Pipeline Company.

11663; NE/4 Sec. 16, 27N-9W, San Juan County, New Mexico; El Paso Natural Gas Company.

11750; Tilden Area, McMullen County, Texas; Transcontinental Gas Pipe Line Corporation.

11762; Harper Ranch, Clark County, Kansas; Northern Natural Gas Company.

11768; Brown & Altman "B" Unit, Emperor Field, Winkler County, Texas; Permian Basin Pipeline Company.

11853; Farnsworth Field, Ochiltree County, Texas; Northern Natural Gas Company.

11858; Light-Greenough Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

11878; East Blackwell Field, Kay County, Oklahoma; Frank E. Kirkpatrick, Jr.

11881; Bully Camp Field, La Fourche and Terrebonne Parishes, Louisiana; Tennessee Gas Transmission Company.

11885; North Alice Field, Jim Wells County, Texas; Tennessee Gas Transmission Company.

11886; North Alice Field, Jim Wells County, Texas; Tennessee Gas Transmission Company (transportation a/c C. V. Lyman, d. b. a. Lyman-Damascus Operations).

11887; North Alice Field, Jim Wells County, Texas; C. V. Lyman, d. b. a. Lyman-Damascus Operations.

11896, 12146; Blanco Field, San Juan County, New Mexico; El Paso Natural Gas Company.

11897; West Mission Valley Field, Goliad and Victoria Counties, Texas; Transcontinental Gas Pipe Line Corporation.

11899; San Salvador Field, Hidalgo County, Texas; Trunkline Gas Company.

11901; Blackwell Field, Kay County, Oklahoma; Frank E. Kirkpatrick, Jr.

11919; Rodessa Field, Cass County, Texas; Arkansas Louisiana Gas Company.

11921; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

See Appendix concerning all footnotes.

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11922; Acreage in Morton County, Kansas; Panhandle Eastern Pipe Line Company.
12009; Odem Field, San Patricio County, Texas; Tennessee Gas Transmission Company.

12040; Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.
12041; Karon Field, Live Oak County, Texas; Texas Eastern Transmission Corporation (assignee of Wilcox Trend Gathering System, Inc.).

12042, 12147; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.
12043; West Rock Island Field, Colorado County, Texas; Tennessee Gas Transmission Company.

12044; Maley Field, Cheyenne County, Nebraska; Kansas Nebraska Natural Gas Company, Inc.

12143, 12144; Rugoton Field, Barber County, Kansas; Cities Service Gas Company.
12389; West Holly Field, De Witt County, Texas; Texas Eastern Transmission Corporation.

12522; Langlie-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 26, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.* Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

¹ Applicants were rendering service on and since June 7, 1954.

² Applicant was rendering service on and since June 7, 1954. Application was supplemented on May 13, 1957.

³ J. P. Neill is filing for himself and on behalf of George H. Marsh. Both are signatory seller parties to the gas sales contract dated February 23, 1956, which limits production to horizons down to 5,000 feet.

⁴ Applicants, Frank J. Hall, Moran Tank Company, J. B. Markham and H. N. K. Brookings, are all signatory seller parties to the gas sales contract dated November 23, 1956.

⁵ Continental Oil Company, Operator, is filing for itself and lists parties owning work-

ing interests as follows: Continental, The Atlantic Refining Company, and E. A. Bosl. Continental is the only signatory seller party to the sales contract dated August 20, 1956.

⁶ Keating Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators who are all signatory seller parties to the gas sales contract dated January 23, 1957: The British American Oil Company, The Superior Oil Company, Leon J. Caine, Emby Kaye, W. W. Lynch, N. E. Loomis, H. H. Coffield, George W. Pirtle, P. O. Penn, M. W. Staples, T. A. Hester, and Byron W. Beebe. In addition, The Carter Oil Company owns a non-operating working interest but has negotiated a separate gas sales contract.

⁷ Appell Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators who are also signatory seller parties to the sales contract dated November 8, 1956: W. H. Appell, Bernard Peyton, and Flamingo Ventures.

⁸ Colorado Western Exploration, Inc., Operator, is filing for itself and on behalf of co-owners as follows: Alexander M. Arnstein, Seymour Gross, Hargrove Oil and Gas Company, and N. V. Kinsey. Colorado Western Exploration, Inc., is the only signatory seller party to the gas sales contract dated October 29, 1956.

⁹ Holland-American Petroleum Corporation, Operator, is filing for itself and on behalf of nonoperators, Gulf Oil Corporation and George A. Musselman. All are signatory seller parties to the ratification agreement dated November 28, 1956, of a basic gas sales contract dated January 10, 1958, as amended, between Western Natural Gas Company and Trans-Continental Gas Pipe Line Company.

¹⁰ Lyons & Logan, a copartnership composed of C. H. Lyons, Sr., G. L. Logan, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard and J. T. Palmer, Operator, is filing for itself and on behalf of the non-operator, C. H. Lyons, Sr. C. H. Lyons, Sr., owns 100 percent working interest in the subject lease and is the only signatory seller party to the gas sales contract dated January 25, 1957.

¹¹ S. H. Killingsworth, Operator, is filing for himself and on behalf of F. R. Jackson, Sam Sklar, Sam Y. Dorfman, Albert Sklar, Leonard Phillips, Paul R. Walker, Morris B. White, August Erickson, S. L. Florsheim, Jr., David Crow, J. R. Butler, Douglas Whitaker, Walter Stewart, Clint T. Steed, Mrs. Ruth Ashcroft, S. D. Steed, B. A. Skipper, G. G. Stanford, Don M. Reese and Crescent Oil & Gas Corporation. All are signatory seller parties to the sales contract dated October 22, 1956.

¹² Phillips Petroleum Company, nonoperator, is filing for its 12.5% interest in the McDonald Gas Unit and is a signatory party to the ratification agreement dated December 12, 1956, of a basic gas sales contract dated January 6, 1956, between The Atlantic Refining Company and Natural Gas Pipeline Company of America. Purchaser has also signed the ratification agreement. Atlantic Refining Company has received authorization for the basic gas sales contract in Docket No. G-9980.

¹³ Jack W. Grigsby, Operator, is filing for himself and on behalf of nonoperators, Shallow Oil Company, Inc., and Fred Whitaker. Jack W. Grigsby and Shallow Oil Company, Inc., are the only signatory seller parties to the gas sales contract dated February 12, 1957. The contractual relationship of Fred Whitaker is not stated.

¹⁴ Union Oil and Gas Corporation of Louisiana, Operator, is filing for itself and on behalf of the following nonoperators: Humble Oil and Refining Company, R. H. Goodrich, and W. H. Cocke. All are signatory seller parties to the gas sales contract dated January 30, 1957.

¹⁵ Jay Kornfeld, Operator, is filing for himself and on behalf of the following nonoper-

ators: Ralph Gore, Theodore Gore, and M. & L. Oil Company. All are signatory seller parties to the gas sales contract dated January 27, 1957.

¹⁶ Musgrave Petroleum Corporation, Operator, is filing for itself and on behalf of six nonoperators, listed in the application. All co-owners are signatory seller parties to the gas sales contract dated February 22, 1957.

¹⁷ Lyons & Logan, Operator, a copartnership composed of C. H. Lyons, Sr., G. L. Lyons, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard and J. T. Palmer, is filing for itself and on behalf of the following nonoperators: C. T. McCord, Jr., Addison O. Wood, Special, Perry G. Holloway, Succession of Ed E. Hurley, and Midwest Oil Company. All members of the copartnership and all non-operators listed above except Addison O. Wood, Special, and Perry G. Holloway, are signatory seller parties to the gas sales contract dated February 18, 1957. In addition, Operator lists the percentage of working interest of Sohio Petroleum Company, which company has negotiated a separate contract.

¹⁸ George W. Graham is filing as operator for himself and for Gladys Isbell Graham and Kathryn Graham Whaling, nonoperators. Each of said Applicants is a signatory seller party to the gas sales contract involved herein.

¹⁹ Tidewater Oil Company, Operator, is filing to cover two supplemental agreements dedicating additional acreages to a basic casinghead gas sales contract. Tidewater is the only signatory seller party to the two supplemental agreements involved herein. The acreage covered by the July 15, 1955, supplemental agreement is owned by Tidewater, Roy G. Barton and J. Hiram Moore (application lists percentum of each), while acreage covered by the September 26, 1955, agreement is 100% owned by Tidewater.

[F. R. Doc. 57-6231; Filed, July 30, 1957; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 45]

SAN ANGELO FISH CULTURAL STATION (I-TEX-546) SAN ANGELO, COUNTY OF TOM GREEN, TEXAS

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated March 20, 1957, that property known as San Angelo Fish Cultural Station (I-Tex-546), San Angelo, County of Tom Green, Texas, and more particularly described in said deed, has been transferred from the United States to the State of Texas.

2. The above-described property was transferred to the State of Texas for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN McCONIHE,
Commissioner,
Public Buildings Service.

JULY 19, 1957.

[F. R. Doc. 57-6210; Filed, July 30, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 175]

MOTOR CARRIER APPLICATIONS

JULY 26, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.241)

All hearings will be called at 9:30 o'clock a. m., U. S. s. t. (or 9:30 o'clock a. m., local d. s. t., if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 15583 (Sub No. 13), filed July 15, 1957, WILBUR H. JOHNS, 327 North Reservoir, Lancaster, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pharmaceutical and cosmetic products and printed material advertising the same for Lambert-Hudnut Mfg. Labs. Inc., of Lititz, Pa., from Lititz, Pa., to Cleveland and Toledo, Ohio, Detroit, Mich., and Chicago, Ill. Empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, and rejected and damaged shipments of the above-specified commodities on return.* Applicant holds Certificates No. MC 78118 and (Sub Nos. 1 and 3). Section 210, dual operations, may be involved.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 22182 (Sub No. 13), filed July 12, 1957, UNIVERSITY OVERLAND EXPRESS, INC., 852 McGrath Highway, Somerville 45, Mass. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passenger automobiles and trucks, passenger automobile and truck chassis, in initial movements, in truckaway and driveway service, from Mahwah, N. J. to St. Louis, Mo., and points in Florida, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Indiana, Illinois, Michigan, and Wisconsin.* Applicant is authorized to conduct operations in Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Tennessee, Ohio, and the District of Columbia.

HEARING: September 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 31600 (Sub No. 426), filed July 3, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's

attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products and cocoa butter, in bulk, in tank vehicles, from New York, N. Y., Newark, N. J., Milwaukee, Wis., and Mansfield, Mass., to Hershey, Pa.* Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, New Hampshire, New Jersey, Pennsylvania, Vermont, Maine, Delaware, Ohio, Illinois, Kentucky, South Carolina, North Carolina, and Maryland.

HEARING: September 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 47336 (Sub No. 9), filed July 10, 1957, ECLIPSE MOTOR LINES, INC., Box 507, Bridgeport, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ferro-Alloys, including Aluminum-Manganese-Silicon, Ferro-Chrome, Ferro-Chrome-Silicon, Ferro-Silicon-Chrome, Ferro-Manganese, Ferro-Silicon, Silicon-Calcium, Silico-Manganese, and Silicon Metal*, from points in Salem Township, Monroe County, Ohio to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Virginia, and *empty containers* from points in the above named destination states to Salem Township, Monroe County, Ohio. Applicant is authorized to transport similar commodities between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Carrier holds Permit No. MC 104724; section 210, dual operations, may be involved.

HEARING: September 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 71902 (Sub No. 58), filed July 12, 1957, UNITED TRANSPORTS, INC., 4900 Santa Fe Street, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, by the truckaway method, from the site of the plant of Cadillac Motor Car Division of General Motors Corporation in Detroit, Mich., to all points in Missouri, Kansas, Oklahoma, Texas, Arizona and New Mexico. Applicant is authorized to conduct similar operations in Arizona, Kansas, Indiana, Missouri, New Mexico, Ohio, Oklahoma, and Texas.

HEARING: September 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 86913 (Sub No. 4), filed July 10, 1957, SILER MOTOR LINES, INCORPORATED, North Second Avenue, Extension, Siler City, N. C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, except plywood and veneer, from points in New York, Pennsylvania, and Maryland, to points in North Carolina. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, New

Jersey, Virginia, and the District of Columbia.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 106644 (Sub No. 35), filed May 31, 1957, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Reuben G. Grimm, 805 Peachtree Street Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size, weight or handling require the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, except knitting machines, between points in Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, South Carolina and North Carolina, on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and Massachusetts, and the District of Columbia. Applicant is authorized to transport similar commodities between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Carrier holds Permit No. MC 104724; section 210, dual operations, may be involved.

PRE-HEARING CONFERENCE: September 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Director Paul Coyle presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (7) Any other matters which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 107975 (Sub No. 5), filed July 12, 1957, KENNETH E. ALLISON, Hungerford, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Canned foods*, from Hungerford, Pa., to points in Wisconsin, and (2) *raw onions*

NOTICES

and dried beans from points in Wisconsin, Michigan, Illinois and Indiana to Hungerford, Pa. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, New York, Connecticut, Michigan, Indiana, Illinois, and New Jersey.

HEARING: September 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 108369 (Sub No. 2), filed July 3, 1957, RAYMOND J. HOLBEN, 529 Ethel Street, Allentown, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to points in Delaware, Maryland and the District of Columbia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport similar commodities from Philadelphia, Pa., to specified counties in New Jersey.

HEARING: September 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegener.

No. MC 109136 (Sub No. 13), filed July 15, 1957, THE ORIOLE TERMINAL & TRANSPORTATION CO., 6301 Quad Avenue, Baltimore 5, Md. Applicant's attorney: Charles F. Riddle, 1835 Jefferson Place NW, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from the Army Chemical Center near Edgewood, Md. to the District of Columbia and points in Virginia on and east of U. S. Highway 1. Applicant is authorized to transport the named commodity from the above-mentioned Army Chemical Center to points in specified areas in Pennsylvania (including Philadelphia), Delaware, and New Jersey.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 109443 (Sub No. 11), filed July 15, 1957, SEABOARD TANK LINES INC., 2202 Riverside Drive, Scranton 9, Pa. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Bldg, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Macungie, Pa. and points within ten (10) miles of Macungie, to points in Hunterdon and Warren Counties, N. J. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, and New York.

HEARING: September 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 109451 (Sub No. 78), filed July 8, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes,

transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Lawrence County, Ohio, and Boyd County, Ky., on the one hand, and, on the other, Atlanta, Ga., and points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Ohio, Tennessee, Missouri and Wisconsin. Applicant is authorized to transport similar commodities in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: September 5, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner James I. Carr.

No. MC 109637 (Sub No. 51), filed July 5, 1957, GASOLINE TRANSPORT CO., 4107 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from Cincinnati, Ohio to Atlanta, Ga., Buffalo, N. Y., Chicago, Ill., Dallas, Tex., Kansas City, Mo., Linden, N. J., Memphis, Tenn., and St. Paul, Minn. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, and Tennessee.

HEARING: September 17, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 110525 (Sub No. 338), filed July 15, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene gas*, in bulk, in manifold cylinder trailers, from West Port Arthur, Tex., to Parlin, N. J. Applicant is authorized to transport the named commodity from Orange, Tex., to Henry Clay, Del.

HEARING: September 20, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 112846 (Sub No. 15), filed July 2, 1957, CLARE M. MARSHALL, INC., P. O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum white mineral oil*, in bulk, in tank vehicles, from Petrolia, Pa., to Suffern, N. Y. Applicant is authorized to conduct similar operations in Delaware, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 114021 (Sub No. 4) (Correction), published on page 5665, issue of July 17, 1957. Name of applicant was shown as MIDWEST TRANSPORT COMPANY OF ILLINOIS in error. The correct name of applicant is MIDWEST TRANSFER COMPANY OF ILLINOIS.

No. MC 116527 (Republication) filed March 18, 1957, published in June 5, 1957, issue, E. J. MILLER, 1226 Sawyer Avenue, Akron, Ohio. Applicant's attorney: Charles R. Iden, 220 First National Tow-

er, Akron 8, Ohio. This is a second notice of an application which as originally filed incorrectly described the territory proposed to be served. At a hearing held on July 15, 1957, applicant was allowed to amend the application to correct the error and otherwise reduce the territory proposed to be served by the elimination of New York and evidence was received in support of the application as amended. The examiner's report and recommended order will not be served until a lapse of 30 days after this republication within which time any person who may have been prejudiced by the allowance of the amendment may file an appropriate petition for a further hearing. If any such petition is received applicant may reply thereto within 50 days from the date of this republication and further proceedings on the application will be deferred until the petition has been acted upon. Authority sought: *Contract carrier*, over irregular routes, transporting: *Milled, veneered and finished lumber, doors, windows, window frames, aluminum and wooden storm windows and doors, wooden and asphalt shingles, asphalt tile, plywood, plywood products, nails, screws, hinges and construction hardware and similar materials dealt in by retail and wholesale lumber dealers, uncrated, and/or in bulk*, (1) from New Milford, Ohio, an unincorporated community located on Ohio Highway 18 between Rootstown and Edinburg, Ohio, to points in that portion of Pennsylvania and West Virginia located on and west of U. S. Highway 219 commencing at Hamburg, N. Y., continuing south to its junction with U. S. Highway 33 at Elkins, W. Va., and located on and north of U. S. Highway 33 from Elkins west on said highway to the West Virginia-Ohio State line. *Returned shipments* of the above-described commodities, on return; (2) between New Milford, Ohio, and Leroy, N. Y., Bay City, Gladwin, Freeland, Hemlock, Birch Run, Davison, Milan and Kalamazoo, Mich., and Elwood, Ind., limited to transportation of the specified commodities between lumber yards owned, controlled or affiliated with consignor or its parent or affiliated companies.

No. MC 116733 (Correction) filed June 12, 1957, published issue of July 24, 1957, EDWARD HAGMANN AND EDWARD C. HAGMANN, a Partnership, doing business as HAGMANN TRUCKING CO., Ryerson Road, Lincoln Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery, and machinery parts*, between points in Morris, Passaic, Bergen, Essex, and Union Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and Delaware.

NOTE: The applicant states in the application that the operations sought have been conducted continuously since 1922.

HEARING: Remains as assigned September 6, 1957, at 346 Broadway, New York, N. Y., before Examiner Robert A. Joyner.

No. MC 116795, filed July 5, 1957, LAWRENCE G. WILLMAN, doing busi-

ness as WILLMAN TRUCKING CO., 1037 Bacon Street, Erie, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Water heaters and parts thereof*, from Erie, Pa., to points in Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, Tennessee, Georgia, Virginia, West Virginia, Missouri, Massachusetts and Los Angeles, Calif.; *water heaters and parts thereof*, and *materials used or useful in the manufacture or assembly of water heaters*, from points in Illinois, Indiana, Kentucky, Michigan, New York, New Jersey, Ohio, Pennsylvania, Tennessee, Georgia, Virginia, West Virginia, Missouri and Massachusetts, to Erie, Pa.; and *unfinished heads for water heaters*, from Los Angeles, Calif., to Erie, Pa.

HEARING: September 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Charles H. Riegner.

No. MC 116802 (Sub No. 1), filed July 25, 1957, ARMORED CAR SERVICES, INC., 2304 Wilson Boulevard, Arlington, Va. For authority to operate as a common carrier, over irregular routes, transporting: *Currency, and securities*, in armored car service, between Washington, D. C., Montgomery, Prince Georges and Charles Counties, Md., City of Alexandria, Va., and Arlington, Fairfax, and Prince William Counties, Va.

HEARING: September 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

No. MC 116812, filed July 15, 1957, CHARLES R. FISHER, 351 West Pitt Street, Bedford, Pa. Applicant's attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Marble, uncrated*, from Hoboken, N. J., and Cleveland, Ohio, to points in Allegheny County, Pa.

HEARING: September 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

MOTOR CARRIERS OF PASSENGERS

No. MC 93396 (Sub No. 3), filed June 28, 1957, YELLOW LIMOUSINE SERVICE, INC., Southeast Corner, Broad and Spring Garden Streets, Philadelphia, Pa. Applicant's attorney: Gordon G. Parry, Jr., 1719 Packard Building, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, limited to the transportation of not more than eleven (11) passengers, not including the driver, nor children under the age of ten (10) years when not occupying a single seat in any one vehicle, between Philadelphia, Pa., on the one hand, and, on the other, New York, N. Y., and points in New Jersey, Delaware, and Maryland.

NOTE: Applicant's attorney states that the instant application constitutes an extension of an existing operation in one sense only, namely, that the capacity of the vehicles be-

ing used is to be increased from not more than six passengers, not including the driver, nor children under the age of 10 years, when not occupying a single seat, to not more than 11 passengers, not including the driver, nor children under the age of 10 years, when not occupying a single seat. This is the only change in the operation which the applicant is authorized to perform, as set forth in Certificate No. MC 93396, dated July 9, 1954.

HEARING: September 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12663, filed July 9, 1957, LINCOLN TERMINAL COMPANY, First Street, Lakewood, N. J. For a license (BMC 5) authorizing operations as a *broker* at Lakewood, Atlantic City, and points in New Hanover and Raritan Townships, N. J. in arranging for the transportation in interstate or foreign commerce by motor vehicle of *passengers and groups of passengers*, and *express, baggage and newspapers* in the same vehicle with passengers, between points in the United States.

HEARING: September 19, 1957, at the U. S. Court Rooms, Newark, N. J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 101), filed July 15, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, 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: (1) *General commodities, including commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company, (a) between Emporium, Pa., and Port Allegany, Pa., from Emporium over U. S. Highway 120 to junction Pennsylvania Highway 155, thence over Pennsylvania Highway 155 to Port Allegany, and return over the same route; (b) between Wilcox, Pa., and Degolia, Pa., from Wilcox over U. S. Highway 219 to Degolia, and return over the same route; (c) between junction U. S. Highways 219 and 6 at or near Lanyz Corners, Pa., and Smethport, Pa., from junction U. S. Highways 219 and 6 over U. S. Highway 6 to Smethport, and return over the same route, serving intermediate points on the above routes which are stations on the rail lines of The Pennsylvania Railroad Company, serving Degolia, Pa., for purposes of interchange only, and serving junction U. S. Highways 219 and 6 for purposes of joinder only; (2) *General commodities, including commodities in bulk and those requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of rail

service of The Pennsylvania Railroad Company except express and baggage service, (a) between Ridgway, Pa., and Wilcox, Pa., serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, from Ridgway over U. S. Highway 219 to Wilcox, and return over the same route; (b) between St. Marys, Pa., and junction Pennsylvania Highway 255 and U. S. Highway 219, near Johnsonburg, Pa., serving no intermediate points but serving junction Pennsylvania Highway 255 and U. S. Highway 219 for purposes of joinder only, from St. Marys over Pennsylvania Highway 255 to junction U. S. Highway 219, and return over the same route. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana and West Virginia.

NOTE: Dual operations or common control may be involved.

No. MC 30319 (Sub No. 81), filed July 15, 1957, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including air freight*, having a prior or subsequent movement by air, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Centerville, La., and North Bend, La., from junction U. S. Highway 90 and Louisiana Highway 317 at Centerville over Louisiana Highway 317 to North Bend, La., a distance of approximately seven miles, and return over the same route, serving the intermediate points of Cabot and Bayou Sale, La. Applicant is authorized to conduct similar operations in Louisiana and Texas.

No. MC 105556 (Sub No. 28), filed July 10, 1957, HOUCK TRANSPORT COMPANY, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Conduits, drain tile, sewer pipe, concrete; flooring cement; drain tile fittings, concrete; beams, structural, concrete; brick, concrete; blocks, building, concrete or gypsum*, from Mandan, N. Dak., and points within 10 miles thereof to points in South Dakota and Montana. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

No. MC 108937 (Sub No. 15), filed July 12, 1957, MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Applicant's representative: Raymond L. Stevens, above address. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following regular routes: (1) between St. Paul, Minn., and junction U. S. Highway 65 and Minnesota Highway 218 near Clinton Falls, Minn., from St. Paul over

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city streets to Minneapolis, Minn., thence over U. S. Highway 65 to junction Minnesota Highway 218 near Clinton Falls, Minn.; (2) between Mankato, Minn., and Faribault, Minn., from Mankato over Minnesota Highway 60 to Faribault; (3) between Glencoe, Minn., and Litchfield, Minn., from Glencoe over Minnesota Highway 22 to Litchfield; (4) between St. Paul, Minn., and Clara City, Minn., from St. Paul over city streets to Minneapolis, Minn., thence over Minnesota Highway 7 to Clara City; (5) between Grove City, Minn., and Sherburn, Minn., from Grove City over Minnesota Highway 4 to Sherburn; (6) between Gaylord, Minn., and Northfield, Minn., from Gaylord over Minnesota Highway 19 to Northfield; (7) between Jordan, Minn., and New Prague, Minn., from Jordan over Minnesota Highway 21 to New Prague; (8) between Montgomery, Minn., and Faribault, Minn., from Montgomery over Minnesota Highway 21 to Faribault; (9) between Nicollet, Minn., and junction Minnesota Highway 99 and Minnesota 21, from Nicollet over Minnesota Highway 99 to junction Minnesota Highway 21; (10) between Gaylord, Minn., and St. Peter, Minn., from Gaylord over Minnesota Highway 22 to St. Peter; (11) between Nicollet, Minn., and junction Minnesota Highway 111 and Minnesota Highway 22, from Nicollet over Minnesota Highway 111 to junction Minnesota Highway 22; (12) between Blooming Prairie, Minn., and Lewisville, Minn., from Blooming Prairie over Minnesota Highway 30 to Lewisville; and in connection with routes 1 to 12 above, return over the same routes, serving no intermediate points. Applicant is authorized to conduct similar operations in Minnesota, Iowa, and Wisconsin.

No. MC 112668 (Sub No. 12), filed July 15, 1957, HARVEY R. SHIPLEY AND SONS, INC., R. F. No. 1, Finksberg, Md. For authority to operate as a *common carrier*, over irregular routes transporting: *Ground soapstone*, in bulk, in dump vehicles, from Marriottsville, Md. to Bloomsbury, N. J. and Asbury, N. J.

No. MC 114890 (Sub No. 6), (Amended) formerly assigned No. MC 36928 (Sub No. 28), filed June 19, 1957, published issue July 3, 1957, page 4699, C. E. REYNOLDS, 2209 Range Line, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the plant of the Grace Chemical Company at or near Woodstock, Tenn., to Atlas, Jasper County, Mo., and *returned or rejected shipments* of anhydrous ammonia on return. Applicant is authorized to transport similar commodities in Arkansas, Kansas, Missouri, Oklahoma and Texas. Applicant holds Certificate Nos. MC 114890 and Sub No. 3; dual operations under section 210 may be involved.

NOTE: Application has been amended to apply for common carrier authority in lieu of contract carrier authority.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub No. 59), filed July 11, 1957, CAROLINA COACH COM-

PANY, a corporation, 1201 South Blount Street, Raleigh, N. C. Applicant's attorney: Robert E. Quirk, Investment Building, 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 junction U. S. Highways 70-A and 70, east of Efland, N. C., and junction combined U. S. Highways 29-A and 70-A and combined U. S. Highways 29 and 70, west of Thomasville, N. C., from junction U. S. Highway 70-A (formerly U. S. Highway 70) and U. S. Highway 70, approximately 1.8 miles east of Efland, over new U. S. Highway 70 to Greensboro, N. C., thence over new combined U. S. Highways 29 and 70 to junction combined U. S. Highways 29-A and 70-A (formerly combined U. S. Highways 29 and 70) and combined U. S. Highways 29 and 70, approximately 2.6 miles west of Thomasville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, North Carolina, Pennsylvania, and Virginia.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE.

No. MC 111231 (Sub No. 29), filed June 13, 1957, JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between St. Louis, Mo., and the Missouri-Arkansas State line, from St. Louis over U. S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same route, serving the intermediate points of Dexter, Bernie, Townley, Malden, the junction of Missouri Highway 25 and U. S. Highway 62 at or near McGuire's, McGuire's, Clarkton, Holcomb, White Oak, Frisbee, Ipley, Kennett, Caruth, Senath, Bucoda, Arbyrd and Cardwell, Mo.; (2) between Clarkton, Mo., and Gideon, Mo., over Missouri Highway 62, serving no intermediate points; (3) between Malden, Mo., and junction Dunklin County Supplementary Route "J" and Missouri Highway 53, over Dunklin County Supplementary Route "J", serving the intermediate point of Malden Air Force Base; (4) between junction U. S. Highway 62 and Missouri Highway 25 at or near McGuire's, Mo., and the Missouri-Arkansas State line, over U. S. Highway 62, serving the intermediate point of Campbell, Mo., and the sites of Campbell Machine and Welding Co., and the Missouri-Arkansas Power Company (both located on U. S. Highway 62 just west of Campbell, Mo.); (5) between Campbell, Mo., and Holcomb, Mo., over Missouri

Highway 53, serving the intermediate point of Gibson, Mo.; (6) between Caruth, Mo., and Arbyrd, Mo., from Caruth over Dunklin County Supplementary Route "Y" to junction Missouri Highway 164, thence over Missouri Highway 164 to Arbyrd, and return over the same route, serving all intermediate points; and (7) between Hornersville, Mo., and junction Dunklin County Supplementary Route "YY" and Missouri Highway 164 over Dunklin County Supplementary Route "YY", serving no intermediate points. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: This application is directly related to No. MC-F 6611, which was published in the June 26, 1957 issue of the *FEDERAL REGISTER* on page 4489.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6642. Authority sought for control by PILOT FREIGHT CARRIERS, INC., Polo Road and Cherry Street Ext. (P. O. Box 615), Winston-Salem, N. C., of ARLINGTON TRANSPORTATION CO., 1422 Park Avenue, Cranston, R. I., and for acquisition by R. Y. SHARPE, SARAH L. SHARPE, and EILEEN L. SHARPE, all of 981 Arbor Road, Winston-Salem, N. C., H. C. SHARPE, 3714 North Cherry Street, Winston-Salem, N. C., E. G. LACKEY, 765 Roslyn Road, Winston-Salem, N. C., SHIRLEY S. DUNCAN, 78 Purvis Drive, Triangle, Va., and K. Y. SHARPE, Route No. 1, Pfafftown, N. C., of control of ARLINGTON TRANSPORTATION CO. through the acquisition by PILOT FREIGHT CARRIERS, INC. Applicants' attorneys: Zelby & Burstein, 135 Broadway, New York 6, N. Y., and Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, (including antiques), with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between New Bedford, Mass., and New York, N. Y., serving all intermediate and certain off-route points; *general commodities*, with exceptions as specified above over irregular routes between New York, N. Y., and points in New Jersey within 15 miles of New York, N. Y., on the one hand, and, on the other, Boston, Mass.; household goods, as defined by the Commission, between points in Providence and Kent Counties, R. I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, and Vermont; *groceries, leather, textile machinery, wearing apparel, cast stone, chip stone, cinder blocks, manufactured stone building material, barrels, cement pipe, fire clay, fresh fruits and vegetables*,

scrap metal, tile, rubber, tires, tire fabric, wire, carnival equipment, electrical equipment used or useful in the distribution and transmission of electric power, fireworks, glass, picture frames, malt beverages, empty malt-beverage containers, machinery, metal castings, paper, paper products and scrap rubber, from, to or between points and areas, varying with the commodity transported, in New York, Massachusetts, Rhode Island, Connecticut, New Hampshire, New Jersey, Vermont and Maine. PILOT FREIGHT CARRIERS, INC., is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, Delaware, Virginia, New York, New Jersey, South Carolina, Tennessee, Ohio, West Virginia, Connecticut, Rhode Island, Massachusetts, Florida, Georgia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6643. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of the operating rights of WILLIAM LEE HOBBY, doing business as HOBBY TRUCK SERVICE, La Harpe, Ill. Applicants' attorney: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Burlington, Iowa, and Sciota, Ill., and Stronghurst, Ill., serving all intermediate points and the off-route point of Raritan, Ill. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6644. Authority sought for purchase by CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas, Texas, of the operating rights of CHEMICAL EXPRESS, 305 Simons Building, Dallas, Texas, and for acquisition by RAY SMITH and J. E. BOULBOULLE, both of Dallas, and MRS. HOMER MEYERS, 206 Baptist Building, Little Rock, Ark., of control of such rights through the purchase. Applicants' attorney: W. D. White, 1700 Mercantile Bank Building, Dallas, Texas. Operating rights sought to be transferred: Cement, in bulk, as a *contract carrier* over irregular routes from Maryneal, Tex., to points in New Mexico. Vendee holds no authority from this Commission but is affiliated with SMITH TRANSIT, INC., which is authorized to operate as a *common carrier* in Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Arizona, Colorado, and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6645. Authority sought for control by CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa., of MOTOR AGE TRANSIT LINES, INC., 16 Foundry Street, Buffalo 7, N. Y., and for acquisition by MILTON E. HARRIS and RUTH K. HARRIS, both of McKees Rocks, of control of MOTOR

AGE TRANSIT LINES, INC., through the acquisition by CONTINENTAL TRANSPORTATION LINES, INC. Applicant's attorney: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Niagara Falls, N. Y., and Buffalo, N. Y., between Buffalo, N. Y., and Pittsburgh, Pa., and between Pittsburgh, Pa., and Washington, Pa., serving all intermediate and certain off-route points. CONTINENTAL TRANSPORTATION LINES, INC., is authorized to operate as a *common carrier* in Pennsylvania, Ohio, Maryland, West Virginia, New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6646. Authority sought for purchase by P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., of the operating rights and property of CURLEY'S TRANSPORTATION CO., INC., 312 Main Street, Sanford, Maine, and for acquisition by PAUL S. DUBREY, 11 Wesley Drive, Leicester, Mass., of control of such rights and property through the purchase. Applicants' attorney: Benjamin B. Levenson, 11 Beacon Street, Boston 8, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Sanford, Maine, and Providence, R. I., between Smithtown, N. H., and South Barre, Mass., and between Boston, Mass., and Waterville, Maine, serving certain intermediate and off-route points; *malt beverages*, from Providence, R. I., to Boston, Mass., serving all intermediate points; *empty malt-beverage containers*, from Boston, Mass., to Providence, R. I., serving all intermediate points; *general commodities*, except explosives, articles of unusual value, household goods as defined by the Commission, and bulk commodities, over irregular routes between points within 20 miles of Boston, Mass., Providence, R. I., and Sanford, Maine, except points in New Hampshire, and Lebanon, Berwick, and South Berwick, Maine, and points in Maine on and east of U. S. Highway 1. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, New Hampshire, Pennsylvania and Connecticut. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6647. Authority sought for purchase by THE INTER MONT EXPRESS, INC., 518 Bluefield Avenue, Bluefield, W. Va., of a portion of the operating rights of THE MOUNTAIN TRANSIT CORPORATION, (WILLIAM M. JENNINGS, JR., AND C. E. HAWTHORNE, CO-RECEIVERS), Wytheville, Va. Applicants' attorney: Harold F. Porterfield, Box 86, Bluefield, W. Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route be-

tween Wytheville, Va., and Bluefield, W. Va., serving the intermediate and off-route points of Bland, Bastian, and Rocky Gap, Va. Vendee is authorized to operate as a *common carrier* in West Virginia, Virginia, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6648. Authority sought for lease by SEABOARD FOOD EXPRESS, INC., 4550 West Colonial Drive, Orlando, Fla., of a portion of the operating rights of WILLIAM D. BUIE, (WILLIAM B. BUIE, ADMINISTRATOR), North Railroad Avenue, Dillon, S. C., and for acquisition by CATHARINE L. BARNES, also of Orlando, of control of such rights through the lease. Applicants' attorney: Harry F. Gillis, Mills Building, Washington, D. C. Operating rights sought to be leased: *Frozen foods*, as a *common carrier* over irregular routes from Dillon, S. C., to points in North Carolina, Tennessee, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, and the District of Columbia; and from points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, and North Carolina, to Dillon, Columbia, and Charleston, S. C., and Durham and Wrightsville Sound, N. C. Lessee is authorized to operate as a *common carrier* in Maryland, Mississippi, New York, Pennsylvania, Alabama, Florida, New Jersey, North Carolina, South Carolina, Louisiana, Georgia, Virginia, Massachusetts, Ohio, Connecticut, Delaware, Rhode Island, Illinois, Indiana, West Virginia, Tennessee, Texas, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

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diate and off-route points. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6650. Authority sought for control and merger by LEE TRANSPORTATION COMPANY, Room 430, 111 North Fourth Street, St. Louis 2, Mo., of the operating rights and property of OWL TRUCK SERVICE, INC., 1429 North 18th Street, St. Louis, Mo., and for acquisition by C. A. MACFALL, JR., 30 Lake Pembroke Drive, Ferguson 21, Mo., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Macomb, Ill., and St. Louis, Mo., between Carthage, Ill., and St. Louis, Mo., between Peoria, Ill., and Macomb, Ill., between Cuba, Ill., and Fiait, Ill., and between Macomb, Ill., and Quincy, Ill., serving certain intermediate and off-route points; alternate routes for operating convenience only between Quincy Ill., and White Hall, Ill., and between Virginia, Ill., and junction Illinois Highway 78 and U. S. Highway 24; *household goods*, as defined by the Commission, over irregular routes, between Macomb, Ill., on the one hand, and, on the other, points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, and those in St. Louis County, Mo., other than those in said commercial zone; *livestock*, from points in McDonough County, Ill., to East St. Louis, Ill.; *feed, grain, grain products, agricultural machinery and implements, and petroleum products*, in containers, from points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, to points in McDonough County, Ill. LEE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Missouri, Tennessee, Arkansas, Illinois and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6651. Authority sought for purchase by ALLEGHENY FREIGHT LINES, INCORPORATED, Winchester, Va., of a portion of the operating rights of KENNY MOTOR EXPRESS, INC., 801 Shore Avenue, Pittsburgh, Pa., and for acquisition by J. M. GROVE, Luray, Va., and F. E. SIRBAUGH, 137 Oates Avenue, Winchester, Va., of control of such rights through the purchase. Applicants' attorney: Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Pittsburgh, Pa., and Sutton, W. Va., serving all intermediate and certain off-route points; between Fairmont, W. Va., and Bridgeport, W. Va., as an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in West Virginia, Virginia, Pennsylvania,

Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6214; Filed, July 30, 1957;
8:47 a. m.]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES

JULY 26, 1957.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-629 (Deviation No. 1), HELM'S EXPRESS, INC., Box 268, Pittsburgh 30, Pa., filed July 19, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Harrisburg, Pa., and Fogelsville, Pa., as follows: from Harrisburg over U. S. Highway 422 to Reading, Pa., thence over U. S. Highway 222 to Trexlertown, Pa., thence over Pennsylvania Highway 100 to Fogelsville and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Harrisburg, Pa., and Fogelsville, Pa., over U. S. Highway 22.

No. MC-2229 (Deviation No. 1), RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar Street, Dallas, Tex., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Dallas, Tex., and Fort Worth, Tex., as follows: from Dallas over the Dallas-Fort Worth Turnpike to Fort Worth and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas, Tex., and Fort Worth, Tex., over U. S. Highway 80.

No. MC-10761 (Deviation No. 1), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman, Detroit 9, Mich., filed July 24, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Toledo, Ohio, and Junction U. S. Highways 24 and 24-A as follows: from Toledo over U. S. Highway 24-A to its junction with U. S. Highway 24 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Toledo, Ohio, and Junction U. S. Highways 24 and 24-A over U. S. Highway 24.

No. MC-42487 (Deviation No. 1), CONSOLIDATED FREIGHTWAYS, INC., 431 Burgess Drive, Menlo Park, Calif., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Chicago, Ill., and Billings, Mont., as follows: from Chicago over U. S. Highway 20 to Sioux City, Iowa; thence over U. S. Highway 77 to its junction with South Dakota Highway 50; thence over South Dakota Highway 50 to Yankton, S. Dak.; thence over U. S. Highway 81 to its junction with U. S. Highway 16; thence over U. S. Highway 16 to Rapid City, S. Dak.; thence over U. S. Highway 14 to its junction with South Dakota Highway 24; thence over South Dakota Highway 24 to Belle Fourche, S. Dak.; thence over U. S. Highway 212 to Broadus, Mont.; thence over Montana Highway 8 to Crow Agency, Mont.; thence over U. S. Highway 87 to Billings and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chicago, Ill., and Billings, Mont. over the following pertinent route: from Chicago, over U. S. Highway 12 to its junction with U. S. Highway 14; thence over U. S. Highway 14 to Harvard, Ill.; thence over Illinois Highway 173 to its junction with Illinois Highway 76; thence over Illinois Highway 76 to the Illinois-Wisconsin State Line; thence over Wisconsin Highway 140 to U. S. Highway 14; thence over U. S. Highway 14 to Madison, Wis.; thence over U. S. Highway 51 to its junction with Wisconsin Highway 73; thence over Wisconsin Highway 73 to its junction with Wisconsin Highway 13; thence over Wisconsin Highway 13 to its junction with U. S. Highway 10; thence over U. S. Highway 10 to Fairchild, Wis.; thence over U. S. Highway 12 to Eau Claire, Wis.; thence over U. S. Highway 53 to Cameron, Wis.; thence over U. S. Highway 8 to Minneapolis, Minn.; thence over U. S. Highway 52 to Fargo, N. Dak.; thence over U. S. Highway 10 to Billings, and return over the same route.

No. MC-66808 (Deviation No. 1), POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions,

tions, over a deviation route, between Tulsa, Okla., and Joplin, Mo., as follows: from Tulsa over the Will Rogers Turnpike to Joplin and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Joplin, Mo., over U. S. Highway 66.

No. MC-66808 (Deviation No. 2), POWELL BROS. TRUCK LINES, INC., P. O. Box 269, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route between Springfield, Mo., and Junction Alternate U. S. Highway 71 and U. S. Highway 60, as follows: from Springfield over U. S. Highway 60 to junction U. S. Highway 60 and Alternate U. S. Highway 71 approximately 4 miles east of Neosho, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Springfield, Mo., and Junction Alternate U. S. Highway 71 and U. S. Highway 60 over the following route: from Springfield over U. S. Highway 66 to Carthage, thence over Alternate U. S. Highway 71 to junction U. S. Highway 60 approximately 4 miles east of Neosho, and return over the same route.

No. MC-89913 (Deviation No. 1), FRISCO TRANSPORTATION COMPANY, 351 North Main Street, Springfield, Mo., filed July 22, 1957. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route between Joplin, Mo., and Tulsa, Okla., as follows: from Joplin over the Will Rogers Turnpike to Tulsa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Joplin, Mo., and Tulsa, Okla., over U. S. Highway 66.

MOTOR CARRIERS OF PASSENGERS

No. MC-2661 (Deviation No. 1), INDIAN TRAILS, INC., 119 South Washington Street, Owosso, Mich., accepted for filing July 15, 1957. Carrier proposes to operate as a common carrier by motor vehicle of passengers over three deviation routes as follows: (a) between junction U. S. Highway 31 and Indiana Turnpike and Chicago, Ill., over the Indiana Turnpike; (b) between junction Indiana Highway 39 and U. S. Highway 20, and junction Indiana Highway 39 and Indiana Turnpike, over Indiana Highway 39; and (c) between junction U. S. Highway 12 and Indiana Highway 212, and junction U. S. Highway 20 and Indiana Highway 212, over Indiana Highway 212 and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Port Austin over Michigan Highway 25 via Caseville and Unionville, Mich., to

Bay City, Mich., thence over U. S. Highway 23 to Flint, Mich., thence over Michigan Highway 78 via Perry and Charlotte, Mich., to Battle Creek, Mich., and thence over U. S. Highway 12 via Kalamazoo, Mich., and Michigan City, Ind., to Chicago; from Chicago over U. S. Highway 20 via Rolling Prairie, Ind., to South Bend, Ind., thence over U. S. Highway 31 to Niles, Mich., and thence over Michigan Highway 40 to junction U. S. Highway 12; from South Bend over Indiana Highway 2 to junction U. S. S. Highway 20 near Rolling Prairie; from Michigan City over Indiana Highway 29 to junction U. S. Highway 20; and return over the same routes.

No. MC-109598 (Deviation No. 1), CAROLINA SCENIC STAGES, P. O. Box 767, Spartanburg, S. C., filed July 18, 1957. Carrier proposes to operate as a common carrier of motor vehicle of passengers over two deviation routes: (A) between Spartanburg, S. C., and Greenville, S. C. as follows: from Spartanburg over U. S. Highway 29A to Lyman, thence over U. S. Highway 29 to Greenville; (B) between Chester, S. C., and Winnsboro, S. C. as follows: from Chester over U. S. Highway 321 to Winnsboro; and return over these routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: from Spartanburg over U. S. Highway 29 to junction unnumbered South Carolina Highway east of Jackson Mill, thence over unnumbered highway via Jackson Mill to Lyman, South Carolina, thence over South Carolina Highway 292 to Duncan, S. C., and then over South Carolina Highway 290 to Greer, S. C., thence from Greer, S. C. to Greenville, S. C. over South Carolina Highways 94, 291, 23-24 and U. S. Highway 29; from Chester, S. C. over U. S. Highway 321 and South Carolina Highways 22, 16 and 38 to Winnsboro; and return over these routes.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6215; Filed, July 30, 1957;
8:47 a.m.]

FOURTH-SECTION APPLICATIONS FOR
RELIEF

JULY 26, 1957.

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. 34064: Cement—Hannibal, Mo., to trunk line and New England territories. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, common, hydraulic, masonry, mortar, natural or portland, carloads from Hannibal, Mo., to specified points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, and Rhode Island.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariff: Supplement 83 to Agent Hinsch's tariff I. C. C. 3826.

FSA No. 34065: Substituted service—motor-rail-motor, M-K-T lines. Filed by Middlewest Motor Freight Bureau, Agent, for interested rail carriers and the Jones Truck Lines, Inc. Rates on freight of various kinds, loaded in motor-truck trailers and transported on railroad flat cars between St. Louis, Mo., and Fort Worth, Tex., also between Kansas City, Kans., and Fort Worth, Tex.

Grounds for relief: Motor truck competition.

Tariff: Supplement 58 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

FSA No. 34066: Petroleum and products—Kansas and Missouri to Kansas points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from specified points in Kansas and Missouri to specified points in Kansas.

Grounds for relief: Short-line distance formula, motor-truck-competition, and circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. A-4208.

FSA No. 34068: Lime—Davenport and Linwood, Iowa to central territory. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on lime, common, hydrated, quick or slacked, carloads from Davenport and Linwood, Iowa to specified points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 31 to Agent Hinsch's tariff I. C. C. 4397.

FSA No. 34069: Paper and articles—Merrill, Wis., to southwestern points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from Merrill, Wis., to points in southwestern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 48 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 34070: Tin plate—St. Louis, Mo., group to Texas points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on tin plate, terne plate, and tin-mill black plate, carloads from St. Louis, Mo., and East St. Louis, Ill., to Beaumont, Houston, Port Arthur, West Port Arthur, Arlington, Dallas, and Farmers Branch, Tex.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 123 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 34071: Silica gel and silica gel catalyst—Cincinnati, Ohio, to Texas points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica gel and silica gel catalyst, carloads from Cincinnati, Ohio to points in Texas.

Grounds for relief: Circuitous routes.

Tariff: Supplement 204 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 34072: Barytes—Arkansas and Missouri points to Louisiana points. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite

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(barytes) ground, carloads from Butterfield, Malvern, National, Ark., Cadet, Fountain Farm, Mineral Point, Potosi, Tiff, Vineland, and Valles Mines, Mo., to Rose Bluff and West Lake Charles, La.

Grounds for relief: Maintenance of rates same as to Lake Charles, La., and circuitous routes.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 4092.

FSA No. 34073: *Grain and products—Arkansas and Missouri to Texas*. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, carloads from specified points in Arkansas and Missouri to specified points in Texas on the Kansas City Southern Railway Company.

Grounds for relief: Circuitous routes. Tariff: Supplement 12 to Agent Kratzmeir's tariff I. C. C. 4238.

AGGREGATE OF INTERMEDIATES

FSA No. 34067: *Scrap iron—Cleveland, Ohio to Donora, Pa., group*. Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on scrap iron, carloads from Cleveland, Ohio to Donora and Donora (Baird), Pa.

Grounds for relief: Maintenance of rates without observance in construction combination rates from or to points beyond the above named points.

Tariffs: Supplement 6 to Baltimore and Ohio Ry. Company's tariff I. C. C. 24355 and four other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-6213; Filed, July 30, 1957;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-174]

UNKNOWN NATIONALS OF RUMANIA

In re: Debts owned by unknown nationals of Rumania; F-27-7312.

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

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, arising out of an account entitled, "Credit Lyonnais, Old Account, Geneva, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by nationals of Rumania, names unknown, as defined in said Executive Order 8389, as amended.

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

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

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

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

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

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

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

[F. R. Doc. 57-6181; Filed, July 29, 1957;
8:47 a. m.]

[Vesting Order SA-176]

CENTRAL CORPORATION OF BANKING COMPANIES

In re: Debt owing to Central Corporation of Banking Companies; F-34-76.

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

1. That the property described as follows: That certain debt or other obligation of The First National Bank of Boston, Boston 6, Massachusetts, arising out of an account entitled, "Central Corporation of Banking Companies, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with

Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Central Corporation of Banking Companies, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

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

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

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

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

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

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

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

[F. R. Doc. 57-6183; Filed, July 29, 1957;
8:48 a. m.]

[Vesting Order SA-177]

CENTRAL CORPORATION OF BANKING COMPANIES

In re: Debt owing to Central Corporation of Banking Companies; F-34-76.

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

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15,

New York, arising out of an account entitled, "Central Corporation of Banking Companies," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Central Corporation of Banking Companies, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

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

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accord-

ance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

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

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

Any payment, conveyance, transfer, assignment, or delivery of property made to the

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

Executed at Washington, D. C., on July 23, 1957.

For the Attorney General.

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

[F. R. Doc. 57-6184; Filed, July 29, 1957;
8:48 a. m.]

