TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1958-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

This bulletin (hereinafter called subpart) contains regulations of general nature which will be applicable with respect to 1958 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service referred to in this subpart and supplements thereto as CCC and CSS respectively.

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are applicable.

Sec. 421.3001 Administration.

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§ 421.3001 Administration. The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in any program should contact their county office through which price support documents will be distributed. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.3002 Commodity covered by this subpart. The provisions of this subpart shall apply to 1958 price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1958 price support program for which a commodity supplement to this subpart is issued.

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Any such commodities (except flaxseed) produced in violation of restrictive leases on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Water Act of 1954 shall not be eligible for price support.

§ 421.3003 Methods of price support. This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular method to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.3004 Disbursement of loans. Disbursement of loans will be made to producers by financial institutions under separate regulations published in the Federal Register, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the Executive Vice President, CCC. Disbursements shall be made not later than the maturity date due to the commodity when, with the prior approval of the county committee, the producer pays a farm-storage loan, transfers the commodity to an approved warehouse, and obtains a warehouse-storage loan on the same commodity. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall be completely reimbursed for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the loan shall be promptly refunded by the producer.

§ 421.3005 Financial institutions. As used in this subpart, a financial institution is a commercial bank which accepts demand deposits, a savings association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 421.3006 Approved storage. Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) Farm-storage. Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee within the specifications, if any, prescribed in the applicable commodity supplement to this subpart, unless substantial and permanent construction is added to afford storage of the commodity.

(b) Warehouse-storage. Approved warehouse storage shall consist of (1) public warehouses for which a CCC uniform storage agreement, for the commodity is in effect and which are approved by CCC for price support purposes, or (2) warehouses operated by Eastern commodity warehouses approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CCC commodity offices or State and county offices.

§ 421.3007 Applicable forms and requirements. (a) Farm-storage loans. Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement, secured by Commodity Chattel Mortgage, Commodity Delivery Notice issued by the county office, and such other forms and documents as may be required by CCC.

(b) Warehouse-storage loans. Applicable forms shall consist of the Producer's Note and Loan Agreement and such other forms and documents as may be required by CCC.

(c) Purchase agreements. Applicable forms shall consist of the Purchase Agreement and Purchase Agreement Set­tlement signed by the producer and approved by the county office manager, the Commodity Delivery Notice issued by the county office, and such other forms and documents as may be required by CCC.

(d) Warehouse receipts. The form in which warehouse receipts shall be submitted will be in the form commodity supplement to this subpart.

(e) Other requirements. Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgage, and Producer's Note and Loan Agree­ments, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustees, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement, must be stored in the same warehouse. Farm­storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except (1) where the county committee has determined a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan and (2) where the producer applies for a loan on part of the commodity and a purchase agreement on the remaining quantity of the commodity stored com­mingled in the same bin or crib. Approval of a loan on part of the commodity stored in a bin or crib as provided in subparagraph (1) or (2) of this paragraph shall not be granted in the event the State committee has determined on a Statewide basis that such partial loans shall not be made.

§ 421.3008 Liens. If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds.

§ 421.3009 Service charges. (a) Pro­ducers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement form (Commodity Purchase Form 1) is completed. Such service charges shall be equal to the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of 100 pounds.

<table>
<thead>
<tr>
<th>Service Charges</th>
<th>Per Bushel</th>
<th>Per 100 Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>Farm-storage</td>
<td>1.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Warehouse-storage</td>
<td>1.50</td>
<td>15.00</td>
</tr>
</tbody>
</table>

1 Except where State committees are authorized to charge such fees for such loans.
2 Except where the production credit association tenders the commodity to an approved warehouse, in which case credit shall be paid on any additional service charge collected at the time the purchase agreement is signed.
3 Except where the warehouse is located on the county debt register, the rate shown in column (2) is not less than the rate shown in column (3).
4 In the case of farm-storage loans and warehouse-storage loans, the production credit association may charge service charges on the quantity of the commodity commingled as provided in paragraph (a) of this section at the time the producer applies for a loan.

(c) No refund of service charges will be made except if the amount collected is in excess of the correct amount.

§ 421.3010 Set-offs. If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are due and unpaid, then such sum may be set off and applied against the indebtedness or installments, but not to exceed the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consid
eration after claims of prior lienholders. Where the producer has an outstanding loan(s), made under the Farm Storage Facility Loan Program, the balance of the producer's facility loan installment or mobile drying equipment loan installment which is due and payable when the storage unit is removed, plus any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.3011 Interest rate. Loans shall bear interest at the rate of 5 1/2 percent per annum from the date of disbursements, but in no event shall interest be charged on any portion of the amount of the loan represented by one warehouse receipt. The deficiency shall bear interest at the rate of 6 percent per annum from the date of disbursement of the funds.

§ 421.3012 Transfer of producer's interest—(a) Warehouse-storage loans. The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall any one acquire such interest or right. Warehouse receipts will be released only to the authority of the holder of the note, as provided in § 421.3017.

(b) Farm-storage loans. The producer shall not transfer either his remaining interest in or his right to redeem a commodity placed under a farm-storage loan; however, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without the fault, neglect, or any conversion or unlawful disposition of the producer, or any other person having control of the storage structure; (b) the physical loss or damage was not solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other acts of God; (c) the producer shall have given the county office, in writing, immediate notice confirmed in writing of such loss or damage. The producer may make no fraudulent representation in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 5 1/2 percent per annum from the date of disbursement of the loan.

The producer may obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the warehouse mortgage or mortgage supplement is less than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county office in the event the State committee has determined that the partial redemption of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the warehouse mortgage or mortgage supplement is less than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office.

§ 421.3016 Personal liability of the producer. The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or any conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under Federal law and shall render the holder of the note personally liable for the amount of the deficiency (as provided in § 421.3011), for any additional amounts paid to the producer on the commodity, and for any resulting expense incurred by any holder of the note or any deficiency remaining due in the event the producer has made any such fraudulent representation, wilful conversion or unlawful disposition, the value of the commodity or part thereof delivered to the holder of the note or any part of the commodity condemned shall be the market value on the date of delivery or removal, as determined by such holder in the case of farm-storage loans and shall be the market value on the date of condemnation for warehouse-storage loans. Irrespective of the provisions of the Producer's Note and Supplemental Loan Agreement, if the conversion is determined by CCC not to have been willful, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder shall be the settlement value as determined under the provisions of the commodity supplement. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC. In the event the deficiency is determined not to be willful, the purchase agreement exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.3017 Release of the commodity under a farm-storage loan. A producer may at any time obtain release of the commodity remaining under loan by paying to CCC the principal amount of the note, plus charges and accrued interest; however, in the event the quantity of the commodity covered by the warehouse mortgage or mortgage supplement is less than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county office in the event the State committee has determined that the partial redemption of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the warehouse mortgage or mortgage supplement is less than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county office in the event the State committee has determined that the partial redemption of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the warehouse mortgage or mortgage supplement is less than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county office.
be made within 30 days prior to redemption of warehouse receipts by repayment.

§ 421.3018 Liquidation of loans and delivery under purchase agreements—

(a) Farm-storage loans. (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the office. If, prior to maturity, the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, choose as a right, and retain the commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If, either before or after maturity, the commodity may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the grade, quality and quantity determined by the county committee, in accordance with the provisions of the Producer’s Note and Supplemental Loan Agreement and applicable commodity supplement. Deliveries of commodities in bulk where these are accepted by the county committee may be delivered not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will give notice in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement or such other date as may be prescribed by the Executive Vice President, CCC.

(2) Provisions for the inspection, delivery and settlement on commodities under purchase agreements will be contained in the commodity supplements to this subpart.

(d) Payments and collections: amounts not exceeding $3.00. To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies not including interest, may be disregarded unless demand for payment is made by CCC.

§ 421.3019 Foreclosure. If the loan (i.e. the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from warehouse storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from the warehouse storage. The commodity, once removed, shall end on the loan maturity date and the period of the unearned interest thereon shall be paid to CCC, except as provided in § 421.3015, and may be set off against any payment which would otherwise be due to the producer. The program administered by the Secretary of Agriculture or any other payment which are due or may become due for the period, either by separate contract or by separate agreement, or the other agency of the United States.

§ 421.3020 CSS commodity offices. The CSS commodity offices and the areas served by them are shown below.
RULES AND REGULATIONS


Dallas 7, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 500 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 5, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.


Issued this 17th day of April 1958.

(Seal) CLARENCE D. PALMY, Acting Executive Vice President.

Commodity Credit Corporation.

[F. R. Doc. 54-3003; Filed, Apr. 22, 1958; 8:48 a.m.]

TITLE 7—AGRICULTURE

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

Subchapter A—Commodity Standards and Standard Container Regulations

PART 29—TOBACCO INSPECTION

MISCELLANEOUS AMENDMENTS

A notice of proposed amendment to the regulations governing the inspection of tobacco (7 CFR Part 29) was published in the Federal Register on March 27, 1958 (23 F. R. 2027) and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith.

After consideration of all relevant material presented and the notice of rule making, the amendments hereafter set forth are hereby promulgated, to become effective 30 days after publication in the Federal Register.

The amendments are as follows:


2. Amend grades A1F, A1R, A2F, and A2R set forth in § 29.301 to read as follows:

   A1F Choice Quality Wrapper in Orange Color. Very silky, fine texture, elastic, very oily, medium to heavy body, otherwise same as A1F.

   A2F Fine Quality Wrapper Pickers in Orange Color. Rich in oil, heavy body, otherwise same as A1F.


4. Amend grades B2L, B3L, B4K, B5K, and B6K set forth in § 29.302 to read as follows:


   B3L Good Quality Leaf in Lemon Color. Fairly smooth, fairly elastic, medium, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 16" long. Tolerance, 15 percent injury.

   B4K Fair Quality Variegated Leaf. Average quality of B4 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.

   B5K Low Quality Variegated Leaf. Average quality of B5 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.

   B6K Poor Quality Leaf. Average quality of B6 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.

5. Following grade B3R in § 29.302 insert three new grades, B3D, B3K, and B3G, to read as follows:

   B3D Good Quality Leaf in Dun or Walnut Color. Medium to heavy body, fairly open weave, clear finish, similar, over 16" long. Tolerance, 15 percent injury.

   B3K Good Quality Variegated Leaf. Average quality of B4 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.

   B3G Good Quality Leaf in Green Color. Quality of B4, except maturity.


9. Amend § 29.311 to read as follows:

   § 29.311 Batched. Any lot of unstocked tobacco offered for inspection which has not been sorted or graded in a manner which is customary in the type district, or any tobacco which does not reasonably conform to the common and accepted practices in the type districts of preparing tobacco for market, including: (a) Extreme mixtures, such as Lugs and Frimings intermingled with Leaf, or Brios with orange colored tobacco intermingled with Leaf; (b) any tobacco in which the heads of a tobacco of inferior grade, quality, or condition from the tobacco in the top or upper layers.

10. Delete § 29.313.

11. Delete § 29.322 and substitute therefor the following:

   § 29.328 Greenish or unripe. Tobacco of the B, C, and X groups which is sickly or starchy, or has a greenish cast indicating a low degree of maturity, will be designated by the use of a special factor symbol following the grade.

12. Delete § 29.335 and substitute therefor the following:

   § 29.335 Light red. An intermediate shade of red, which includes the dark side of the F color and the light side of the R color. Light red is designated by the use of a special factor symbol.

13. Amend § 29.338 to read as follows:

   § 29.338 Nested. Any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobaccos of inferior grade, quality, or condition. Specifically, nested shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign material in the heads, or which contains foreign material in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the inside of the hands, or which contains wet tobacco or tobacco of relatively low quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds to such an extent that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

14. Amend § 29.339 to read as follows:

   § 29.339 Nondescript (N). Except as may be designated by a special factor, nondescript shall include: (a) Any tobacco which does not meet the minimum quality specifications of any tobacco of any other group; (b) any wet, semieared, or unsound tobacco; or (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more.

15. Amend § 29.340 to read as follows:

   § 29.340 Offtype. Any tobacco which cannot be properly classified in any grade of the type normally sold on the markets of a given type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established
16. Amend § 29.354 to read as follows:

§ 29.354 Smoking-leaf (H). A subgroup of leaf: Composed of relatively thin, nonelastic, very ripe to mellow, very grainy, and porous leaves; being low in oil; having prominent ribs (considering the rib size in relation to the thickness of the leaf); and characterized by a somewhat duller finish than the corresponding colors of the leaf group. Some of the lower grades of smoking-leaf have a considerable amount of injury of the kind normally found in very grainy or overripe tobacco.

17. Amend § 29.370 to read as follows:

§ 29.370 Variegated (K). Having a diversity of contrasting colors or tints within a leaf; or leaves which have in part distinctly gray, mottled, bleached, stained, or dotty-faced; or leaves which have or have been badly discolored in the curing process by scalding, scorching, et cetera; or leaves which do not blend with the normal colors of lemon, orange, red, walnut, or green established for the type. Any lot of tobacco containing 30 percent or more of such leaves is classified as variegated.

18. Amend § 29.396 to read as follows:

§ 29.396 Rule 12. All qualities of leaf in L, F, R, and K colors which have the characteristics of smoking-leaf shall be made a subgroup of leaf by substituting the letter "H" for the group letter "F" in the grade symbol.

(61 Stat. 734, as amended; 7 U.S.C. 161a) Issued at Washington, D. C., this 18th day of April, 1958.


[F. R. Doc. 58-3001; Filed, Apr. 22, 1958; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[F. P. C. 577, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BERBERIS, MAHONERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38-5 of the regulations (7 CFR 301.30-5, as amended, 22 F. R. 2655; cf. 22 F. R. 2709) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR 301.38) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161 and 162), the Director of the Plant Pest Control Division hereby revises the Administrative Instructions in § 301.38-5a of said regulations (22 F. R. 1883) to read as follows:

§ 301.38-5a Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants. (a) The Director of the Division, upon the basis of data supplied to him by the Plant Pest Control Division, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:

Berberis arido-calida.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candida.
B. cavallieri.
B. chenaultii.
B. circumserata.
B. concinna.
B. coxii.
B. darwinii.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepainii.
B. gigliana.
B. gladwynensis.
B. glaucophylla.
B. griffithii.
B. haematodes.
B. hybrida-gagnepainii.
B. insuliana.
B. jullana.
B. koreana.
B. lempergiana.
B. lepida.
B. linearifolia.
B. linearifolia var. Orange King.
B. laionopos.
B. manzanita.
B. mentorensis.
B. micrantha.
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RULES AND REGULATIONS

I. Paragraph (j) of § 9.5a Authority of Regional Commissioners is amended to read as follows:

(j) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extensions of their temporary stay, as provided in section 214 of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214m, inclusive, of this chapter.

2. Paragraph (f) of § 8.11 Motion to reopen or reconsider is amended by deleting the words “as provided in §§ 292.11 and 292.12 of this chapter” and inserting in lieu thereof the words “as provided in Part 292 of this chapter”.

3. Paragraph (j) of § 9.5a Authority of Regional Commissioners is amended to read as follows:

(j) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extensions of their temporary stay, as provided in section 214 of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214m, inclusive, of this chapter.

Dated: April 14, 1958.

WILLIAM P. ROGERS,
Attorney General.

Recommended: April 8, 1958.

J. M. Swing,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 58-3013; Filed, Apr. 22, 1958; 8:50 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; POLICE

1. The last sentence of § 212.3 Applications for the exercise of discretion under section 212 (c) is amended by deleting the reference “§ 236.15” and inserting the reference “§ 236.5 (b)” in lieu thereof.

2. The penultimate sentence of § 212.4 Applications for the exercise of discretion under section 212 (d) (3) is amended by deleting the reference “§ 236.15” and inserting the reference “§ 236.5 (b)” in lieu thereof.

2a. Paragraph (b) of § 212.7 Waiver of certain grounds of inadmissibility is amended to read as follows:

(b) An alien who is excludable and seeks a waiver under section 6 of the act of September 11, 1957, shall file an application on Form I-601 at the consular office considering the application for a visa, and shall submit:

(1) A statement from a State, territorial, or local health officer, or from the district or a physician staff member of a hospital recognized by the United States Public Health Service as an institution for the treatment of tuberculosis, agreeing (i) to supply any treatment and observation required for proper management of the alien's condition, in conformity with accepted local standard...
final disposition of the case. In each necessary X-ray films, and a report of medical evaluation of the alien, including the address of the hospital where the services will be provided and shall state that the alien will be given care on an inpatient or outpatient basis when necessary after his arrival at such hospital.

(2) An affidavit from a sponsor or other responsible individual that financial arrangements for the alien's care will be provided and shall state that the alien will be given care on an inpatient or outpatient basis.

(3) Assurance that upon admission into the United States he will go direct to the specified hospital; will submit to the examination and objection to evidence against him, and to cross-examine other witnesses.

(4) Assurance that he will comply with the provisions of "Sanitary Measures for Travel of Aliens with Tuberculosis," a copy of which is to be furnished to him.

(P. 103, 66 Stat. 173; 8 U.S.C. 1103)

PART 214—ADMISSION OF NONINMIGRANTS: EXCHANGE ALIENS

Section 214(2) is amended to read as follows:

§ 214.2 Limitation as to time for which alien may be admitted. An alien applying for admission as a nonimmigrant under section 211 of the United States Information and Educational Exchange Act of 1948, as amended, whose visa by its own terms indicates that it was issued under that section, and who is otherwise admissible to the United States, may be admitted for the period specified in the Form DSP-56 presented by him at the port of entry, but not to exceed one year.

(P. 103, 66 Stat. 173; 8 U.S.C. 1103)

PART 235A—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

The second sentence of § 235a.11 DISPOSITION OF CASE is amended by deleting the reference "§ 236.13(c)" and inserting the reference "§ 236.13(d)" in lieu thereof.

(P. 103, 66 Stat. 172; 8 U.S.C. 1103)

PART 236—EXCLUSION OF ALIENS

Part 236 is amended to read as follows:

Sec. 236.1 Authority of special inquiry officers.
236.2 Decision of the special inquiry officer; notice to the applicant.
236.3 Decision of the special inquiry officer; notice to the applicant.
(P. 103, 66 Stat. 178; 8 U.S.C. 1103)

PART 236—ADJUSTMENT OF STATES OF NONINMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

The last sentence of § 235.3 Medical examination is amended by deleting the reference "§ 236.13(c)" and inserting the reference "§ 236.13(d)" in lieu thereof.

(P. 103, 66 Stat. 178; 8 U.S.C. 1103)
PART 245a—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953, AS AMENDED

1. The last sentence of § 245a.4 Medical examination is amended by deleting the reference “§ 236.15 (a)” and inserting the reference “§ 236.15 (c)” in lieu thereof.

2. The first and third sentences of paragraph (b) Application denied; further action of § 245a.11 Disposition of case are amended by deleting the words “pursuant to §§ 292.11 and 292.12 of this chapter” and “pursuant to § 292.12 of this chapter”, respectively, and inserting in lieu thereof the words “as provided in Part 292 of this chapter”.

(Sec. 105, 66 Stat. 173; 8 U.S.C. 1103)

PART 292—REPRESENTATION AND APPEARANCES

Part 292—Enrollment and Disbarment of Attorneys and Representatives is amended to read as follows:

Sec. 292.1 Representation of others.

292.2 Requests for organizations by recognition.

292.3 Suspension or disbarment.

292.4 Appearances.

292.5 Service upon and action by attorney or representative of record.

Authority: §§ 292.1 to 292.5 issued under sec. 292.1(a)(14) of this chapter. Interpret or apply sec. 292.6, 66 Stat. 233; 8 U.S.C. 1103.

§ 292.1 Representation of others—(a) Attorneys in the United States. Any attorney, as defined in § 1.1(a)(3) of this chapter, may represent persons before the Service and the Board.

(b) Reputable individuals. When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, and files a written declaration to that effect, if such representation is permitted by a regional or district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

(c) Accredited representatives. A person may be represented by an accredited representative of an organization described in § 1.1(a)(14) of this chapter.

(d) Accredited officials. An alien may be represented by an accredited official in the United States, as defined in § 1.1(a)(14) of this chapter, residing outside the United States and licensed to practice law and in good standing in a country to which he is accredited.

(e) Accredited representatives. An attorney, other than one described in § 1.1(a)(3) of this chapter, residing outside the United States and licensed to practice law and in good standing in a country to which he resides, and who is engaged in such practice, may be permitted by a regional commissioner, district director, officer in charge, the Commissioner, or the Board to be heard. The regional commissioner and district director are authorized to withhold granting permission to be heard before an officer under their jurisdiction and may refer the request to the Board for its decision.

RULES AND REGULATIONS

(f) Amicus curiae. A person desiring to be heard as amicus curiae shall apply therefor to the Board. The Board may grant such application if in the public interest to do so.

(g) Former employees. A person previously employed by the Department of Justice is not permitted to practice in a case in which he participated during the period of his employment.

(h) Persons formerly authorized to practice. A person, other than a representative of an organization described in § 1.1(a)(14) of this chapter, who on December 23, 1952, was authorized to practice before the Service and the Board, may continue to represent, subject to the provisions of § 292.3.

§ 292.2 Requests by organizations for recognition—(a) Form G-27. A request for recognition by an organization described in § 1.1(a)(14) of this chapter shall be filed on Form G-27 with the regional or district director, officer in charge, the Commissioner for transmittal to the Board, or with the Board. The Board may require such additional information or investigation as may be necessary before approving or denying the request. The organization will be advised of the action taken by the Board.

(b) Accreditation. An organization described in § 1.1(a)(14) of this chapter may certify as its accredited representatives only persons who are citizens of the United States and are of good moral character. Certificates may be filed with a regional or district director, officer in charge, the Commissioner, for transmittal to the Board, or with the Board. The Board may require such additional information or investigation as may be necessary before approving or denying the request. The organization will be advised of the action taken by the Board.

§ 292.3 Suspension or disbarment—(a) Grounds. The Board, with the approval of the Attorney General, may suspend or bar from further representation an attorney or representative if it shall find that it is in the public interest to do so.

(b) Suspension or disbarment of an attorney. An attorney who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of the following categories does not establish the exclusive grounds for suspension or disbarment in the public interest:

1. Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed, or who, being an accredited representative of an organization described in § 1.1(a)(14) of this chapter, charges or receives either directly or indirectly any fee or compensation for services rendered to any person, except that an accredited representative of such organization may be regularly compensated by the organization of which he is an accredited representative;

2. Who, with intent to defraud or deceive principal or client, or by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

3. Who willfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

4. Who willfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

5. Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

6. Who represents, as an associate, any person who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

7. Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

8. Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred, from practice in a representative capacity before any executive department, territorial, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

9. Who, by use of his name, personal appearance, or any device, alds and abets any person to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

10. Who willfully made false and material statements or representations with respect to his qualifications or authority to represent others in any case;

11. Who engages in contemptuous or otherwise obnoxious conduct, with respect to a case in which he acts in a representative capacity, in which the opinion of the Board, would constitute cause for suspension or disbarment if the case was pending before a court or which, in such a judicial proceeding, would constitute a contempt of court;

12. Who, having been furnished with a copy of any portion of the record in a case, willfully fails to surrender such
copy upon final disposition of the case or
upon demand, or willfully and without
authorization makes and retains a copy of
the material furnished; or
(13) Who has been convicted of a
delinquency, or, having been convicted of any
crimes in the United States, is not subject
to deportation for a term of more than one year.

(b) Procedure. If an investigation es-
establishes to the satisfaction of the re-
gional commissioner that suspension or
disbarment or proerformance thereof has
occurred, he shall cause a copy of the written
charges to be served upon the attorney or
representative, either personally or by
registered mail, with notice to show cause
within a specified time, not less than 30
days, why he should not be suspended or
disbarred. The notice shall also advise
that after answer has been made and
the matter is at issue, a hearing before
the Board with his recommendation. The
commissioner, by the service officer
who shall preside and the officer who
shall present the evidence. If an an-
cer who shall preside and the officer who
will be surrendered upon final disposition.

§ 292.5 Service upon and action by
attorney or representative of record—(a)
Representative capacity. Whenever a
person is required by any of the provi-
sions of this chapter to give or be given
notice, he shall be given such notice by
personal service or by certified or regis-
ted mail upon the attorney or repre-
sentative of record.

(b) Right to representation. When-
ever an examination is provided for
this chapter, the person involved shall have
the right to be represented by an
attorney or representative who shall be
permitted to examine or cross-examine
such person and witnesses, to introduce
evidence, to make objections which shall
be stated succinctly and entered on the
record, and to submit briefs.

PART 290—IMMIGRATION FORMS

The references to Forms G-27 and I-99
in the list of forms in § 290.1 Prescribed
forms are amended to read as follows:

Form No. Title and Description

G-27 Request for recognition to repre-
sent before the Board of Immigration
Appeals and the Immigration and Natural-
ization Service.

I-90 Application to replace alien registra-
tion receipt document.

(See 103.66 Stat. 173; 8 U.S.C. 1103)

PART 324—SPECIFIC CLASSES OF PERSONS
WHO MAY BE NATURALIZED: WOMEN
WHO HAVE LOST UNITED STATES CI-
TIZENSHIP BY MARRIAGE

Section 324.14 is added to read as follows:

§ 324.14 Former citizen of the United
States whose naturalization by taking
the oath is authorized by a private law.
A former citizen of the United States
who was naturalized by taking the oath
prescribed in section 337 of the Immigration
and Nationality Act before any naturali-
sation court is authorized by a private
law shall submit to the Service a pre-
liminary application on Form N-401.
The application to the court shall be
made on Form N-408, in triplicate,
sumitted as set forth in § 324.13 of
this notice. Each copy shall bear a
number which may be attached to Form N-408.
The provisions of § 324.12 relating to fees and
the disposition of Form N-408 apply
equally to a proceeding under this
section.

(See 103.66 Stat. 173; 8 U.S.C. 1103)

PART 332—PRELIMINARY INVESTIGATION
APPLICANTS FOR NATURALIZATION
AND WITNESSES

The third sentence of paragraph (a)
Scope of investigation of § 332.11 In-
vestigation preliminary to filing petition
for naturalization of § 332.11 of this
chapter is revised to read as follows:

"During the interrogation of the
applicant and at his request, his attorney,
or representative who has filed an ap-
pearance in accordance with Part 292 of
this chapter may be permitted to be
present and observe the interrogation
and make notes without otherwise par-
ticipating therein."

(See 103.66 Stat. 173; 8 U.S.C. 1103)

PART 332a—OFFICIAL FORMS

Section 332a.13 Alteration of forms of
petitions or applications for naturaliza-
tion is amended by the addition of para-
graph (g) reading as follows:

(g) Naturalization authorized by pri-
ivate law. Whenever Form N-408 is filed
pursuant to § 324.14 of this chapter, the
form shall be amended by inserting the
words "Under Private Law Number
...... Congress' under the title in lieu of
the printed matter set forth thereunder;
by replacing averment 7 with an allega-
tion indicating the manner in which
United States citizenship was lost, by
substituting the words "as indicated in
averment 7 for the words "by marriage"
which appear in averment 8; by deleting
averment 10; and by changing the
period at the end of averment 11 to a
comma and adding "pursuant to Private
Law Number ...... Congress, a copy
of which is attached to this application."

(See 103.66 Stat. 173; 8 U.S.C. 1103)

PART 335—PRELIMINARY EXAMINATION
ON PETITIONS FOR NATURALIZATION

The first sentence of paragraph (g)
Repeal or suspension of or for new natu-
ralization or for new naturalization or
registration; absence of representative; ad-
vice to petitioner of § 335.11 Preliminary ex-
amination pursuant to section 335 (b)
of the Immigration and Nationality Act is
amended to read as follows: "The peti-
tioner may be represented by an attorney
or representative who has filed an
appearance in accordance with Part 292
of this chapter.

(See 103.66 Stat. 173; 8 U.S.C. 1103)

PART 343a—NATURALIZATION AND CITIZEN-
SHIP PAPERS LOST, MUTILATED, OR
DESTROYED; NEW CERTIFICATE IN CHANGED NAME;
CERTIFIED COPY OF REPATRIATION PROCEEDINGS

1. Section 343a.1 is amended to read as
follows:

§ 343a.1 Applications for replace-
ment of or for new naturalization or
citizenship paper—(a) Lost, mutilated,
or destroyed naturalization papers. A
person whose declaration of intention,
certificated of naturalization, citizenship, or repatriation, or whose certified copy of certificate of naturalization, or citizenship, thereof.

under section 324 (c) of the Immigration of proceedings under the act of June 25, 1940, or under section 324 (e) of the Immigration and Nationality Act, or under the provisions of any law, has been mutilated, or destroyed, shall apply on Form N-556 for a new paper in lieu thereof.

New certificate in changed name.

A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, shall apply on Form N-555 for a new certificate of naturalization, or of citizenship, in the changed name.

2. The first sentence of paragraph (e) New certified copy of repatriation proceedings issued of § 343a.11 Disposition of application is amended to read as follows: "If an application for a new certified copy of proceedings issued under the act of June 23, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (e) of the Immigration and Nationality Act, or under the provisions of any law, has been mutilated, or destroyed, shall apply on Form N-556 for a new paper in lieu thereof.

New certificate in changed name.

A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, shall apply on Form N-555 for a new certificate of naturalization, or of citizenship, in the changed name.

2. The first sentence of paragraph (e) New certified copy of repatriation proceedings issued of § 343a.11 Disposition of application is amended to read as follows: "If an application for a new certified copy of proceedings issued under the act of June 23, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (e) of the Immigration and Nationality Act, or under the provisions of any law, has been mutilated, or destroyed, shall apply on Form N-556 for a new paper in lieu thereof.


e. (c) Wild ruminants and wild swine from countries where foot-and-mouth disease or rinderpest exists. (1) Wild ruminants and wild swine originating in a country where foot-and-mouth disease or rinderpest exists shall be treated in this subchapter as countries in which foot-and-mouth disease or rinderpest exists may be carriers of such diseases even though the animals do not show clinical signs of disease or symptoms of disease, or evidence of these circumstances and in order to prevent the introduction and dissemination of foot-and-mouth disease or rinderpest and protect the livestock of the United States, permits for the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, and of wild swine, will be issued only if such animals are tended for exhibition purposes at the said zoological park previously approved by the Director of Division in accordance with the standards specified in subparagraph (2) of this paragraph and if the operator of such approved zoological park and the importer, if such operator and importer are different parties, have entered into the agreement set forth in subparagraph (3) of this paragraph for the maintenance and handling of such wild ruminants and wild swine in the manner specified in the agreement to prevent the introduction and dissemination of communicable diseases. For purposes of this paragraph "zoological park" means a zoo, park or other place maintained for exhibition of live animals for recreational or educational purposes. The New York port of entry is the only port at which facilities are available which are adequate for the quarantining of wild ruminants and wild swine. Accordingly, permits issued for the importation of such wild animals will require that the animals be imported through the port of New York and quarantined at that port. The Director of Division may cancel such a permit when he finds that any provision of this section or any other provision of the regulations has not been or is not being complied with.

2. Approval of a zoological park for exhibition purposes at the said zoological park, wild animals originating in a country where foot-and-mouth disease or rinderpest exists and subject to regulations contained in Part 92, Title 9, Code of Federal Regulations.

In making this request, it is understood that:

1. The animals for which an import permit is requested will be held in isolation at a port of entry in this country, approved by the Director of Division as a port having facilities which are adequate to observe provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 551 et seq.) and such provisions as may be applicable.

2. Shipment will be made direct from such port of embarkation to the port of New York as the port of entry in this country. If shipment is made by air, the animals will not be unloaded at any foreign port en route. If shipment is made by air, the animals will not be unloaded at any foreign port except at a port designated by the Director of Division as a port having facilities and inspection adequate for maintaining wild animals in isolation from other animals.

3. The animals will be slaughtered and the transporting vehicle, vessel or aircraft except those for which an import permit has been issued, shall be destroyed.

4. The animals will be slaughtered and the transporting vehicle, vessel or aircraft except those for which an import permit has been issued, shall be destroyed.
The amendment should be made effective promptly in order to safeguard the livestock of the United States against the introduction and dissemination of communicable diseases. Accordingly, the introduction and dissemination of livestock of the United States against the public interest, and good cause is found to come effective upon publication in the Federal Register.

The foregoing amendment shall become effective upon publication in the Federal Register.

Done at Washington, D.C., this 17th day of April 1958.

M. R. CLARKSON, Acting Administrator.

FEDERAL REGISTER

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—BANK HOLDING COMPANIES

SERVICES

"Services" under section 4 (c) (1) of Bank Holding Company Act

(a) Section 4 (c) (1) of the Bank Holding Company Act, among other things, exempts from the nonbanking diversion requirements of section 4 (a) of the act shares of a company engaged "solely in the business of furnishing services to or performing services for" its bank holding company or subsidiary banks thereof.

(b) The Board of Governors has had occasion to express opinions as to whether this section of law applies to the following two sets of facts:

(1) In the first case, Corporation X, a nonbanking subsidiary of a bank holding company (Holding Company A), was engaged in the business of purchasing installment paper suitable for investment by banking subsidiaries of Holding Company A. All installment paper purchased by Corporation X was sold by it to a bank which is a subsidiary of Holding Company A, without recourse, at a price equal to the cost of the installment paper to Corporation X, and with compensation to the latter based on the earnings from such paper remaining after certain reserves, expenses and charges. The compensation was based on the net profits from participation in such installment paper to the other affiliated banks of Holding Company A which desired to participate. Purchases by Corporation X consisted mainly of paper insured under Title I of the National Housing Act and, in addition, Corporation X purchased time payment contracts covering sales of appliances by dealers under contractual installment paper, obtained by the bank covering home improvements which was not insured. Pursuant to certain service agreements, Corporation X made all collections, enforced guarantees, filed suits for recovery, prepared loan closing documents, and performed other services for the affiliated banks. Also Corporation X rendered to banking subsidiaries of Holding Company A lending, underwriting, statistical, and advisory services such as payroll, life insurance and budget loan installment account.

(2) In the second case, Corporation Y, a nonbanking subsidiary of a bank holding company (Holding Company B, which was also a bank), solicited business on behalf of Holding Company B from dealers, throughout several adjoining or contiguous states, for the purpose of buying and selling installment contracts and did not discount or advance money for time sales obligations. Corporation Y investigated credit standings of purchasers obligated on time sale contracts to be acquired by Holding Company B. Corporation Y received the papers from the dealers and inspected such papers to see that they were in order, and transmitted to Holding Company B for its determination to purchase, including, in some cases, inspection fee paid by dealers to Corporation Y in order to facilitate their prompt receipt of payment for installation paper purchased by Holding Company B. Corporation Y made collections of delinquent paper or delinquent installments, which sometimes involved repossession and resale of the automobile or other property which secured the paper. Also, upon request of purchasers obligated on paper held by Holding Company B, Corporation Y transmitted installment payments to Holding Company B, Holding Company B reimbursed Corporation Y and Corporation Y paid out such payments. Corporation Y was performing the services mentioned above, including the salaries and wages of all Corporation Y officers and employees.

(c) While the term "services" is sometimes used in a broad and general sense, the legislative history of the Bank Holding Company Act indicates that in section 4 (c) (1) the word was meant to be somewhat more limited in its application. An early version of the bill specifically exempted companies engaged in serving the bank holding company and its subsidiary banks in "auditing, appraising, investment counseling". The statement that "few returnpersons never expressly mention any specific type of servicing activity for exemption. In recommending the change, the Senate Banking and Currency Committee stated that the statutory terms "are not confined to "furnishing services to or performing services for" but include any intangible activity for which there is a financial return". This legislative history and the context in which the term "services" is used in section 4 (c) (1) seem to suggest that the term was intended to refer to servicing operations which a bank could carry on itself, or under which the bank or its holding company chooses to have done through another corporation ("corporate subsidiaries and many others"). This legislative history and the context in which the term "services" is used in section 4 (c) (1) are to be distinguished from activities of a "financial, duality, or intangible nature", such as those which might be considered for possible exemption under section 4 (c) (6) of the act.

(d) With respect to the first set of facts, the Board of Governors expressed the opinion that certain of the activities of Corporation X, such as the accounting, statistical and advisory services referred to above, may be within the range of servicing operations contemplated by section 4 (c) (1), but that this would not appear to be the case with the main activity of Corporation X, which was the purchase of installment paper and the resale of such paper at cost, without recourse. It nevertheless seems evident that Congress intended such services to be types of activities generally comparable to those mentioned above from the early bill drafts. The Senate Report 1095, Part 2, p. 3. (The Senate Banking and Currency Committee indicated in their Report 1095, Part 2, p. 3. that the term "services" was intended to refer to servicing organizations, operations, preparing tax returns, personnel, and many others). This legislative history and the context in which the term "services" is used in section 4 (c) (1) seem to suggest that the term was intended to refer to servicing operations which a bank could carry on itself, or under which the bank or its holding company chooses to have done through another corporation for a fee. In the context of the exemption for "corporate subsidiaries and many others". This legislative history and the context in which the term "services" is used in section 4 (c) (1) are to be distinguished from activities of a "financial, duality, or intangible nature", such as those which might be considered for possible exemption under section 4 (c) (6) of the act.

(e) With respect to the second set of facts, the Board expressed the opinion that some of the activities engaged in by
Corporation Y were clearly within the range of servicing activities contemplated by section 4 (c) (1). There was some question as to whether or not some of the other activities of Corporation Y mentioned above could meet the test, but on balance, it seemed that all such activities probably were activities in which Holding Company B, which as already indicated was a bank, could itself engage, at the present locations of Corporation Y, without being engaged in the operation of bank branches at those locations. In the circumstances, while the question was not free from doubt, the Board expressed the opinion that the activities of Corporation Y were those of a company engaged "solely in the business of furnishing services to or performing services for" Holding Company B within the meaning of section 4 (c) (1) of the act, and that, accordingly, the control by Holding Company B of shares in Corporation Y was exempted under that section.

(Sec. 5 (b), 76 Stat. 137; 12 U. S. C. 1844)

Board of Governors of the Federal Reserve System,
[ssbl] S. R. Carpenter,
Secretary.

[F. R. Doc. 58-2997; Filed, Apr. 22, 1958; 3:47 a.m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1619]

[Fairbanks 219498]

ALASKA

Withdrawing Public Lands for Use of Bureau of Public Roads as an Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10335 of May 28, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1928, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation Nos. 69 and 205, is hereby revoked so far as it affects the following-described lands:

Gila and Salt River Meridian

T. 6 N. R. 2 E., Sec. 32, NW\textsuperscript{1/4} SE\textsuperscript{1/4}, T. 12 N., R. 1 E., Sec. 4, Lot. 11.

The areas described aggregate 61.21 acres.

2. The Executive Order of February 15, 1916, creating Public Water Reserve No. 31, Arizona No. 4, is hereby revoked so far as it affects the following-described lands:

Gila and Salt River Meridian

T. 7 N., R. 2 E., Sec. 5, N\textsuperscript{1/4} SE\textsuperscript{1/4}, SW\textsuperscript{1/4} SE\textsuperscript{1/4} and SE\textsuperscript{1/4}.

The areas described aggregate 280 acres.

3. The lands have been open to applications under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m., on August 21, 1958, will be considered as simultaneously filed at that hour.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as suitable for that type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 801-804) as amended, and reserved for use of the Bureau of Public Roads as an administrative site.

Fairbanks Meridian

Birch Lake Area

T. 7 S., R. 5 E., Sec. 11, SW\textsuperscript{1/4} NW\textsuperscript{1/4} SE\textsuperscript{1/4}, N\textsuperscript{1/4} SW\textsuperscript{1/4} SE\textsuperscript{1/4}, SE\textsuperscript{1/4}, and N\textsuperscript{1/4} SW\textsuperscript{1/4} SE\textsuperscript{1/4}. The areas described aggregate 12.5 acres.

Roger Ernst,
Assistant Secretary of the Interior.

April 18, 1958.

[F. R. Doc. 58-2991; Filed, Apr. 22, 1958; 8:45 a.m.]

TITLE 44—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[POC 58-379]

[Rules Ann. lists 2-17, 4-10, 7-9, 8-5, 9-19, 10-9, 11-14, 12-2, 16-21, 21-12]

Miscellaneous Amendments to Chapter

REALLOCATION OF CERTAIN FREQUENCY BANDS

1. The Commission has before it for consideration the reallocation of the frequency bands indicated below:
(a) The reallocation of the exclusive amateur bands above 220 Mc to Government services on an exclusive basis in one instance, and to Government services and the amateur service on a shared basis in another instance.

(b) The reallocation of the frequency band 890-942 Mc from non-Government to Government use and the frequency band 3500-3700 Mc from non-Government to Government use.

(c) The reallocation of the frequency bands 1356-1400 Mc, 3100-3300 Mc, 5100-5250 Mc, 8500-9000 Mc, 9200-9300 Mc and 9500-9600 Mc from their present shared status between Government use to exclusive Government use.

(d) The reallocation of the frequency bands 6400-6900 Mc and 15250-15350 Mc from Government to non-Government use.

(e) Government sharing of the frequency band 2480-2500 Mc on a non-interference basis.

(f) The amendment of footnote US 58 to §2.104 (a) (5) of the Commission's Rules to permit no further use of the band 216-220 Mc beyond January 1, 1963 by non-Government telemetering stations.

(g) The deletion of footnote US 10 to §2.104 (a) (5) of the Commission's Rules which was designed to reserve for civil aviation a number of channels in the frequency bands 225-328.6 and 335.4-400.0 Mc.

2. The Office of Defense Mobilization has made representations that the reallocation of certain channels are necessary due to the operation of "space age". It is further stated that the presence of fixed service licensees operating in that band may continue to operate until the latter band may continue to operate until the latter
date not later than January 1, 1963; and, applicability of the Government requirements and the amateur service on a shared basis in another instance.

3. Moreover, the Office of Defense Mobilization has represented that the requirements in question cannot be accommodated in frequency bands presently allocated for Government use. Based on the above representations, it appears that if these vital national defense needs are to be met via a non-frequency management requires that the designation in the Table of Allocations in Part 2 of the Commission's Rules must be changed at this time to make available for use by Government services not previously available pursuant to studies now being conducted by the Commission. Such designations for the fixed station authorized in the band 890-942 Mc increases the probability of harmful interference to or from the radiopositioning service.

4. In general, the Government operations which must be accommodated will continue to operate until the latter date not later than January 1, 1963, whichever is later and, if existing autorizations expire prior to January 1, 1963, applications for renewal may be granted for a period of one year following the latter date not later than January 1, 1963; and, effective immediately no new fixed stations, including tropospheric scatter stations in the international fixed service, will be authorized in the band.
RULES AND REGULATIONS

890-942 Mc, provided that all stations presently authorized to operate on frequencies in the bands 890-942 Mc. may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorizations; renewal of authorizations for such stations will be issued only on the condition (1) that they accept any harmful interference that may be experienced from either ISM equipment in the band 890-940 Mc, or from the radiotelephone service in the band 890-942 Mc and (2) that they do not cause harmful interference to the radiotelephone service; d. Persons presently authorized to operate on frequencies in the band 3700 Me may continue to operate until the expiration of their present authorizations and, if existing authorizations expire prior to February 1, 1961, applications for renewal of authorization for such stations will be issued only on the condition that they cause no harmful interference to Government services in this band.

e. Effective immediately no new land radiopositioning or mobile radiopositioning stations will be authorized in the bands 3100-3244 Mc, 3200-3300 Mc and 9200-9300 Mc, provided that all such stations presently authorized to operate on frequencies in those bands may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorization; renewal of authorizations for such stations will be issued only on the condition that they cause no harmful interference to Government services in these bands.

f. Effective immediately no new radio-navigation stations will be authorized to operate shipborne radars in the band 3100-3244 Mc, provided that all such stations presently authorized to operate on frequencies in this band may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorization; renewal of authorizations for such stations will be issued only on the condition that they cause any harmful interference that may be experienced from Government services in this band.

It is further ordered, That the following petitions, insofar as they pertain to requested changes in the allocation table between 890 and 942 Mc, are dismissed as moot:

a. Lenkurt Electric Co., Inc., petition filed June 5, 1953, requesting reallocation of the bands 890-910 Mc and 923-940 Mc to the fixed service; (Docket No. 10797)

b. Motorola, Inc., petition filed June 31, 1955, requesting the allocation of frequencies in the 890-960 Mc band for the purpose of establishing a land mobile service; (Docket No. 10797)

c. Lenkurt Electric Co., Inc., petition filed February 10, 1956, for amendment of Part 18 to control radiation of Industrial, Scientific and Medical devices on 915 Mc to prevent interference to authorized communication services in the band 890-940 Mc; (Docket No. 10797)

d. U. S. Independent Telephone Association petition filed February 31, 1956, requesting reallocation of the band 890-940 Mc to the common carrier fixed service (Docket No. 10797); and;

e. Society of Plastics Industry, Inc. petition filed May 1, 1956, requesting cessation of common carrier fixed station licensing in the band 899-940 Mc. (Docket No. 10797)

Released: April 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL]
MARY JANE MORRIS
Secretary.

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

It should be noted that in all bands between 220 Mc/s and 16500 Mc/s designated herein for amateur use, the U. S. proposal to the ITU Radio Conference would permit amateur operation on the condition that the amateur service cause no harmful interference to the radiotelephone service, which in each case would be operated by the U. S. Government within the U. S., its territories and possessions.

<table>
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<tr>
<th>5</th>
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<td>US110</td>
<td>1225-1270</td>
<td>1200 Industrial, Scientific and Medical Equipment,</td>
<td></td>
</tr>
</tbody>
</table>

US11 Radio altimeters will not be permitted to use the band 429-49 Mc after February 15, 1963.

US104 Each non-Government station in the land mobile service operating in the band 890-943 Mc and holding a valid authorization to operate shall be operated in such manner as to cause no harmful interference to the radio-positioning service. A station in the radio-positioning service is to be operated in such manner as to cause no harmful interference to the mobile radio service.
the text of the footnote from the list of US notes follows the table of frequency allocations.

**Part 4—Experimental, Auxiliary, and Special Broadcast Services**

Sections 4.502 and 4.603 of Part 4 of the Commission rules are amended as follows:

1. Delete the present text and associated footnote of § 4.502 and substitute therefor the following text:

**§ 4.502 Frequency assignment.** (a) An FM broadcast STL station may be licensed on one of the following frequencies:

- 942.5 Mc to 945.0 Mc
- 945.5 Mc to 950.0 Mc
- 950.5 Mc to 951.5 Mc
- 954.5 Mc to 954.5 Mc
- 958.5 Mc to 960.0 Mc
- 964.5 Mc to 969.0 Mc

(b) Any standard broadcast STL station or FM relay station for which there was outstanding a valid construction permit or license on April 15, 1938, specifying operation on any frequency between 900 Mc and 942 Mc, may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefore be granted a renewal of such license, subject to the condition that no harmful interference shall be caused to the radiolocation service operating in the band 890-942 Mc and subject to the further condition that the licensee must accept any harmful interference which may be experienced from the radiolocation service in accordance with the Table of Frequency Allocations contained in § 2.104 of this chapter.

2. Delete the present text of paragraph (b) of § 4.603 and substitute therefor the following text:

(b) Any television STL station or television inter-city relay station used for the transmission of the sound portion only of television program material and for which there was outstanding a valid construction permit or license on April 15, 1938, specifying operation on any frequency between 900 Mc and 940 Mc may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefore be granted a renewal of license subject to the condition that no harmful interference shall be caused to the radiolocation service operating in the band 890-942 Mc and subject to the further condition that the licensee must accept any harmful interference which may be caused by the operation of radiolocation stations in the band 890-942 Mc and industrial, scientific, and medical (ISM) equipment operating in the band 890-940 Mc.

**Part 7—stations on land in the Maritime Services**

Part 7 of the rules is amended in the following particular:

A. Section 7.402 (a) is amended by changing the frequency bands to read as follows:

- 3000 Mc to 3100 Mc
- 3100 Mc to 3200 Mc
- 3200 Mc to 3300 Mc
- 3300 Mc to 3400 Mc
- 3400 Mc to 3500 Mc
- 3500 Mc to 3600 Mc
- 3600 Mc to 3700 Mc
- 3700 Mc to 3800 Mc
- 3800 Mc to 3900 Mc
- 3900 Mc to 4000 Mc

B. Section 7.402 (b) (2) is amended to read as follows:

- 3000 Mc to 3100 Mc
- 3100 Mc to 3200 Mc
- 3200 Mc to 3300 Mc
- 3300 Mc to 3400 Mc
- 3400 Mc to 3500 Mc
- 3500 Mc to 3600 Mc
- 3600 Mc to 3700 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service. Each shore radiolocation station in the maritime services (for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 890-942 Mc as of April 15, 1938 and which operates or interferes between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

C. Section 7.503 (b) is amended by deleting the frequency band 3306 Mc to 3700 Mc as available for coast stations.

D. Section 7.503 (c) is amended by changing the authorized frequency bands and assigned frequencies to read as follows:

- 3200 Mc to 3300 Mc
- 3300 Mc to 3400 Mc
- 3400 Mc to 3500 Mc
- 3500 Mc to 3600 Mc
- 3600 Mc to 3700 Mc
- 3700 Mc to 3800 Mc
- 3800 Mc to 3900 Mc
- 3900 Mc to 4000 Mc

**Part 8—stations on shipboard in the Maritime Services**

Part 8 of the rules is amended in the following particular:

A. Section 8.404 (a) is amended to read as follows:

(a) The following frequency-bands are authorized for use by ship-radionavigation stations (including ship-radar services) in the maritime radionavigation service (the associated transmitting frequencies, for purposes of navigation) of the United States and Canada, associated with such ship-radar services, for use in the immediate vicinity of and associated with the frequency bands of U. S. Government radars and beacon stations (beacons) as are, respectively, as follows: 5460 and 9310 mc/Hz; the maximum power shall be designated in each instrument of authorization: Provided, That for stations other than ship-radar stations, the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization:

- 5460 Mc to 5600 Mc
- 9310 Mc to 9510 Mc

- 5460 Mc to 5600 Mc
- 9310 Mc to 9510 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service. Each shore radiolocation station in the maritime services (for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 890-942 Mc as of April 15, 1938 and which operates or interferes between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.
Transmitters in ship radionavigation stations (including developmental stations) in the maritime radionavigation service (including ship-radar stations) which are authorized for operation in the 3000 to 3246 Mc band as of April 16, 1958 and which operate on frequencies between 3100 and 3246 Mc may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by emission from United States Government services.

B. Section 8.464 (b) (2) is amended to read as follows:

(2) 3000 Mc to 3100 Mc.
5460 Mc to 5660 Mc.
9320 Mc to 9560 Mc.

The use of frequencies within these bands for radiolocation, other than radiolocation, shall not cause harmful interference to the radionavigation services. Each ship radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000 to 3246 Mc as of April 16, 1958 and which operates on frequencies between 3100 and 3246 Mc may continue to operate in the band 3100 to 3246 Mc for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

C. Section 8.433 (b) is amended by deleting the frequency band 2600 Mc to 2700 Mc.

D. Section 8.433 (c) is amended by changing the authorized frequency bands and assigned frequencies to read as follows:

2900 to 3000 Mc.
9320 to 9460 Mc.
9440 to 9690 Mc.
9900 to 9920 Mc.
9380 to 9320 Mc.
9310 Mc (Racons only).

PART 9—AIRVIATION SERVICES

Amend Part 9—Aviation Services, as indicated below:

1. Amend subparagraph (1) and (2), paragraph (m) of § 9.312, to read as follows:

(m) (1) 960-1215 Mc: The band 960-1215 Mc is for distance measuring and other functions related to those performed in the band 1400-1660 Mc.
(2) 1300-1660 Mc: The band 1300-1660 Mc, excluding the band 1330-1400 Mc, is intended for an integrated system of electronic aids to air navigation and traffic control.

2. Amend paragraph (n) of § 9.312, to read as follows:

These frequency bands are available for airborne radar functions subject to the condition that harmful interference is not caused to precision radar operations in the 9000-9180 Mc band.

3. Add a new paragraph (p) to § 9.312, to read as follows:

(p) The 8750-8850 Mc and 9750-9850 Mc bands are available for temporary use by airborne doppler radars until moved to a frequency band allocated to the aeronautical radionavigation service. Any interference to airborne doppler radars from the radiopositioning service must be accepted.

4. Amend subparagraphs (1) and (2), paragraph (f) of § 9.511, to read as follows:

(f) (1) 960-1215 Mc: The band 960-1215 Mc is for distance measuring and other functions related to those performed in the band 1400-1660 Mc.
(2) 1300-1660 Mc: The band 1300-1660 Mc, excluding the band 1330-1400 Mc, is intended for an integrated system of electronic aids to air navigation and traffic control.

5. Amend paragraph (b) of § 9.611, to read as follows:

(b) The following frequencies are available to flight test stations for telemetering activities:

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<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>217.425</td>
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</tr>
<tr>
<td>217.550</td>
<td>219.325</td>
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</table>

Until January 1, 1968, these frequencies may be authorized for use by non-Government telemetering mobile stations aboard aircraft and telemetering land stations for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

PART 10—PUBLIC SAFETY RADIO SERVICES

1. Section 10.255 (g) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

<table>
<thead>
<tr>
<th>Frequency or band</th>
<th>Class of station(s)</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>458.95-460.00 Mc</td>
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</tr>
<tr>
<td>460.00-496.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>496.00-510.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>510.00-5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
</tbody>
</table>

2. Section 10.305 (f) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

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<th>Frequency or band</th>
<th>Class of station(s)</th>
<th>Limitations</th>
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<td>458.95-460.00 Mc</td>
<td>Mobile</td>
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</tr>
<tr>
<td>460.00-496.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>496.00-510.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>510.00-5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
</tbody>
</table>

3. Section 10.355 (d) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

<table>
<thead>
<tr>
<th>Frequency or band</th>
<th>Class of station(s)</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>458.95-460.00 Mc</td>
<td>Mobile</td>
<td>1</td>
</tr>
<tr>
<td>460.00-496.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>496.00-510.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>510.00-5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
</tbody>
</table>

4. Section 10.405 (c) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

<table>
<thead>
<tr>
<th>Frequency or band</th>
<th>Class of station(s)</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>458.95-460.00 Mc</td>
<td>Mobile</td>
<td>1</td>
</tr>
<tr>
<td>460.00-496.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>496.00-510.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>510.00-5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
</tbody>
</table>

5. Section 10.422 (c) is amended by changing the tabulation of frequencies beginning with the entry 458.95 Mc and ending with the entry 6425 to 6575 Mc to read as follows:

<table>
<thead>
<tr>
<th>Frequency or band</th>
<th>Class of station(s)</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>458.95-460.00 Mc</td>
<td>Mobile</td>
<td>1</td>
</tr>
<tr>
<td>460.00-496.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>496.00-510.00 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>510.00-5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
<tr>
<td>5440 Mc</td>
<td>Mobile fixed</td>
<td>1</td>
</tr>
</tbody>
</table>

PART 11—INDUSTRIAL RADIO SERVICES

1. In paragraph (d) of § 11.253 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450-2500 Mc</td>
<td></td>
</tr>
<tr>
<td>6425-6575 Mc</td>
<td></td>
</tr>
<tr>
<td>11750-12000 Mc</td>
<td></td>
</tr>
</tbody>
</table>

1Use of frequencies in the band 2450-2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.
2. a. In paragraph (b) of § 1.253 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>952-960</td>
<td>10550-10700</td>
</tr>
<tr>
<td>1850-1900</td>
<td>12200-12700</td>
</tr>
<tr>
<td>2110-2200</td>
<td>12300-12325</td>
</tr>
<tr>
<td>2450-2500</td>
<td>16000-18000</td>
</tr>
<tr>
<td>2500-2700</td>
<td>26000-26000</td>
</tr>
<tr>
<td>6575-6675</td>
<td></td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

b. Add a new paragraph (e) to § 1.253 as follows:

(e) Stations authorized to operate on frequencies within the band 690-940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific and medical devices on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

3. In paragraph (d) of § 11.302 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>6425-6575</td>
</tr>
<tr>
<td>11700-12200</td>
</tr>
</tbody>
</table>

Use of frequencies in the band 2450-2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

4. a. In paragraph (b) of § 11.303 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>660-900</td>
</tr>
<tr>
<td>1850-1900</td>
</tr>
<tr>
<td>2110-2200</td>
</tr>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>2500-2700</td>
</tr>
<tr>
<td>6575-6675</td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 2450 and 18000 Mc.

4. b. Add a new paragraph (d) to § 11.303 as follows:

(d) Stations authorized to operate on frequencies within the bands 2450-2500 prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific and medical devices on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

5. In paragraph (c) of § 11.352 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>952-960</td>
</tr>
<tr>
<td>1850-1900</td>
</tr>
<tr>
<td>2110-2200</td>
</tr>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>2500-2700</td>
</tr>
<tr>
<td>6575-6675</td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

6a. In paragraph (b) of § 11.353 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>660-900</td>
</tr>
<tr>
<td>1850-1900</td>
</tr>
<tr>
<td>2110-2200</td>
</tr>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>2500-2700</td>
</tr>
<tr>
<td>6575-6675</td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

b. Add a new paragraph (d) to § 11.353 as follows:

(d) Stations authorized to operate on frequencies within the bands 890-940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific and medical devices on the frequency 915 Mc;

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc; and

(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

9. In paragraph (b) of § 11.452 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>6425-6575</td>
</tr>
<tr>
<td>11700-12200</td>
</tr>
</tbody>
</table>

Use of frequencies in the band 2450-2500 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.

10. a. In paragraph (b) of § 11.453 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>952-960</td>
</tr>
<tr>
<td>1850-1900</td>
</tr>
<tr>
<td>2110-2200</td>
</tr>
<tr>
<td>2450-2500</td>
</tr>
<tr>
<td>2500-2700</td>
</tr>
<tr>
<td>6575-6675</td>
</tr>
</tbody>
</table>

Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequency 2450 Mc.
RULES AND REGULATIONS

prior to April 16, 1958, may continue to operate in that band for the duration of the term of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;
(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc; and
(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

11a. In paragraph (c) of § 11.515 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>952-990</td>
<td>1050-1070</td>
</tr>
<tr>
<td>1020-1070</td>
<td>1120-1125</td>
</tr>
<tr>
<td>2450-2500</td>
<td>3600-1800</td>
</tr>
<tr>
<td>2500-2700</td>
<td>3900-3000</td>
</tr>
</tbody>
</table>

12a. In paragraph (b) of § 11.516 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>3266-3300</td>
<td>9200-9300</td>
</tr>
<tr>
<td>9200-9300</td>
<td>9320-9900</td>
</tr>
</tbody>
</table>

11a. In paragraph (c) of § 11.607 delete the frequency table and substitute the following:

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>2900-3100</td>
<td>9000-9200</td>
</tr>
<tr>
<td>5250-5440</td>
<td>9230-9900</td>
</tr>
<tr>
<td>5450-5650</td>
<td>9230-9900</td>
</tr>
</tbody>
</table>

b. Add a new paragraph (d) to § 11.516 as follows:

(d) Stations authorized to operate on frequencies within the band 890-940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. Such authorizations will be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted. Renewal authorizations will be granted subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific or medical equipment operating on the frequency 915 Mc;
(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc; and
(3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

PART 13—AMATEUR RADIO SERVICE

Section 13.111 is amended as follows:

a. Paragraph (j) is amended to read as follows:

(j) 220 to 225 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, and F4 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

b. Paragraph (k) is amended to read as follows:

(k) 420 to 450 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. The maximum DC plate power input to the final stage of the transmitter shall not exceed 50 watts. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

c. Paragraph (l) is amended to read as follows:

(l) 1215 to 1300 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

d. Paragraph (m) is amended to read as follows:

(m) 2300 to 2450 Mc, 3300 to 3700 Mc, and 5650 to 6250 Mc, using types A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

e. New paragraphs (n) and (o) are added to read as follows:

(n) 10,000 to 10,500 Mc, using A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, and F5 emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

(o) 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, and pulse emission. In this band the amateur service shall not cause harmful interference to the government radiopositioning service.

PART 15—LAND TRANSPORTATION RADIO SERVICES

1. Amend paragraph (g) of § 16.232 to read as follows:

(g) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Motor Carrier Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

<table>
<thead>
<tr>
<th>Frequency Bands</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>250-2550</td>
<td>2750-2750</td>
</tr>
<tr>
<td>6265-6775</td>
<td>11500-12000</td>
</tr>
<tr>
<td>10500-10700</td>
<td>26000-30000</td>
</tr>
</tbody>
</table>

2. Amend paragraph (c) of § 16.233 to read as follows:

(c) Frequencies in the following bands are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with sta-
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ations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>952-960</td>
<td>10350-10700</td>
</tr>
<tr>
<td>1850-1890</td>
<td>22250-22750</td>
</tr>
<tr>
<td>2110-2150</td>
<td>23250-23750</td>
</tr>
<tr>
<td>2450-2500</td>
<td>25000-25500</td>
</tr>
<tr>
<td>2500-2700</td>
<td>27000-28000</td>
</tr>
<tr>
<td>3075-3175</td>
<td>31750-32750</td>
</tr>
</tbody>
</table>

1. Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

3. Amend § 16.253 by the addition of the following new paragraph:

(d) Stations authorized to operate on frequencies within the band 890-940 Mc prior to April 16, 1958, may continue to operate in that band for the duration of the terms of their current authorizations. All such authorizations shall be subject upon proper application therefor, to renewal, to modification or, in the event of a change in the ownership of the licensee's business, to assignment or transfer with the business for which they were granted. Renewal authorizations will be issued subject to the following conditions:

(1) That the licensee accepts such interference as may be received from industrial, scientific, or medical equipment operating on the frequency 915 Mc.

(2) That the licensee accepts such interference as may be received from radiopositioning stations operating in the band 890-942 Mc.

(3) That no harmful interference is caused to stations in the radio-positioning service operating on frequencies in the band 890-942 Mc.

4. Amend paragraph (d) of § 16.352 to read as follows:

(d) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Railroad Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>12450-12500</td>
<td>13200-13250</td>
</tr>
<tr>
<td>16000-16050</td>
<td>16550-17000</td>
</tr>
<tr>
<td>17000-17200</td>
<td>30000-30500</td>
</tr>
</tbody>
</table>

1. Use of frequencies in the bands 2450-2500 and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18000 Mc.

5. Amend paragraph (b) of § 16.353 to read as follows:

(b) Frequencies in the following bands are available for assignment to operational fixed stations in the Railroad Radio Service on a shared basis with stations in the same service and other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

<table>
<thead>
<tr>
<th>Mc</th>
<th>Mc</th>
</tr>
</thead>
<tbody>
<tr>
<td>6425-6575</td>
<td>16000-16500</td>
</tr>
<tr>
<td>16550-17000</td>
<td>26000-26500</td>
</tr>
<tr>
<td>17000-17200</td>
<td>30000-30500</td>
</tr>
</tbody>
</table>

3. No harmful interference shall be caused to stations operating in the radiopositioning service in the 890-942 Mc band.

Stations which were authorized on April 16, 1958, shall be subject to the provision of subparagraph (1) of this paragraph and the provisions of § 2.104 (a) of this chapter.

2. Delete the present text of § 21.601 (b) and in lieu thereof insert the following:

(b) Stations in the Point-to-Point Microwave Radio Service were authorized on April 16, 1958, to operate in the 890-940 Mc band. Stations in the 890-940 Mc band shall be subject to the following conditions in accordance with the provisions of § 2.104 (a) of this chapter:

(1) Operation of such stations shall be subject to any interference received from the emission of industrial, scientific, and medical equipment operating on 915 Mc.

(2) Operation of such stations shall be subject to any interference received from the emission of radiopositioning stations in the 890-942 Mc band.

3. Delete the present text of § 21.701 (b) and in lieu thereof insert the following:

(b) Stations in the Point-to-Point Microwave Radio Service, which were authorized on April 16, 1958, to operate in the 890-940 Mc band and 2450-2500 Mc bands, respectively, shall be subject to the following conditions in accordance with § 21.104 (a) of this chapter:

(1) Operation of such stations shall be subject to any interference received from the emission of industrial, scientific, and medical equipment operating on the frequencies 915 Mc and 2450 Mc.

(2) Operation of such stations shall be subject to any interference received from the emission of radiopositioning stations in the 890-942 Mc band.

(3) No harmful interference shall be caused to stations operating in the radiopositioning service in the 890-942 Mc band.
authorization in the 2450-2500 Me band may be renewed subject to the provision of subparagraph (l) of this paragraph, and station authorizations in the 890-940 Me band may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890-940 Me and 2450-2500 Me bands.

4. Delete the present text of §21.807 (d) and in lieu thereof insert the following:

(d) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television STL, television pickup, and television non-broadcast pickup stations in this service:

- 2450-2500 Me
- 3000-3700 Me
- 6425-6576 Me

¹ New stations will be authorized in this frequency band. Station authorities in effect on April 16, 1958, may continue to operate therein until the date of expiration of their respective present station authorizations.

Explanatory Notes and Methods of Analysis

52.3741 Explanation of terms and analysis.

52.3742 Ascertaining the grade of a lot.

52.3743 Score sheet for frozen turnip greens with turnips.

Authority: §§52.3731 to 52.3743 issued under sec. 300, 69 Stat. 190, as amended; 7 U. S. C. 1624.

Product Description, Styles, Color, Proportion of Ingredients, and Grades

52.3731 Product description. Frozen turnip greens with turnips is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been sliced into reasonably uniform strips, together with a specified form of the turnip root.

52.3732 Styles of frozen turnip greens with turnips—(a) General. The style of frozen turnip greens with turnips applies to the form of the leaf material and the stem root added to the product may be prepared in one or more of the following forms: (1) Whole; (2) sliced; (3) diced; and (4) cut.

(b) “Style I Whole Leaf” is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem, together with a specified form of the turnip root.
(b) Evaluation of quality. The rating for the factors of color, defects, and character (with respect to each ingredient, except uniformity of size and similar varietal characteristics) is determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units. A representative sample is cooked to ascertain the tenderness of the frozen leaf and root ingredient before final evaluation of the score for character. The flavor is also ascertained on the cooked product.

(c) Definitions of requirements not rated by score points. (1) "Good flavor" means that the product, after cooking, has a good normal flavor and odor and is free from objectionable tastes and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable tastes and objectionable odors of any kind.

(3) "Fairly uniform in size" means that the ingredient units may vary in size but not to an extent that materially detracts from the appearance of the product.

§ 52.3728 Ascertaining the ratings for the factors which are scored. The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 30 points" means 17, 18, 19, or 20 points).

§ 52.3729 Color.—(a) General. The factor of color refers to the general brightness of the combined ingredients before and after cooking.

(b) (A) classification. Frozen turnip greens with turnips that possess a good color may be given a score of 18 or 19 points. "Good color" means that the leafy ingredient possesses a bright, practically uniform typical green color of young tender turnip greens and that the turnip ingredient possesses a practically uniform bright characteristic color for the variety of young tender turnip greens, which ingredients have been properly prepared and properly processed.

(c) (D) classification. Frozen turnip greens with turnips that possess a reasonably good color may be given a score of 17 or 18 points. Frozen turnip greens with turnips that fail into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the leafy ingredient is reasonably bright and typical of reasonably young and reasonably tender turnip greens and that the turnip ingredient possesses a characteristic color for the variety, which color is typical of reasonably young and reasonably tender turnip greens which have been properly prepared and properly processed.

(d) (SStd.) classification. Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 16 or 17 points. Frozen turnip greens with turnips that fail into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3730 Defects.—(a) General. The factor of defects refers to the degree of freedom from sand, grit, or silt, harmless extraneous material, unpeeled turnip ingredient, and from damaged ingredients.

(1) "Sand, grit, or silt" means any particle of earthy material.

(2) "Harmless extraneous material" means any extraneous vegetable substance, such as weeds or grass, that is harmless.

(3) "Damage" means damaged by yellow, brown, or other discoloration affecting any leaf, portion of leaf, stem, portion of root, or portion of turnip ingredient by discoloration, insect injury, pathological injury, or other means affecting any unit of turnip ingredient. Minute, insignificant blemishes shall not be considered as damage.

(b) (A) classification. Frozen turnip greens with turnips that are practically free from defects may be given a score of 24 to 40 points. "Practically free from defects" means that no grit, sand, or silt may be present that affects the appearance or edibility of the product, and that there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style an aggregate of 6 inches in length of fine green tender string-like blades of grass and weeds and coarse green grass and weeds, of which not more than 3 inches in length may be coarse or tough leaves and stems, and 10 percent, by count, of units of ingredient affected by damage.

(2) An aggregate area of damage affecting 3 square inches (3" x 1") of leaves and stems or portions of leaves and stems, and 5 percent, by count, of units of turnip ingredient affected by damage.

(c) (B) classification. Frozen turnip greens with turnips that are reasonably free from defects may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the leafy ingredient is reasonably tender and reasonably free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonable texture and is practically free from fibrous or pithy units.

(d) (SStd.) classification. Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 6 to 27 points. "Reasonably free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the appearance or edibility of the product and that for the various styles there may be present for each 10 ounces, net weight, of turnip greens with turnips not more than:

(1) In whole leaf style an aggregate of 9 inches in length of fine green tender string-like blades of grass and weeds, of which not more than 3 inches in length may be coarse or tough leaves and stems, and none shall be other than green, and in the style no grass or weeds or pieces of grass or weeds that materially affect the appearance or edibility of the product shall not be more than:

(2) Composite the leafy ingredient and damaged units, individually or collectively, does not materially affect the appearance or eating quality of the product.

§ 52.3734 Character.—(a) General. The factor of character refers to the tenderness and texture of the product and the degree of freedom from fibrous or pithy turnip material.

(b) (A) classification. Frozen turnip greens with turnips that possess a good character may be given a score of 34 to 40 points. "Good character" means that the product is tender and practically free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonably tender texture and is practically free from fibrous or pithy units.

(c) (B) classification. Frozen turnip greens with turnips that possess a reasonably good character may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fall into this classification shall not be graded above U. S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the leafy ingredient is reasonably tender and reasonably free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonably tender texture and is reasonably free from fibrous or pithy units.

(d) (SStd.) classification. Frozen turnip greens with turnips that fail to meet the requirements of paragraph (c) of this section may be given a score of 14 to 16 points. Frozen turnip greens with turnips that are reasonably free from defects may be given a score of 28 to 33 points. Frozen turnip greens with turnips that fail into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the product is tender, reasonably free from coarse or tough leaves and stems and that the turnip ingredient possesses a reasonably tender texture and is reasonably free from fibrous or pithy units.

Explanation and methods of analysis.

§ 52.3741 Explanation of terms and analysis. (a) The proportion of each of the ingredients is determined on the representative sample by the following procedure:

(1) Separate the leafy ingredient from the turnip ingredient from all of the containers in the sample.

(2) Composite the leafy ingredient and weigh.
(3) Composite the turnip ingredient and weigh.
(4) Add the weights of each of the ingredients to obtain the total weight of the combined ingredients in all of the containers in the sample.
(5) Calculate the percent of each of the ingredients by dividing the total weight of the combined ingredients into the composite weight of each ingredient and multiply by 100.

LOT INSPECTION AND CERTIFICATION
§ 52.3742 Assigning the grade of a lot. The grade of a lot of frozen turnip greens with turnips covered by these standards is determined by the procedure governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3565).

SCORE SHEET
§ 52.3743 Score sheet for frozen turnip greens with turnips.

<table>
<thead>
<tr>
<th>Site and kind of container</th>
<th>Score points</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Container marks or identification</td>
<td>(A) 17-20</td>
<td>(A) 17-20</td>
</tr>
<tr>
<td>Lot number</td>
<td>(B) 21-23</td>
<td>(B) 21-23</td>
</tr>
<tr>
<td>Total score</td>
<td>(C) 24-40</td>
<td>(C) 24-40</td>
</tr>
<tr>
<td>Defects</td>
<td>(D) 41-60</td>
<td>(D) 41-60</td>
</tr>
<tr>
<td>Character</td>
<td>(E) 61-80</td>
<td>(E) 61-80</td>
</tr>
<tr>
<td>Total score</td>
<td>(F) 81-100</td>
<td>(F) 81-100</td>
</tr>
</tbody>
</table>

Orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on November 5-6, 1957, pursuant to notice thereof, which was published October 1, 1957, in the Federal Register (22 F. R. 7771), upon proposed amendments to Marketing Agreement No. 092, Idaho-Idaho, Marketing Order No. 57, as amended, regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

On the basis of the evidence introduced at the aforesaid hearing, and the testimony of the Administration, the Secretary of Agriculture, in the exercise of his discretion, has recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published March 27, 1958, in the Federal Register (33 F. R. 9028).

Rulings. Within the period provided therefor, an exception was filed by Edd Moore, Secretary Manager, Idaho Growers Shippers Association, Inc., Idaho. An inspection of this exception is that a finding should have been made that the composition of the Idaho-Idaho Oregon Potato Committee, the administrative agency established under the aforesaid order, as amended, should be increased by additional handler membership. The matter of additional handler membership on the committee was one of several industry proposals submitted at the hearing. The testimony in support of these several proposals is conflicting. There is insufficient evidence to substantiate a finding that one, or the number of such proposals should be adopted, and the others disapproved. Because the industry was unable to reach an agreement, it was found that the membership of the committee should remain unchanged.

No additional information, including the aforesaid exception, has been received to indicate that the situation within the industry has changed since the hearing. Therefore, the exception filed is at variance with the findings and conclusions set forth herein, it is hereby overruled.

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

Pertaining to definitions:
(1) The amendment of (a) § 957.1 to include employees of the United States Government engaged in the Agricultural Marketing Service among the persons to whom authority may be or has been delegated to act in the stead of the Secretary; (b) § 957.2 to add the citation of the statute (7 U.S. C. 601 et seq.) containing amendments to the act which were included in the Agricultural Act of 1954, Public Law 696, 83d Congress, and (c) § 957.3 to conform the definition thereof to that set forth in the act.
(2) The amendment of (a) § 957.7 to change the fiscal year from June 1 to May 31 following, to a fiscal period beginning and ending on the dates approved by the Secretary pursuant to regulations by the committee.
(3) The renumbering of § 957.15 District as § 957.17 and the amendment of said section to as to include redistricting.
(4) The addition of a new § 957.15 to define "Container."" (5) The addition of a new § 957.16 to define "Label." Pertaining to administrative committees:
(6) The amendment of § 957.20 to provide for additional membership on the Idaho-Idaho Oregon Potato Committee and to set forth producer members' qualifications.
(7) The amendment of § 957.21 to specify that the terms of office of committee members shall begin on June 1 and end on May 31 following.
(8) The renumbering of §§ 957.23 through 957.32 as §§ 957.24 through 957.33 because of the addition of a new section, § 957.33.
(9) The addition of a new § 957.22 to provide for "Redistricting" of the production area and the reapportionment of committee membership.
(10) The amendment of (a) § 957.23 to provide for the retirement of the enlarged committee membership; (b) § 957.24 to provide for the reorganization of the committee and to set forth additional limits on the membership; and (c) § 957.25 to provide for additional membership on the committee.
(11) The amendment of (a) § 957.26 to provide that alternate members may perform duties as assigned or requested by the committee; (b) § 957.27 to amend § 957.2 to provide for the designation of additional handler membership; (c) § 957.28 to provide for the issuance of limitation of endorsement; and (d) § 957.29, Duties, to delete the provision for engaging in research and service activities.

Pertaining to budget, expenses, and assessments:
(12) The amendment of §§ 957.40 to 957.46, inclusive, to authorize (a) incurring of reasonable and necessary expenses by the committee; (b) preparation of an estimated budget of income and expenditures likely to be incurred by the committee; (c) the levying of assessments to cover such expenses; and (d) the accounting and refunding of any excess funds collected.
(13) The amendment of §§ 957.47 to 957.50, inclusive, to authorize (a) the establishment of potato marketing research and development projects.

Pertaining to regulations:
(14) The amendment of §§ 957.50 to 957.54, inclusive, to delete the present provisions contained in these sections and to substitute new sections which require the submission of a marketing policy, authorize recommendation of regulations by the committee, and provide for the issuance of limitation of shipment regulations by the Secretary.
17. The amendment of § 957.57 (a) to provide for establishment of safeguards on shipments for specified purposes by the United States, to be included in such safeguards; (c) to authorize the committee to prescribe rules with respect to safeguards; (d) to authorize the committee to rescind or deny Certificates of Privilege issued as safeguards; and (e) establish authority for reporting requirements in connection with such safeguards.

Pertaining to inspection and certification:

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

Pertaining to exemptions:

19. To delete §§ 957.70 to 957.73, inclusive, relating to the issuance of exemption certificates and procedures applicable to such certificates.

Pertaining to miscellaneous provisions:

20. The amendment of § 957.83 by adding a new paragraph to specify that rules and regulations in effect at the time the proposed order is promulgated shall continue in force and effect until subsequent modification or termination.

Pertaining to the entire subpart:

21. The making of such other changes as may be necessary to make the proposed order conform to the amendments and orders for container regulations and orders for container regulations appended to this section.

Findings and conclusions. The findings and conclusions on the material issues are as follows:

(1) The definition of "Secretary" should be amended to provide for appropriate reference to the new section § 957.23 in the proposed order relating to redistricting which contains authority for the establishment of districts and the reappointment of committee membership.

(2) The definition of "seed potatoes" should be amended so as to conform to the definition of "seed potato" as contained in the notice of hearing of April 23, 1958, which was offered in support of the provision of § 957.18 "Label" which was included in the notice of hearing; hence this section is dropped.

(3) The definition of "district" should be amended to provide for appropriate reference to the new section § 957.23 in the proposed order relating to redistricting which contains authority for the establishment of districts and the reappointment of committee membership.

(4) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the term used in distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to a combination of factors relating to the grade and size of the potatoes and to type of container. Among the common or usual packs handled by the potato industry in the production area are U. S. No. 1, U. S. No. 2, or Idaho Standard, may be handled should be specified by the committee. Several general specifications were presented at the hearing. One such proposal favored a change in membership. Another would add one producer member from District No. 1. No testimony was offered in support of the original proposal. Because of the industry's inability to reach a satisfactory agreement with respect to this proposal, no change is being made in the proposed order and the present membership is being retained.

This conclusion is supported in a brief submitted in behalf of the committee, as proponents of the amendments to the present order, by the law firm of Gee and Hagervac, Pocatello, Idaho, principally counsel for the Eastern Oregon Potato Committee. However, other developments may occur which may be handled should be specified by recommendation of the committee with the approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the present membership of eight. The ratio of producers to handlers (5-3) would have remained unchanged. However, the industry was unable to reach an agreement on the composition of the committee. Several general specifications were presented at the hearing. One such proposal favored no change in membership. Another would add one producer member from District No. 1. However, other developments may occur which may be handled should be specified by the committee. Several general specifications were presented at the hearing. One such proposal favored a change in membership. Another would add one producer member from District No. 1. No testimony was offered in support of the original proposal. Because of the industry's inability to reach a satisfactory agreement with respect to this proposal, no change is being made in the proposed order and the present membership is being retained.

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evidence at the hearing. These provisions (§§ 957.20 (b) and (c)) are being incorporated in the proposed order for the reasons hereinafter given.

The section of the proposed order relating to the establishment of the committee should provide that employees of producers engaged in the sale of potatoes are eligible for committee membership in the same manner as the present order provides for corporate producers. Unincorporated producers should be able to be represented by employees whose interests as producers are basically the same.

Many producers are also handlers. In order to qualify as a producer member, if such person is also a handler, at least 51 percent of the total quantity of potatoes handled by him must have been of his own production. This percentage requirement should assure producers throughout the production area for the fiscal year. In the proposed order a fiscal period is defined, but the exact beginning and ending dates of the terms of office in the present order correspond to the fiscal year of the committee. The 31 percent requirement is deemed to be a reasonable one in determining producers' qualifications for nomination and selection. This type of eligibility should also be applicable to producers participating in nomination meetings.

(7) The provision for the committee members of the present order which provided that members of the committee be available for committee business at any time would be amended. It is necessary to specify the beginning and ending dates of the terms of office for the committee members serve. Also, some repetitive and superfluous language has been deleted from this section in the proposed order.

(8) A new section, § 957.23 Redistricting, has been added to the proposed order which necessitated renumbering §§ 957.23 through 957.32 as §§ 957.24 through 958.30.

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

(10) Since the proposal to double the membership of the committee and the related experience, the proposed order should provide for the selection of committee members by the Secretary on the same basis as provided for in the present order. The requirement should be increased from 8 to 16 members. The procedure applicable to nomination of committee members and alternates should be similarly increased from 8 to 16 members. The appropriate section should provide a nomination procedure for the selection of members and alternates to enable the industry to indicate its preferences for these positions. The Secretary, the official charged by the act with the responsibility of administration of the proposed order, should have a choice of selecting members individually personally if a particular nominee may, for some reason, be disqualified for committee membership. Of course, this change will not prevent the committee in any other manner from obtaining the names of more than one nominee for each position to be filled. However, past experience has shown that usually the producers and handlers in a district may have particular preference for a single slate of representatives from that district.

Frequently, at a producer nomination meeting the present arrangement has resulted in the elimination of a top choice as alternate. Submission of a single slate of qualified nominees by the committee, which slate would most likely be the one submitted by committee members and alternates desired by the industry. The committee should have flexibility in arranging nominations in conjunction with other meetings conducted by other groups or organizations. Such an arrangement should result in a larger attendance of producers and handlers than ordinarily could be expected at a meeting held solely for nominations. Also, a combination of meetings could result in a savings for potato industry representatives.

(11) Alternate members continue in the same status as under the present order. They should also be available, however, on the same basis as committee members, for service on committees and boards of the people in the industry. Such duties should include, but not be limited to, serving on various subcommittees, or perhaps to the preparation or presentation of the proposed order. An alternate member attending committee meetings will be familiar with committee business and will be better qualified to serve as member for whom he is an alternate. Also, in the event an alternate subsequently is selected as a member, his tenure as an alternate will have served as good experience. An alternate, when performing duties assigned or requested by the committee, should be entitled to compensation and reimbursement of expenses to the same extent as the regular committee members.

The provisions of the present order require that five of the eight members of the committee shall constitute a quorum and that the same number of committee members shall vote to approve any committee action. Because the membership of the committee would not be changed under the proposed order, the provisions of present order should be no change from the present order.

The maximum per diem rate of compensation to be paid members or alternates when attending to committee business should be increased from $5.00 to $10.00.

The lower rate was established by the 1850 amendment to Order No. 57. Committee members and alternates have served the committee business at a personal financial sacrifice. Regardless of whether the $5.00 or $10.00 maximum rate is effective, such rate will not reflect the personal financial sacrifice individuals for the time lost from their own interests. It is reasonable that the rate of compensation should be increased in view of rising costs that have occurred since 1950.

(12) No testimony was offered in support of amended paragraph (d) to § 957.38 Duties contained in the notice of hearing, and such paragraph should be modified as follows: It is required that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the expenses of the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the proposed order.

The funds to cover the expenses of the committee should be provided through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be required.
irrespective of whether particular provisions of the proposed order are suspended or become inoperative. Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the secretary finds will be incurred during a specified fiscal period. The first handler responsible for the assessment rate of assessment to be levied will be the one handling during the first fiscal period. If no such handler is available in the period, the maximum allowable assessment rate of $1.00 per carload, as set forth in the present order, remains unchanged. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a specified fiscal period, any handler may be required to account for all receipts, disbursements, and other funds held under his control of the committee's affairs. The reserve account and any fund derived therefrom during a specified fiscal period will be used solely for the purpose of defraying the cost of liquidation in the event of termination of the proposed order.

The procedures and methods which are outlined in the proposed order for the development and institution of marketing policies relating to potatoes, among other commodities, as well as those which are applicable to the orderly marketing of such products as potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as may be necessary to ensure the highest degree of quality and maturity as will be in the public interest. The regulation of the handling of potatoes by grade, size, quality, or maturity as authorized in the present order and continued in the proposed order provides a means of carrying out such policy.

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PROPOSED RULE MAKING

...tic of probable regulations. All reports on marketing policy and regulations recommended by the committee should be submitted to the Secretary for consideration and presentation to the industry as a means of keeping both informed. The committee should furnish the Secretary with a new or revised policy whenever conditions warrant and when it is in the interest of the present order and thereby tend to improve growers' returns. The authority contained in the present order to regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently has tended to increase returns to growers. Different regulations have been issued under the present order for different varieties and types of potatoes. Experience under the present order has established the desirability of continuing such policy and regulations, and such authority has been exercised from time to time, particularly with respect to the so-called early deal in the western part of Idaho and the late or storage deal in the central and eastern part of Idaho.

For example, in the early deal potatoes are usually shipped immediately after harvest, and such potatoes reach market in an acceptable form, without excessive skinning or feathering, regulations were issued which specified a maturity requirement for such potatoes. In addition, some portions of the production area may suffer from a condition affecting the crop which does not necessarily extend throughout the entire production area. In such cases, different regulations for the respective portions of the production area could be made effective to meet the precise conditions. It is important, therefore, that the proposed order should have this authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the marketing area would justify such action. Such cases are usually the result of adverse weather conditions in a particular portion of the production area. Individual exemptions are included in the present order and should be continued under the proposed order with appropriate amendments. Shipment have been regulated under Order No. 57 each season since the 1948-49 season. This exercise of jurisdiction under the present order has established a pattern of grade and size regulations (including maturity and quality requirements) which has tended to improve growers' returns for potatoes grown in the production area. It is appropriate and proper that the proposed order contain authority to regulate the handling of potatoes in the production area, the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties, and for different portions of the production area. This authority is appropriate and should be included in the proposed order so that the committee may make appropriate recommendations and the Secretary may issue such regulations as will tend to establish parity prices.

Common practice throughout the potato industry in the production area has been to prepare specific packs of potatoes which do not necessarily extend throughout the entire production area. These packs have been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in domestic markets. The committee has been to prepare specific packs of potatoes for market. These packs have been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in domestic markets. The committee should, as the local agency reflecting the thinking of the industry, for its views and recommendations whenever he finds from the record that the issuance of different regulations for different grades and sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period, may be necessary to meet the precise problems. It is important, therefore, that the proposed order contain the authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the marketing area would justify such action. Such cases are usually the result of adverse weather conditions in a particular portion of the production area. Individual exemptions are included in the present order and should be continued under the proposed order with appropriate amendments. Shipment have been regulated under Order No. 57 each season since the 1948-49 season. This exercise of jurisdiction under the present order has established a pattern of grade and size regulations (including maturity and quality requirements) which has tended to improve growers' returns for potatoes grown in the production area. It is appropriate and proper that the proposed order contain authority to regulate the handling of potatoes in the production area, the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties, and for different portions of the production area. This authority is appropriate and should be included in the proposed order so that the committee may make appropriate recommendations and the Secretary may issue such regulations as will tend to establish parity prices.

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exercise its judgment in the elimination of nuisance types of container or containers that tend to create disorderly rather than orderly marketing.

The proposed order should provide, the same manner as under the order, authority to regulate shipments of potatoes by establishing, in terms of grade, size, or both, minimum standards of quality and maturity when prices are above parity. The shipments of certain grades of potatoes of small sizes, qualities, maturities, packs, or containers that tend to create disorderly activities which precede the handling of potatoes grown in the production area may be taken under this program to improve orderly marketing conditions for potatoes for such purposes so that full opportunity may be taken under this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

Some export markets, accessions in the production area, and particular grades and particularly some sizes which are generally discounted in domestic markets. The proposed order should therefore provide, in the case of certificated seed, that grade and size are those specified in § 957.50. In order to assure continuity in the proposed order, §§ 957.52 through 957.57 are renumbered to eliminate any deletions.

Provisions of the present order relating to safeguardss applicable to shipments of potatoes for special purposes should be somewhat modified to delete superfluous working and to simplify committee administration. The proposed order in the present § 957.50. In order to assure continuity in the proposed order, §§ 957.52 through 957.57 are renumbered to eliminate any deletions.

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Provision should be made for inspection by the Federal-State Inspection program of shipments of potatoes grown in the production area during a period in which shipments of potatoes are regulated under the proposed order. Such provision should be made, in the proposed order, except when any such shipments are relieved from inspection requirements pursuant to such order, so as to assure compliance with the program.

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

Whenever any shipment of potatoes subject to the terms and provisions of the proposed order have been inspected and are later dumped from the containers in which they were inspected, such
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potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. If any such lot of repacked, regraded, or resorted, such potatoes take on a new identity, and any subsequent handling of such potatoes should comply with regulations issued under the proposed order. Therefore, inspection of such potatoes should be required as in the case of any other handling of potatoes. Such a requirement is necessary to effectuate the declared policy of the act with respect to shriveling and sprouting, due to unsatisfactory condition of potatoes if they otherwise would not be in a condition to be acceptable in the market. The proponents testified that no particular hardship would result to growers and handlers in deleting these provisions, since it has been found that many cases exist for continuing the exemption provisions in the proposed order and they are, therefore, deleted therefrom.

(29) The continuation of rules and regulations which may be in operation under the present order at the time of issuance of the proposed order is necessary for the efficient and effective operation thereof, such as, for example, rules and regulations (§§ 957.100 through 957.133) relative to Certificates of Privilege, and safeguards are currently in effect under the present order. These rules and regulations should continue in effect until subsequently modified or terminated. Such continuation is practical and necessary for efficient operation. Any lapse in such rules and regulations for technical reasons could result in undue administrative hardship on the committee and the Secretary, and on the industry.

(31) Some changes in cross references and modification of terms used throughout the proposed order were necessary because of the proposed amendments. Such changes and modifications were made to insure proper continuity in the terms and conditions of the proposed order and so that the entire order conforms to changes resulting from the proposed amendments.

The provisions of the present order which remain unchanged by the terms and conditions of the proposed order should be applied to all handling of potatoes grown in the production area because such potatoes are incidental to, and not inconsistent with, section 8c (9) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 957.80 through 957.94 which are an essential part of the present order and are also common to other potato marketing orders. They are necessary and appropriate to the operation of the proposed order. The other provisions of the present order remaining substantially the same in the proposed order are incorporated on the same basis. These sections set forth certain definitions, rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order.

General findings. Upon the basis of evidence introduced at the hearing and the record made thereon, the committee finds:

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

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

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

(4) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;
Wednesday, April 23, 1958

re really burdens, obstructs or affects such commerce.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the Federal Register. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, as amended, which will be published with this decision.

Dated: April 17, 1958.

DON PAARLBERG, Assistant Secretary.

ORDER, AS AMENDED, REGULATING THE HANDLING OF IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

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

(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Pocatello, Idaho, on November 5–6, 1957, upon proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions thereof as will tend to establish, as nearly as may be practicable, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is found that the act; (ii) by authorizing such action as will for its purpose the maintenance of prices to producers of such potatoes at the level, and (iii) by authorizing the establishment 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 order, as amended, and as hereby further amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing agreement upon which a hearing has been held.

(3) The said order, as amended, and as hereby further amended, is 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 orders applicable to subdivisions of the production area would not effectually carry out the declared policy of the act.

(4) The said order, as amended, and as hereby further amended, provides, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to take into recognition to the differences in the production and marketing of potatoes grown in the production area; and

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

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to and in compliance with the terms and conditions of this amendatory order; and such terms and conditions are as follows:

DEFINITIONS

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


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

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

§ 957.5 Potatoes. "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 957.6 Varieties. "Varieties" means all classifications of Irish potatoes grown within the aforesaid production area.

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visions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 Certified seed potatoes. "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may designate.

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

§ 957.9 Ship or handle. "Ship" or "handle" means to pack, sell, transport, or in any other way to place potatoes in the current of interstate or foreign commerce, in the State from which the potatoes are grown, or other State, in which the potatoes are grown, or other State, or in any other way to place potatoes at any point outside thereof, or so as directly to burden, obstruct, or affect any such commerce.

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

§ 957.11 Committee. "Committee" means the Administrative Committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.20.

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

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

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

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

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

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

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

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

§ 957.17 District. "District" means each of the geographical divisions of the production area established pursuant to § 957.22 or as reestablished pursuant to § 957.23.

ADMINISTRATIVE COMMITTEE

§ 957.20 Establishment and membership. (a) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer in the district for which he is selected or an officer or employee of a producer in such district, and shall be a resident thereof. A producer who handles potatoes other than of his own production shall qualify as a producer under this subpart.

(c) The counties of Oneida, Power, Bingham, Clark, and all counties lying east thereof in Idaho;

(d) Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

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

§ 957.23 Redistricting. The Secretary, upon recommendation of the respective districts within the production area and may reapportion committee membership among the various districts. In recommending any such changes in districts or representation, the committee shall give consideration to:

(a) Shifts in potato acreage within districts and within the production area during recent years;

(b) the importance of potato production in its relation to existing districts;

(c) the equitable relationship between the committee membership and districts;

(d) the need for reorganization to promote efficient administration due to redistricting or reapportionment of members within districts; and

(e) other relevant factors.

§ 957.24 Selection. Members and alternates of the committee shall be selected by the Secretary on the following basis (unless otherwise apportioned pursuant to § 957.23) from nominations made pursuant to § 957.25 or from other eligible persons:

(a) two producer members and one handler member, with their respective alternates, from District No. 1;

(b) one producer member and one handler member, with their respective alternates, from District No. 2; and

(c) two producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.25 Nominations. For the selection by the Secretary of the members and alternates of the Idaho-Eastern Oregon Potato Committee, nominations may be made in the manner indicated in this section. Nominations for members and alternates may be submitted by producers and handlers, as the case may be, or groups of either thereof, on an elective basis or otherwise.

(a) In order to provide nominations for committee members and alternates, the committee chair shall hold, or cause to be held, prior to April 1 of each year, one or more meetings of producers and of handlers in each district to nominate committee members and alternates.

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

(c) 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.

(d) Only producers may participate in designating nominees for producer members and alternates, and only handlers may participate in designating nominees for handler members and alternates.

(e) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than May 1 of each year.

(f) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he will vote.

(g) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates and representatives at large, for the nomination of committee members and alternates. In the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate, as aforesaid, in designating nominees. An eligible voters
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 district in which he elects to vote.

§ 957.26 Failure to nominate. If nominations are not made within the time and manner prescribed by § 957.25, or if a qualified member is selected by committee action, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 957.32 Powers. The committee shall have the following powers:

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

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

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

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

§ 957.33 Duties. It shall be the duty of the Committee:

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

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

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

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

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

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

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

(h) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or at the request of the Secretary, but not to exceed $1.00 per carload, or equivalent quantity. Such rates may be established upon the basis of the committee's recommendations or other available information.

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

(j) To consult, cooperate and exchange information when deemed desirable by the committee with other committees, and to adopt such rules and regulations as the Secretary may deem advisable;

(k) To recommend to the Secretary the establishment of rates for the handling, marketing, and disbursement of potatoes as may be approved by the Secretary;

(l) To furnish to the Secretary any information which clearly reflects all of the acts and transactions of the committee and such information shall be subject to examination at any time by the Secretary or his authorized agent or representative;

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

(n) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or at the Secretary's request.

(o) To enjoy the privilege of casting only one vote, as aforesaid, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

§ 957.40 Expenses. The committee is authorized to incur such expenses as the committee may deem necessary and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to § 957.25, or a successor for his unexpired term may be selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.28 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 from previously unselected nominees on the current list from which nominees were selected, the Secretary may select such committee member or alternate from any person on the committee list in accordance with the representation provided for in § 957.25.

§ 957.29 Alternate members. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence and may perform such other duties as may be assigned or required by the Secretary.

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

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be considered as having been cast in person.

§ 957.31 Expenses and compensation. Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and for the exercise of their powers under this subpart, and may receive compensation at a rate, to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business.

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

(b) The Secretary shall have the following powers:

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

(ii) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or at the Secretary's request.

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

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

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

§ 957.44 Budget. At the beginning of each fiscal period, and as necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend the approval of an amended budget and increase the rate of assessment thereof for the purposes specified in this part.

§ 957.45 Duties. It shall be the duty of the committee to:

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

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

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

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

(e) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or at the Secretary's request.

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

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

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

activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person such property and funds in his possession, including any right to all of such property and funds and all claims vested in such person.

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

§ 957.44 Refunds. At the end of each fiscal period funds arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Except as provided in paragraph (b) of this section, any handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the next period of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him;

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one-half of an average fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of the termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 957.50 Marketing policy—(a) Preparation. Prior to or at the same time as recommendations are made pursuant to § 957.31, the committee shall consider, and prepare, a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

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

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

(3) The trend and level of consumer income;

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

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

§ 957.51 Recommendation for regulations. Whenever the committee deems it advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate and submit a new marketing policy in the manner set forth in this section. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report.

§ 957.52 Issuance of regulations. (a) The Secretary shall limit the handling of potatoes whenever, in the judgment of the Secretary, it is advisable that the handling of potatoes be regulated pursuant to § 957.53, or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification, suspension, or termination thereof, whenever it finds that such regulation, as provided in such sections, will tend to effectuate the declared policy of the act.

§ 957.53 Shipments for specified purposes. Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulations under or pursuant to 957.44, § 957.52, or § 957.53, or combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) Export;

(b) Relief or charity;

(c) Livestock feed;

(d) Certified seed potatoes;

(e) Processing into specified products, and

(f) Such other purposes which may be specified by the Committee, with the approval of the Secretary.

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

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

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

(b) Safeguards, provided by this section, may include, but shall not be limited to, requirements that handlers:

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

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

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

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

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 for such certificates, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 Inspection and certification. (a) During any period in which regulations are in effect pursuant to §§ 957.42, 957.43.
§ 957.22 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 section.

§ 957.83 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 after announcement 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.

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

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

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

§ 957.85 Effect of termination or amendments. (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any request to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which shall continue in force in connection with any provision of this subpart or regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are committee members and alternates on the effective date of this subpart shall continue in office until their successors have been selected and have qualified. All rules and regulations issued or approved by the Secretary pursuant to this part (Order No. 57, as amended) and not in conflict herewith, which are in effect immediately prior to the date of this subpart shall continue in force under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

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

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

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

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

§ 957.90 Separability. If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.
§ 957.91 Amendments. Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers during the period April 25-May 5, 1958, inclusive, who, during the period July 1, 1957, through April 30, 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area comprising certain designated counties in Idaho and Malheur County, Oregon, in the production of Irish potatoes for market, to determine whether such producers approve or favor the issuance of amendments to Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in Malheur County, Oregon, Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously hereewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referendum Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176).

R. H. Eaton, Allen Henry, F. N. Andary and R. L. Powers of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary to conduct such referendum jointly or severally.

Copies of the text of the aforesaid amendment are hereby filed in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the said production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said amendatory order may be obtained from any referendum agent and any appointee hereunder.

Franklin F. Reed, Assistant Secretary.

[F. R. Doc. 56-300f; Filed, Apr. 22, 1958; 21:49 a.m.]
(3) That the bandwidth of emission does not exceed 1100 kc.

(4) Allocate the band 2110-2390 Mc to:

(1) Common Carrier fixed.
(2) International control.
(3) Interstate fixed.

It is intended that the service rules pertaining to the aforementioned stations will limit the maximum authorized bandwidth to 5 Mc and will not permit two-way transmission.

7. Under the provision of footnote NL18, the Commission’s Table of Frequency Allocations now permits the use of the bands 2900-3246 Mc, 3266-3300 Mc, 5223-5460 Mc, 5460-5600 Mc, 9000-9200 Mc and 2920-2950 Mc by radio-positioning stations on a non-interference basis. Under the Commission’s proposal, footnote NL18 would be deleted. However, in lieu of the tailblock of frequencies in these bands under this footnote the Commission proposes that the allocation to radio-positioning services may be changed to the bands 2900-3131 Mc (footnote US116), 5493-5600 Mc (footnote US112), 5600-5650 Mc (footnote US111), 9000-9200 Mc (footnote US112), and 2920-2950 Mc (footnote US114), and bands would also become available, pursuant to footnote US115A, to educational institutions now governed by existing footnote NG39, which would be deleted.

3. As a general rule, the decision reached in this proceeding, the Commission’s Table of Frequency Allocations, as contained in Part 2, is changed. It follows that the frequency availability sections of other Parts of the Commission’s rules will also require amendment. To the extent that this is necessary, it will be accomplished at a later date by further rule-making. It should be noted that the Commission’s action with respect to some of the proposals made in this proceeding until after the 1959 ITU Radio Conference. (For example, radio-navigation bands.)

The proposed amendments to Part 2 of the Commission’s rules are set forth in the Appendix and are issued pursuant to the authority of section 303(c) of the Communications Act of 1934, as amended.

10. Any interested person who is, in the opinion of the Commission, the holder of a frequency assignment in the bands 980-942 Mc may be affected by the proposals set forth below and may file with the Commission on or before July 16, 1958, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before this date. Comments in reply to original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

11. In accordance with the provisions of §134 of the Commission’s rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.


Released: April 18, 1958.

FEDERAL COMMUNICATIONS COMMISSION

[Seal]

MARY JANE MORRIS,
Secretary.

The Commission is not, at this time, proposing national changes in its Table of Frequency Allocations below 25 Mc. The National changes in the bands above 25 Mc which are being proposed at this time are as follows:

Proposed FCC allocation

<table>
<thead>
<tr>
<th>Band (Mc)</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>400-500</td>
<td>G/NG 400-500</td>
</tr>
<tr>
<td>525-5460</td>
<td>G/NG 525-5460</td>
</tr>
<tr>
<td>547-5625</td>
<td>G/NG 547-5625</td>
</tr>
<tr>
<td>563-5875</td>
<td>G/NG 563-5875</td>
</tr>
<tr>
<td>590-6200</td>
<td>G/NG 590-6200</td>
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<tr>
<td>625-6500</td>
<td>G/NG 625-6500</td>
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<tr>
<td>650-6800</td>
<td>G/NG 650-6800</td>
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<tr>
<td>680-7100</td>
<td>G/NG 680-7100</td>
</tr>
<tr>
<td>710-7400</td>
<td>G/NG 710-7400</td>
</tr>
<tr>
<td>740-7700</td>
<td>G/NG 740-7700</td>
</tr>
<tr>
<td>770-8000</td>
<td>G/NG 770-8000</td>
</tr>
</tbody>
</table>

NG101 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the bands 890-942 Mc may, upon the showing that interference is caused by or to their assignments, be authorized to use frequencies in the band 942-933 Mc provided the bandwidth of such stations does not exceed 1100 kc and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 942-933 Mc is likely to result in the elimination of the interference occurring in the band 890-943 Mc.

NG102 The use of the band 2450-2500 Mc by non-Government stations in the fixed and mobile services is limited to the remote control of devices not intended for radio-communications. Stations in the fixed and mobile services, authorized prior to July 1, 1938, may continue to be authorized in this band.

US16 The frequency 22335 Mc/s is designated for industrial scientific and medical purposes: emissions must be confined within the limits of 22100-22500 Mc/s. Radio-navigation service operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US64 The bands 118.3-121.4 Mc and 123.6-126.8 Mc are for air traffic control communications.

US65 The frequency 121.6 Mc/s is for search and rescue communications. Aeronautical utility land and mobile stations may use this frequency on the condition that no harmful interference is caused to search and rescue communications during any period of
search and rescue operations in the local area.

US96 The band 121.65-121.975 Mc/s is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US97 The current use of the band 121.975-123.075 Mc/s by military aircraft is for tracking and pursuit of flight inspection functions in accordance with the Civil Aeronautics Act of 1938, as amended.

US98 The band 121.975-123.075 Mc/s is in use by private aircraft stations. The frequencies 122.3 and 123.0 Mc/s may also be used by aeronautical advisory stations.

US100 The band 123.075-123.55 Mc/s is for non-Government operations in accordance with the Commission's Rules and Regulations.

US101 The band 123.075-123.55 Mc/s is for use by flight test activities pertinent to aircraft certification.

US102 The band 123.075-123.55 Mc/s is for use by flight test and flying school stations.

US105 Radio altimeters are permitted in the band 1600-1660 Mc/s until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US106 The non-Government, radiopositioning service shall not cause harmful interference to the Government radiopositioning service.

US107 The non-Government, radiopositioning service may be authorized in the band 2600-2990 Mc/s on the condition that it does not cause harmful interference to the Government radiopositioning service.

US110 Non-Government contract development stations may be authorized to use frequencies in any band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations which reads as follows: "Non-Government Contract Development Stations may be authorized to use frequencies in any band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations," which appears on certain Government bands. The Commission proposes to insert a paragraph in Part 2 of its Rules preceding the Table of Frequency Allocations which reads as follows: "Non-Government Contract Development Stations may be authorized to use frequencies in any band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations."

US111 Temporarily, and until certain operations of the radiosensitive service in the band 2700-2990 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiosensitive service.

US112 Non-Government land based radar stations in the aeronautical radionavigation service may be authorized in the band 2700-2990 Mc/s, subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned, and upon special showing of need for service which the Government is not yet prepared to render.

US113 The non-Government, radiopositioning service may be authorized in the band 2900-3100 Mc/s on the condition that no harmful interference is caused to Government services.

US114 The non-Government, radiopositioning service may be authorized in the band 9000-9200 Mc/s on the condition that harmful interference is not caused to the Government, aeronautical radiodetermination, meteorological aids services, or to the Government radiopositioning service.

US115 The band 4200-4400 Mc/s is reserved exclusively for radio altimeters until such time as international standardization of other aeronautical radionavigation systems or devices requires the discontinuance of radio altimeters in this band.

US116 The non-Government, radiosensitive service shall not cause harmful interference to the aeronautical radionavigation service or to the Government radionavigation service.

US117 The non-Government, radiosensitive service may be authorized in the band 5600-5650 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radionavigation service.

US118 The band 5600-5650 Mc/s the non-Government, radiopositioning service shall not cause harmful interference to the Government, aeronautical radionavigation service.

US119 Temporarily and until certain operations of the radiosensitive service in the band 5600-5650 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiosensitive service.

US120 The non-Government, radiopositioning service may be authorized in the band 10500-10550 Mc/s on the condition that harmful interference is not caused to other services authorized to operate in these bands.

US121 Temporarily and until certain operations of the radiosensitive service in the band 5400-5440 Mc/s can be transferred to other appropriate frequency bands, the aeronautical radionavigation service may, in certain geographical areas, be subject to receiving some degree of interference from the radiosensitive service.

US122 The non-Government, radiopositioning service may be authorized in the band 9000-9200 Mc/s on the condition that harmful interference is not caused to the Government, aeronautical radiodetermination, meteorological aids services, or to the Government radiopositioning service.
FEDERAL REGISTER

2701

SALT LAKE BASE AND MERIDIAN
T. 1 N., R. 2 W., Sec. 29, Lots 1 and Tracts 95B, 95R, 97B and 97R.
The above areas aggregate 117.21 acres.

FLOYD E. DOMINY,
ACTING ASSISTANT COMMISSIONER.

[7970]

APRIL 16, 1958.

I concur. The records of the Bureau of Land Management will be noted accordingly. The lands shall be administered by the Bureau of Land Management for grazing purposes until such time as they shall be needed for reclamation purposes.

EDWARD WOOLEY,
DIRECTOR.
Bureau of Land Management.

[F. R. Doc. 58-2594; Filed, Apr. 22, 1958; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-26]

LOCKHEED AIRCRAFT CORP.

NOTICE OF EXPIRATION OF CONSTRUCTION PERMIT

Please take notice that Lockheed Aircraft Corporation having advised the Atomic Energy Commission that Lockheed Aircraft Corporation will not proceed with the construction of the critical experiment facility at Palo Alto, California, as originally designed and described in its application for a construction permit and Class 104 license and the proposed construction not having been completed by the latest completion date specified in Construction Permit No. CPCEX-5, the Atomic Energy Commission has determined that Construction Permit No. CPCEX-5 has expired as of October 1, 1957, and all rights theretofore are forfeited. Further details may be obtained by examination of Docket F-26 on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 15th day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,
DIRECTOR, DIVISION OF LICENSING AND REGULATION.

[F. R. Doc. 58-2594; Filed, Apr. 22, 1958; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12243; FCC 58M-39]

FEDERAL COMMUNICATIONS COMMISSION,

[STAFF]

M. J. M. M构件,
SECRETARY.

[Filed as part of the original document.]

FEDERAL POWER COMMISSION

[Docket No. 8-6016]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PROVIDING HEARING AND SUSPENDING PROPOSED RATE SCHEDULE

APRIL 17, 1958.

Public Service Company of Oklahoma (Public Service), incorporated under the laws of Oklahoma, with its principal place of business in Tulsa, Oklahoma, on February 4, 1958, tendered a proposed rate schedule for filing, pursuant to Section 205 of the Federal Power Act, to be effective August 5, 1957, or in the alternative April 17, 1958. As tendered the proffered filing is in effect a tender of an earlier incomplete rate schedule filing which Public Service proffered initially on August 9, 1957, and withdrew for purposes of resubmission. It has been tentatively designated in the Commission's files as Public Service's proposed Rate Schedule FPC No. 151 and would supersede Public Service's Rate Schedule FPC No. 197 and Supplements Nos. 1 and 3 thereto.

Substantively, the proposed rate schedule would effect revisions in Public Service's currently effective filed rate

1. On December 9, 1957, the Commission released its First Notice of Inquiry in this matter, inviting interested persons to file comments on or before January 22, 1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

2. The Commission has set forth in the appendix 1 hereto a proposal for revision of Chapter 3 (Article 3-9) of the Radio Regulations, which includes the International Table of Frequency Allocations. In keeping with accepted practice on conference documents of this type, changes or deletions to numbered paragraphs are placed by typing the existing material and dashing it out. Newly inserted material is underlined. The Commission wishes to emphasize that it has not taken any final action with respect to the proposal contained in the attachment, nor has it been considered by any of the State Department Committees which are engaged in preparatory work for the Radio Conference. Further changes in this proposal may be made, if circumstances require, any time before the forthcoming radio conference.

3. The Commission wishes to point out that the principal purpose of publishing this proposal is to enable the Commission to have the benefit of the views of its licensees and other interested parties before it makes its recommendations to the State Department Committees concerning the frequency allocations of the United States should take on these matters at the Radio Conference. Because it is necessary that the United States complete its preparations for the Radio Conference and to effect coordination of its proposals at the international level, it will be necessary for the Commission to transmit its recommendations to the State Department at an early date. In view of that fact the Commission wishes to advise all interested parties that it will be unable to grant any extension of time for filing comments concerning the proposed changes to the international table of frequency allocations beyond the date set forth below.

4. Any interested person is invited to file comments with the Commission concerning the proposed changes in the international table of frequency allocations, shown in column 1 and 2 of the Appendix on or before May 15, 1958. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fifteen (15) copies of all comments shall be furnished to the Commission.


Released: April 16, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[STAFF]

M. J. M. M构件,
SECRETARY.

[FILED AS PART OF THE ORIGINAL DOCUMENT.]

FEDERAL POWER COMMISSION

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Substantively, the proposed rate schedule would effect revisions in Public Service's currently effective filed rate
schedule both as to the type of electric service which the Company renders thereunder to the Grand River Dam Authority (Authority) and its rates and charges therefor.

Kame Electric Cooperative and other parties identified and described in various submittals filed herein, including a "formal protest" filed February 19, 1958, and a "motion" filed March 25, 1958, oppose Commission acceptance of the proposed rate schedule for filing under the Federal Power Act. They request that it be rejected or in the alternative that the Commission set the matter for public hearing. Comments were also received from the Eastern Oklahoma Flood Control Association; The Sallisaw, Oklahoma Chamber of Commerce; The Wagoner, Oklahoma Chamber of Commerce and Mayor, all requesting Commission approval of the agreement between Public Service and Authority embodied in the Federal Power Act. They request "formal protest" filed February 19, 1958, "motion" currently filed rate schedule have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful, contrary to that act embodied in the Federal Power Act. And unless suspended by order of the Commission, the proposed rate schedule by reason of the alternative requested effective date therefore will become effective April 17, 1958 pursuant to the provisions of the Federal Power Act and the Commission's Regulations thereunder.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission pursuant to the authority of that act enter upon a hearing concerning the lawfulness of Public Service's Rate Schedule FPC No. 151 and that the operation of such proposed rate schedule be suspended and the use thereof deferred as hereinafter provided.

The Commission orders: (A) A public hearing be held concerning the lawfulness of Public Service's proposed Rate Schedule FPC No. 151, at a time and place and in the manner all to be fixed by further order of the Commission.

(B) Pending such hearing and decision thereon, the operation of the proposed rate schedule referred to in Paragraph (A) above hereby is suspended and the use thereof deferred until April 18, 1958. On that date the proposed rate schedule shall take effect in the manner prescribed by the act, subject to further order of the Commission.

(C) During the period of suspension Public Service's Rate Schedule FPC No. 107 and Supplements Nos. 1 and 2 thereto, on file with the Commission shall remain and continue in effect.

(D) Public Service shall not change either the terms and provisions of its proposed Rate Schedule No. 151 or those of its Rate Schedule No. 107 and Supplements Nos. 1 and 2 thereto, until this proceeding is disposed of unless otherwise ordered by the Commission.

[Event] EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 17, 1958.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, with its principal place of business in El Paso, Texas, filed an application on April 1, 1957, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of natural gas facilities 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.

The facilities proposed to be constructed are five mainline taps to provide natural gas service to three distribution companies as follows:

1. Arizona Public Service Company for resale in Arizona (population 150), Maricopa County, Arizona, near Applicant's Gila Compressor Station for residential, commercial and industrial uses instead of butane.

2. Lea County Gas Company for resale to Mr. Eddie Stevenson near Applicant's No. 4 Compressor Station, Luna County, New Mexico, to use the gas for irrigation pump fuel in lieu of the more expensive butane now in use.

3. Lea County Gas Company for resale to Mr. James H. Straw east of Deming, Luna County, New Mexico, for use in his home, filling station, garage and tourist court. Butane will be replaced by natural gas.

4. Lea County Gas Company for resale in the Signal Peak farming area, about 100 miles east of El Paso, in Hudspeth and Culberson Counties, Texas. Natural gas is proposed to replace butane in the operation of irrigation pumps in this area.

5. Southern Union Gas Company for resale to the Woodmen of the World camp for boys near Farmington, San Juan County, New Mexico. Natural gas would be the first fuel used at the camp.

The estimated cost of the five proposed taps is $7,275.00 each, making a total of $36,375.00 to be financed from funds on hand.

Applicant states that it proposes to sell natural gas to the three public utility distributing companies for resale to their customers for domestic and commercial uses in quantities for three years as follows:

Year of service | 1 | 2 | 3
--- | --- | --- | ---
Arlington      | 26,526 | 26,521 | 26,521
Peak day (Med.)| 157 | 156 | 156
Peak day (Min.)| 157 | 156 | 156
Annual (Med.)  | 2,800 | 2,800 | 2,800
Annual (Min.)  | 12 | 12 | 12

[Event] MONTANA POWER CO.

ORDER FIXING HEARING AND DENYING PETITION FOR DECLARATORY RELIEF

APRIL 17, 1958.

On December 3, 1951, application was filed by The Montana Power Company, licensee for major Project No. 5, for amendment of its license for the project to authorize the construction, installation and maintenance of; an extension to the existing powerhouse; a third generating unit of 50,000 kilowatt capacity; a tunnel about 900 feet long; a new intake upstream of, but separate from, the existing intakes; and other appurtenant facilities to the Flathead River Project No. 5, located on Flathead Lake and
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Hatfield River in Flathead and Lake Counties, Montana.

Pursuant to request therefor, by letter dated December 29, 1951, the Commission advised the licensee that commencement of construction of the third unit and associated works at the Kerr powerhouse, at its own risk, prior to issuance of an amendment of license therefor, would not prejudice consideration by the Commission of the application for amendment of license.

Since the filing of the application for amendment, conferences have been held between a Representative of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana (whose lands are occupied in part by the Kerr Project), and the licensee, on the subject of the additional annual charges, if any, to be paid by the licensee for the use, occupancy, and enjoyment of the Tribal lands as proposed by the application. However, those conferences having failed to produce an agreement between the subject, the licensee, by letter dated December 1, 1954, requested a hearing on the matter as promptly as possible. In response thereto, by letter dated December 20, 1954, the Commission requested that the Commission take no action on the licensee's request pending the application for amendment of license, including a determination of additional amount of annual charges. If any, for the use of the Indian Tribal lands as proposed in the application for amendment.

Consequently, on May 8, 1957, a motion was made for a hearing on the licensee's pending application for amendment and for a determination of a reasonable annual charge to be paid by the Tribes for the use of their lands by the licensee's third generating unit.

On May 8, 1957, the Tribes also filed a "petition for declaratory relief" wherein requested the Commission order the licensee to cease its operation of the third generating unit of its Kerr Project, pending Commission consideration of the licensee's pending application for amendment of license therefor under the third generating unit, and until the licensee shall have obtained permission from the Secretary of the Interior to the operation of such additional unit.

The Commission finds:

(1) In the circumstances recited herein, it is in the public interest that a public hearing be held on the matter involving the pending application for amendment of license, including a determination of increased annual charges, if any, due to the Tribes.

(2) The position of the Tribes sets forth no facts showing that the continued operation of the third generating unit at the Kerr Project by the licensee pending final Commission action on the issues referred to in finding (1) above would either cause the Tribes irreparable damage or would otherwise be inconsistent with the public interest.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction

INTERSTATE COMMERCE COMMISSION

MISOURI INTRASTATE FREIGHT RATES AND CHARGES

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of April A.D. 1958.

Upon consideration of the record in the above-entitled proceeding and petition of H. K. Porter Company, Inc., for further hearing, motion of the Missouri Public Service Commission for leave to file exceptions to the examiner's proposed report herein, replies of the rail carrier respondents; and for good cause appearing:

It is ordered, That the motion to the extent the Missouri Public Service Commission of Missouri adopts the exceptions proposed by Midwest Coal Traffic Bureau, St. Louis Material & Supply Company, Missouri-Illinois Material Company, Missouri Aggregates, Inc., and Pacific Pebbles, Inc., be, and the same is hereby, granted;

It is further ordered, That the motion of the Public Service Commission of Missouri to the extent it requests leave to file exceptions to the examiner's proposed report herein be, and the same is hereby, overruled, for the reason that it was filed approximately five months after the expiration of the period within which to file exceptions, and that the reasons stated in the support thereof are insufficient to warrant granting of that part of the motion:

And it is further ordered, That the motion of H. K. Porter Company, Inc., for further hearing be, and the same is hereby, denied, for the reason that proper notice of this proceeding was given in the customary manner, that the order instituting the investigation was served upon various parties by depositing a copy of said order for public inspection in the office of the Secretary of the Commission and by filing with the Division of the Federal Register, and that the reasons stated in the support of petition were insufficient to warrant granting of the petition.

By the Commission.

[seal.]

MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-3298; Filed, Apr. 19, 1958; 8:46 a.m.]

[Notice 33]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

April 18, 1958.

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 (e) (6)) and notice thereof to all interested persons is hereby given in the customary manner, that the order instituting the investigation was served upon various parties by depositing a copy of said order for public inspection in the office of the Secretary of the Commission and by filing with the Division of the Federal Register, and that the reasons stated in the support of petition were insufficient to warrant granting of the petition.

By the Commission.

[seal.]

HAROLD D. MCCOV,
Secretary.

[F. R. Doc. 58-3298; Filed, Apr. 19, 1958; 8:46 a.m.]

[Notice 33]
in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-300 (Deprivation No. 6), RISS & COMPANY, INC., 15 West 16th Street, Kansas City, Mo., filed April 10, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 16th Street, Kansas City, Mo. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between Manhattan, Kans., and Halford, Kans., as follows: from Manhattan over U. S. Highways 89 and 91 to junction U. S. Highway 89 to New Haven, Conn., and New York, N. Y., over the following pertinent routes: from New Haven over U. S. Highway 1 to New York; and from Danbury over U. S. Highway 26 to New York, hence over U. S. Highway 1 to New York.

By the Commission.

[Seal]

HAROLD D. MCCOY, Secretary.

[Saturday, April 22, 1958: 8:49 a.m.]

MOTOR CARRIER APPLICATIONS

APRIL 19, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice 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., United States standard time or 9:30 o'clock a. m., local daylight saving time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PER-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC-730 (Sub No. 120), filed March 26, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. Authority sought to operate as a common carrier, by motor vehicle, 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, serving the following states: Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC-1263 (Deprivation No. 11), GARRITT FREIGHTLINES, INC., P. O. Box 349, 2055 Pole Line Road, Pocatello, Idaho, filed April 14, 1958. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route between Denver, Colo., and junction U. S. Highways 93 and 91 near Farmington, Utah, as follows: from Denver over U. S. Highway 87 to junction Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins, Colo., thence over U. S. Highway 27 to Rawlins, Wyo., thence over U. S. Highway 30 to its junction with U. S. Highways 30N and 305 near Little America, Wyo., thence over U. S. Highway 30S to Umatilla, Ore., thence over U. S. Highway 93 to its junction with U. S. Highway 91 near Farmington, 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 Denver, Colo., and the junction of U. S. Highways 89 and 91 near Farmington, Utah over the following pertinent route: from Denver over U. S. Highway 6 to Dowd, Colo., thence over U. S. Highways 6 and 24 to Grand Junction, Colo., thence over U. S. Highways 6 and 50 to Spanish Fork, Utah, thence over U. S. Highway 80 to its junction with U. S. Highways 89 and 91 near Farmington.

No. MC-75643 (Deprivation No. 1), VALIERIE'S TRANSPORTATION SERVICE, INC., P. O. Box 880, Norwalk, Conn., filed April 10, 1958. Carrier proposes to operate as a common carrier by motor vehicle of general commodities, with certain exceptions, over a deviation route, between the Western Terminals of the Connecticut Turnpike at the Connecticut-New York State line and Interchange 52 in East Haven, Conn., as follows: from the Western Terminals of the Connecticut Turnpike over the Connecticut Turnpike and access routes to Interstate 95 of said Turnpike, 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 New Haven over U. S. Highway 1 to New York, and from Danbury over U. S. Highway 7 to Norwalk, Conn., thence over U. S. Highway 1 to New York.

By the Commission.

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trailer and semi-trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Lowell, Mass., to points in the United States, and from Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** May 28, 1958, at the New Federal Building and Court House Building, Boston, Mass., before Examiner Charles R. Rieger.

No. MC 4495 (Sub No. 301), filed April 7, 1958. Applicant: DEALERS TRANSIT, INC., 12801 Senn Tower, Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) -Trailers, semi-trailers, trailer and semi-trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from York, Pa., to points in the United States; (2) truck-tractors, in secondary movements, by driveaway method, only when drawing-trailers moving in initial movements, and semi-trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont; (3) trucks, in secondary movements, by driveaway method, only when drawing-trailers moving in initial movements, and semi-trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.


No. MC 8902 (Sub No. 12), filed February 26, 1958. Applicant: FREDERICK FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatsmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a common carrier, by motor vehicle, 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, serving the State of Ohio, the Chrysler Corporation Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point, and applicant's authorized operations. Applicant is authorized to conduct operations in Indiana, Illinois, Missouri, Ohio, and Kentucky.

**HEARING:** May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29656 (Sub No. 50), filed March 24, 1958. Applicant: GRUBB FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a common carrier, by motor vehicle, 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, serving the State of Ohio, the Atchison Topeka and Santa Fe Railway Company, between East St. Louis, Ill., and Kansas City, Kans., in Certificate No. MC 29566, Sheet 1.

**HEARING:** May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 29654 (Sub No. 31), filed March 24, 1958. Applicant: FURNITURE EXPRESS, INC., 1240 South Holt Road, R. D. No. I, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, including Class A and B explosives, and commodities in bulk, but excluding commodities in tanks, in tank vehicles, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, in connection with applicant's operations in Certificate No. MC 8902 and Sub numbers 2, 3, 4, 6, 7, 9, 10, and 11 thereunder. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York, Massachusetts, Rhode Island, and Connecticut.

**Note:** Applicant states that it proposes to change in present operating routes or territory, and that it proposes to amend the above mentioned certificate.

**HEARING:** May 27, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Allen W. Hagerty.

No. MC 17193 (Sub No. 15), filed April 3, 1958. Applicant: POSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatsmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, excluding commodities in bulk, those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the State of Ohio, in Certificate No. MC 29656, thence over U. S. Highway 283 to junction Kansas Highway 14 to junction U. S. Highway 281, thence over U. S. Highway 281 to junction Oklahoma Highway 15, thence over Oklahoma Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to junction U. S. Highway 60, thence over U. S. Highway 60 to Amarillo, and return over the same route, serving no intermediate points between Wellington, Kans., and Woodward, Okla., and Amarillo, Texas, involving points which were authorized applicant under MC-P 7172, and by this application, to operate from restriction to services that is auxiliary to, or supplemental to, the service of the Atchison, Topeka and Santa Fe Railway Company, between Woodward, Okla., and Amarillo, Texas, from Woodward over Oklahoma Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to junction U. S. Highway 60, thence over U. S. Highway 60 to Amarillo, and return over the same route, serving no intermediate points between Wellington, Kans., Woodward, Okla., and Amarillo, Texas.

**Note:** Applicant states the portion of the route between Wellington, Kansas, and Woodward, Okla., is requested for the purpose of taking the proposed authority with certificate No. 14, thence over Kansas Highway 15 to junction Kansas Highway 14 to junction U. S. Highway 281, thence over U. S. Highway 281 to junction Kansas Highway 15 to junction U. S. Highway 60, thence over U. S. Highway 60 to Amarillo, and return over the same route, serving no intermediate points between Wellington, Kansas, and Amarillo, Texas.

**HEARING:** May 28, 1958, at the Hearing Room, Hotel, Amarillo, Tex., before Joint Board No. 179.

No. MC 41355 (Sub No. 28), filed March 26, 1958. Applicant: GRUFF MOTOR LINES, INC., P. O. Box 567, Lexington, N. C. Applicant's attorney: Harry P. Gillis, Mills Building, Washington, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, in cartons or crates, from Norfolk, N. C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, Georgia, Florida, Tennessee, Kentucky, Virginia, West Virginia, Maryland, South Carolina, North Carolina, and Georgia. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, and New Jersey.
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U.S. Highway 62 to Paducah, and return over the same route, serving all intermediate points. Applicant proposes restriction so as to prohibit applicant from handling St.-Louis-Paducah traffic in single-line service via I and applicant's other existing authority. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin.

Note: Previous publication asserted application was Joint Board No. 165, in error. The correct designation of the Joint Board is No. One Five Six (156).

HEARING: May 28, 1958, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 156, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 69752 (Sub No. 17) filed April 2, 1958. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kansas. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place-NW., Washington 6, D. C. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, fluid extender, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Missouri, and Wisconsin.

HEARING: May 28, 1958, at the Missouri Public Service Commission, Jefferson City, Missouri, before Joint Board No. 179.

No. MC 74367 (Sub No. 4) filed March 19, 1958. Applicant: BILLY PALMA WRIGHT, doing business as WRIGHT MOTOR LINES, 21 John Street, Asheville, N. C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Missouri, and Wisconsin.

HEARING: May 27, 1958, at the Missouri Public Service Commission, Jefferson City, Missouri, before Joint Board No. 179.

No. MC 75320 (Sub No. 82) filed April 7, 1958. Applicant: CAMPBELL SIXTYSIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and other articles distributed by meat packers in the conduct of their business, serving Valley Park, Mo., and the site of the Chrysler Corporation plant at or near Valley Park as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 66 between Springfield, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Missouri, Kansas, Illinois, Oklahoma, Arkansas, Iowa, Tennessee, Texas, Mississippi, Alabama, and Louisiana.


No. MC 74912 (Sub No. 9) filed March 27, 1958. Applicant: INTERSTATE DISPATCH SERVICE, INC., 1200 South Home Avenue, Kokomo, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission.

Applicant is authorized to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Missouri, and Wisconsin.


No. MC 67823 (Sub No. 70) filed April 3, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 3636 South Western Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid commodities, except gasoline, fuel oil, asphalt and tar, in bulk, in tank cars, and commodities susceptible of being transported in hopper type equipment, in iron or steel barrels, and tanks, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Iowa, Ohio, Missouri, New York, Pennsylvania, and Wisconsin.


No. MC 67727 (Sub No. 71) filed April 9, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 3636 South Western Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Iowa, Ohio, Missouri, New York, Pennsylvania, and Wisconsin.


No. MC 67722 (Sub No. 71) filed April 9, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 3636 South Western Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commissioner of Agriculture, in excess of ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U.S. Highway 66 at or near Valparaiso, Ind.; and to conduct operations in Illinois, Iowa, Ohio, Missouri, New York, Pennsylvania, and Wisconsin.


No. MC 83300 (Sub No. 18), filed April 5, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whiteley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, initial and secondary movements, in truckaway and driveaway service from Jacksonville, Miami, and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and damaged or rejected shipments of products and feed ingredients, on return. Applicant is authorized to conduct operations in Michigan, Indiana, and South Carolina.

Hearing: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 88380 (Sub No. 19), filed April 9, 1958. Applicant: DIXIE TRANS-PORT COMPANY, North Dixie Highway, Whiteley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service from Jacksonville, Florida, and points in South Carolina; (2) from Savannah, Ga., to points in Florida and South Carolina; and (3) from Savannah, Ga., to points in Florida and South Carolina.

Hearing: June 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner E. E. Cunningham.

No. MC 100605 (Sub No. 5), filed March 21, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whiteley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service from Jacksonville, Miami, and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and damaged or rejected shipments of products and feed ingredients, on return. Applicant is authorized to conduct operations in Michigan, Indiana, and South Carolina.

Hearing: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 88380 (Sub No. 19), filed April 9, 1958. Applicant: DIXIE TRANS-PORT COMPANY, North Dixie Highway, Whiteley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service from Jacksonville, Miami, and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and damaged or rejected shipments of products and feed ingredients, on return. Applicant is authorized to conduct operations in Michigan, Indiana, and South Carolina.

Hearing: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354.

No. MC 88380 (Sub No. 19), filed April 9, 1958. Applicant: DIXIE TRANS-PORT COMPANY, North Dixie Highway, Whiteley, Kentucky. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service from Jacksonville, Miami, and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and damaged or rejected shipments of products and feed ingredients, on return. Applicant is authorized to conduct operations in Michigan, Indiana, and South Carolina.
Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

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No. 109188 (Sub No. 27), filed February 27, 1958, at Reno, Nev., by Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

Applicant is authorized to conduct operations in Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and the District of Columbia.


Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North Main Street, Phoenix, Ariz.

Applicant's attorney: R. Y. Schureman, 639 South Broadway, Los Angeles, Calif., before Examiner F. Roy Linn.

Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and the District of Columbia.


Applicant: ARIZONA-PACIFIC TRANSFER, INCORPORATED, 3201 High Point Road, Greensboro, N. C.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

1. General merchandise, including Glass A and B articles weighing more than 108 inches in length and girth, except that the articles measured are such that the girth of the longest dimension of the article exceeds or is equal to the length of the article; and

2. Motor vehicles, except those requiring special equipment, between points in Delaware, Massachusetts, New Hampshire, and those in New Jersey east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties, Pa., and those in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, N. Y.

Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Note: Applicant proposes to restrict the above operations to service performed on a continuing contract with United States Steel Supply Division, United States Steel Corporation. A proceeding has been instituted under section 212 (c) in No. MC 115605 (Sub No. 3).


No. MC 115601 (Sub No. 3), filed April 1, 1958.

Applicant: BEECH ARMOURED CAR SERVICE INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: J. H. James Conaway, Jr., 1403 Citizens and Southern Bank Building, Wilmington, Del.

Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:

1. Steel articles,

2. Metal articles,

3. Other commodities requiring special equipment, between points in Delaware, Massachusetts, New Hampshire, and those in New Jersey east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties, Pa., and those in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, N. Y.

Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Note: Applicant proposes to restrict the above operations to service performed on a continuing contract with United States Steel Supply Division, United States Steel Corporation. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 115605 (Sub No. 3).


No. MC 110583 (Sub No. 4), filed April 4, 1958.

Applicant: LOUIS J. KENNY, 342 Schuyler Avenue, Kearny, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N. Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

1. General merchandise, including Glass A and B articles weighing more than 108 inches in length and girth, except that the articles measured are such that the girth of the longest dimension of the article exceeds or is equal to the length of the article;

2. Motor vehicles, except those requiring special equipment, between points in Delaware, Massachusetts, New Hampshire, and those in New Jersey east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties, Pa., and those in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, N. Y.

Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Note: Applicant proposes to restrict the above operations to service performed on a continuing contract with United States Steel Supply Division, United States Steel Corporation. A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 115605 (Sub No. 3).


No. MC 116200 (Sub No. 1), filed April 9, 1958.

Applicant: UNITED PARCEL SERVICE OF NEW YORK, INC., 331 East 38th Street, New York, N. Y. Applicant's attorney: B. Harrison Kahn, 726-34 Investment Building, Washington, D. C.

Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting:

1. General merchandise, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Wisconsin, Missouri, and Iowa.

2. Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service, (1) from Tampa and Pensacola, Fla., to points in Florida, Georgia, and South Carolina; (2) from Sanford, Fla., to points in South Carolina; (3) from Savannah, Ga., to points in Florida and South Carolina; and (4) from Charleston, S. C., to points in Georgia and Florida.

Applicant is authorized to conduct contract carrier operations in New York, New Jersey, Pennsylvania, Delaware, Connecticut, Massachusetts, New Hampshire, and those in New Jersey east of Tioga, Lycoming, Northumberland, Dauphin, and Lancaster Counties, Pa., and those in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Chemung Counties, N. Y.

Note: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier in No. MC 63068 (Sub No. 3).

HEARING: May 25, 1958, at the Penn Sherwood Hotel, 3300 Chestnut Street, Philadelphia, Pa., before Examiner Leo W. Cunningham.

No. MC 116427 (Sub No. 1), filed April 10, 1958.

Applicant: JOE WEST, doing business as LAS VEGAS TRUCK LINE, 728 North Main, P. O. Box 393, Las Vegas, Nev.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

1. General merchandise, including Class A and B explosives, between Las Vegas, Nev., and the Test Site near Mercury, Nev.

Applicant is authorized to transport similar commodities in California and Nevada.

HEARING: May 8, 1958, at the Nevada Public Service Commission, Carson City, Nevada, before Joint Board No. 128.

No. MC 116731 (Sub No. 2), filed March 3, 1958.

Applicant: CHARLES A. FORSTER, 2324 Henry Avenue, Newberry, S. C. Applicant's attorney: Robert R. Odom, 120 Walnut Street, Spartanburg, S. C.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

1. General merchandise, between points in South Carolina, to points in North Carolina, Tennessee, Georgia, and Florida.

HEARING: May 29, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Leo W. Cunningham.

No. MC 117030 (Sub No. 2), filed April 8, 1958.

Applicant: SOUTHERN TRANSPORT, INC., P. O. Box 326, Forest Park, Ga. Applicant's attorneys: George C. Young, 1109 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1493 Citizens and Southern Bank Building, Atlanta 3, Ga.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

1. Motor vehicles, except trailers, in initial and secondary movements, in truckaway and driveaway service, (1) from Tampa and Pensacola, Fla., to points in Florida, Georgia, and South Carolina; (2) from Orlando, Fla., to points in Florida and South Carolina; and (3) from Savannah, Ga., to points in Florida and South Carolina; and (4) from Charleston, S. C., to points in Georgia and Florida.

Applicant is authorized to transport damaged or rejected shipments of the above specified commodities on return.
NOTICES

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 324.

No. MC 117630 (Sub No. 3), filed April 8, 1958. Applicant: SOUTHERN TRANSPORT, INC., P.O. Box 326, Forest Park, Ga. Applicant's attorneys: George C. Young, 1105 Barnett Nat'l Bank Building, Jacksonville, Fla., and R. J. Reynolds, Jr., 1403 Citizens and Southern Bank Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except taxicabs, and vehicles designed or adapted for the transportation of persons, in truckways and driveways service, from Jacksonville, Miami and Port Everglades, Fla., to points in Florida, Georgia, and South Carolina, and damaged or rejected shipments of the above, specified commodities on return.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 324.

No. MC 117181 (CORRECTION), filed February 11, 1958, published issue March 27, 1958. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue, Kansas City, Mo. Applicant's attorney: James D. Patterson, 226 Securities Building, P.O. Box 1433, Billings, Mont. The publication of March 27, 1958, with regard to route (3) was in error. Correctly stated, it should read: (3) from Minneapolis and St. Paul, Minn., over U.S. Highway 12 to Willmar, Minn., thence over Minnesota Highway 23 to Junction Minnesota Highway 7, thence over U.S. Highway 70 to Montevideo, Minn., thence over U.S. Highway 212 to Broadus, Mont., thence over Montana Highway 62 to Junction U.S. Highway 80, and thence over U.S. Highway 93 to Great Falls, Mont.

HEARING: May 26, 1958, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 324.

No. MC 117193, filed February 21, 1958, published April 2, 1958. Applicant: CERRO TRANSPORTATION CORP., 306 Park Avenue, New York, N. Y. Applicant's attorneys: Humphrey, Burton, 180 Broadway, New York 7, N. Y. Applicant's name was incorrectly shown in the previous publication as CHERRO TRANSPORTATION CORP. Correct name of applicant is as shown above: CERRO TRANSPORTATION CORP.

Pre-Hearing Conference remains as assigned May 6, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C.

No. MC 117208, filed February 28, 1958, published page 2314, issue of April 19, 1958, amended April 12, 1958. Applicant: JAMES HAMBLEY SOLTHORPE doing business as BREEDLOVE TRUCKING SERVICE, 488 Webb Avenue, Bowling Green, Ky. Applicant's attorney: Marshall Funk, Grady Building, Opposite Court House, Bowling Green, Ky. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Building brick (no exceptions), in bulk, from Nashville, Tenn., to Bowling Green, Ky., over U.S. Highway 31-W, serving no intermediate points, but serving points within the city limits of Bowling Green, and points within three (3) miles of the city limits of Bowling Green in Warren County, Ky., as off-routes.

Note: Previous publication sought contract carrier authority.


No. MC 117261 (Sub No. 1), filed April 7, 1958. Applicant: VIRGIL A. HOUSDEN, R. F. D. No. 1, Shepherdstown, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk burned lime and time marl, in spreader mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three (3) miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.


No. MC 117262 (Sub No. 1), filed April 7, 1958. Applicant: EARL F. GOOD, P.O. Box 261, Poca, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk burned lime and time marl, in spreader mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three (3) miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.


No. MC 117264 (Sub No. 1), filed April 7, 1958. Applicant: GREEN BAG TRANSPORT, INC., 839 Lockhart Street, Pittsburgh 12, Pa. Applicant's attorney: Fred A. Ewald, 2507 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk burned lime and time marl, in spreader mounted vehicles, from Martinsburg, Blair, and Shepherdstown, W. Va., and points within three (3) miles of each, to points in Allegheny, Washington, Frederick and Carroll Counties, Md., Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Pendleton, and Grant Counties, Ohio, Huron, Erie, and Lorain Counties, Ohio, and damaged, returned and undelivered shipments of the above commodities on return.

Note: Applicant states that the above requested authority will be conducted under a continuing contract with one person (as detailed in section 208 (a) (1) of the Interstate Commerce Act) who operates manufacturing plants, the principal business of which is the production of cement.


No. MC 117256 (Sub No. 1), filed April 7, 1958. Applicant: EDWARD E. ROBINSON, 119 Randolph Avenue, Hagerstown, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulktreated lime and lime marl in spreader-mounted vehicles, from Martinsburg, Blair and Shepherdstown, W. Va., and points within three miles of each, to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.


No. MC 117269 (Sub No. 1), filed April 7, 1958. Applicant: ROBERT G. BUS-SARD, 2215 Virginia Avenue, Hagers-town, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk burned lime and lime marl in spreader-mounted vehicles, from Martinsburg, Blair and Shepherdstown, W. Va., and points within three miles of each to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.


No. MC 117330 (Sub No. 1), filed April 7, 1958. Applicant: J. N. CRIST, doing business as DOWNSVILLE LIME AND MARR COMPANY, 2317 Appletree Drive, Hagerstown, Md. Authority sought to operate to sell lime marl, by motor vehicle, over irregular routes, transporting: Bulk burned lime and lime marl, in spreader-mounted vehicles, from Martinsburg, Blair and Shepherdstown, W. Va., and points within three miles of each to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.


No. MC 117399, filed March 28, 1958. Applicant: THE GREY-HOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Agent's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a common carrier, by bus and truck, over regular routes, transporting: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers.

1.1 (a) Establish a regular route between Beatrice Junction and South Loleta Junction over relocated U. S. Highway 101, in lieu of (b) present authority between Beatrice Junction and South Loleta Junction over U. S. Highway 101. (c) Establish an additional regular route between North Cotati Junction and Petaluma Junction over relocated U. S. Highway 101. (d) Redescribe Route 1 to reflect adoption of current highway designations and the change in highway designation of presently authorized route between North Cotati Junction and Petaluma Junction. (e) Redescribe Route 1 on Original sheet No. 5 to read as follows: "1. Between the Oregon-California State line north of Cotati (North Cotati Junction), and the Oregon-California State line, over U. S. Highway 101 to junction Business Route, U. S. Highway 101 at Petaluma Junction; thence over unnumbered highway through Petaluma Junction and South Freeway Junction over unnumbered highway. (c) Establish a regular route between Roseville Junction and Florida Inn Junction over relocated U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 6. In lieu of present route between these points over unnumbered highway via North Sacramento. (d) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

2. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

2.1 Proposals: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

3. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

3.1 Proposals: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

4. Proposed revision of first sheets No. 16 and 18 and addition of original sheet No. 16A.

4.1 Proposals: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

5. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

5.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

6. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

6.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

7. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

7.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

8. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

8.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

9. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

9.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

10. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.

10.1 Proposed: (a) Change Route 69, Sheet No. 15, between North Freeway Junction and South Freeway Junction over U. S. Highway 40 from an alternate route to a regular route, and as so revised, incorporate same into Route 44, Sheet No. 16. In lieu of present route between these points over unnumbered highway via North Sacramento. (b) Revoke authorization now included in Route 68, Sheet No. 16, to operate between these points over unnumbered highway between Folsom and Florida Inn, incorporate same into Route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville so that all-year service will be authorized."

11. Proposed revision of first revised sheet No. 16 and 18 and addition of original sheet No. 16A.
the same has not been so incorporated in a first revised sheet No. 18 prior to its publication.

4.2 Required certificate revisions: Pursuant to the foregoing proposals, revise, delete, and add route descriptions as follows: on revised sheet No. 16 to read as follows: "68. Between the Nevada-California State line east of Floriston, and Sacramento: from the point where U. S. Highway 40 intersects the Nevada-California State line, over U. S. Highway 40 to Sacramento (Connects with Nevada route 1)." (b) Delete alternate Route 69 on sheet No. 16 and substitute the following in lieu thereof: "Intentionally left blank." (c) Delete regular route 74 on sheet No. 18 and substitute the following in lieu thereof: "74. Intentionally left blank." (d) Add the following special-operations route on sheet No. 18 as heretofore authorized. "77. Between Squaw Valley Junction and Squaw Valley: from Squaw Valley Junction and unnumbered highway to Squaw Valley. Service is authorized to be conducted in special operations only.

4.3 Related authorized routes: Route 36, proposed for the junction U. S. Highway 40, connected with Nevada Route 1 at the Nevada-California State line: with Route 74 between Folsom and Florida Inn; with Route 69 between North Freeway Junction and South Freeway Junction; and with Routes 63, 70, 80 and 93 out of Sacramento. Proposed Route 69A connects at Elvas Junction with Route 68 and in Sacramento with Routes 70 and 93. Proposed Route 80 connects with present Route 68 at Florida Inn and with Route 70 at Folsom.

5. Proposed revision of second revised sheet No. 19.

5.2 Proposal: Establish a regular route between Rodeo and West El Cerrito over relocated U. S. Highway 40, to be designated as Route 90B.

5.3 Related authorized routes: Proposed route 90B connects with Route 90 at Rodeo and with West El Cerrito and crosses routes 89 and 104 at points where vehicular interchange is provided.

5.4 Proposed revision of first revised sheet No. 21 and addition of sheet No. 21A.

6.1 Proposal: (a) Established an additional regular route between North Manteca and South Manteca over relocated U. S. Highway 99, to be designated Route 93A on revised sheet No. 21. (b) Transfer routes 94 and 95 from sheet No. 21 to an Original Sheet No. 21A.

6.2 Required certificate Revisions: Pursuant to the foregoing proposal, on revised sheet No. 21 read as follows: "93A. Between North Manteca and South Manteca: from junction U. S. Highway 99 and unnumbered highway south of Manteca (South Manteca), over U. S. Highway 99 to junction unnumbered highway south of Manteca (South Manteca)." Issue an Original Sheet No. 21A on which routes 94 and 95 will be sheets.

6.3 Related authorized routes: Proposed route 93A connects with Route 93 at North Manteca and with Route 116 at South Manteca, and, crosses regular route 93A as follows: Route 93A connects with vehicles from one highway, to the other is provided.


7.1 Proposals: (a) Change Route 107 (Sheet No. 23) between Martinez Junction and Concord Junction from an alternate route to an alternate route: "Change Route 107 (Sheet No. 23) from Martinez Junction and Concord Junction to Camp Stoneman Junction and Route 114 (Sheet No. 24) between Camp Stoneman Junction and Camp Stoneman and Route 114 (Sheet No. 24) between Camp Stoneman and Antioch from alternate routes to regular route: "107. Between Martinez Junction and Concord Junction: from junction U. S. Highway 50, connected with Route 74 between Martinez Junction and Concord Junction, to junction U. S. Highway 50 at Concord Junction. It also crosses route 110 between Clyde and Concord at which intersection means of vehicular interchange is provided. Proposed route 107 connects with Route 107 at Camp Stoneman Junction and with route 104 at Antioch. It also crosses route 112 at Camp Stoneman at which intersection means of vehicular interchange is provided. Proposed route 109 connects with routes 104 and 107 at Camp Stoneman Junction and with Route 105 at Pleasant Hill Overpass.

8. Proposed revision of first revised sheet No. 25 and addition of original sheet No. 25A.

8.1 Proposals: (a) Change Route 118 (Sheet No. 25) between Oakland and Mattox Road Junction from an alternate to a regular route. (b) Extend Route 116 (Sheet No. 25) as a regular route from intersection with Route 110 at Antioch to East Bay Traffic Distribution Structure. (c) Change the name of the southern terminus of route 118 (Sheet No. 25) from "Oakland" to "East Bay Traffic Distribution Structure." (d) Change the name of the northern terminus of route 118 (Sheet No. 25) from "Oakland" to "East Bay Traffic Distribution Structure." (e) Establish an alternate route between Martinez Junction and Hayward over California Highway 17 and unnumbered highway, to be designated as route 118A on an original sheet No. 25A. (f) Establish route 118B between Mountain House Junction and Tracy Junction over unnumbered highway via Mountain House, to be designated as Route 118B on an original sheet No. 25A.

8.2 Requested certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: Revise sheet No. 25, to read as follows: "116. Between San Francisco and Oakland over San Francisco-Oakland Bay Bridge to Oakland, thereon over unnumbered highway via San Leandro and Hayward to junction U. S. Highway 180 at Hayward (Hayward Junction), thereon over U. S. Highway 50 to junction unnumbered highway northwest of Livermore (West Freeway Junction), thereon unnumbered highway north to junction U. S. Highway 120 at Tracy Junction (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U. S. Highway 99 south of Manteca (South Manteca), thence over U. S. Highway 99 to Los Angeles." Revise route 118, sheet No. 25 to read as follows: "116. Between East Bay Traffic Distribution Structure and Hayward Junction: from junction U. S. Highway 180 at San Francisco-Oakland Bay Bridge to Oakland, thence over U. S. Highway 50 to junction California Highway 120 at Tracy Junction (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U. S. Highway 50 at Hayward Junction." Establish the following alternate route to be shown on an original sheet No. 25A: "116A. Between Castro Valley Junction and Hayward: from junction California Highway 17 and unnumbered highway west of Castro Valley (Castro Valley Junction), over California Highway 17 to junction unnumbered highway southwest of Hay-
ward, thence over unnumbered highway to Hayward. Alternate route to be used for operating convenience only, with no service at intermediate points."

Establish the following regular route to be shown on an original sheet No. 25A: "(a) Revise Route 118 from East Bay Traffic Distribution Structure, with proposed route 118A at Castro Valley Junction and with Route 116 at Hayward Junction. It also crosses over U. S. Highway 99 and California Highway 118 (Pasadena Junction) to be used for operating convenience only, with no service at intermediate points."


9. Proposed revision of original sheet No. 27 and addition of original sheet No. 27A.

9.1 Proposal: (a) Extend regular route 128 (Sheet No. 27) from El Nido Junction to Califa; (b) Reauthorize the segment of present route 128 (Sheet No. 27) between El Nido Junction and Califa. (c) Designate an alternate route to be designated as route 128A; and (c) Transfer route 130 from Original sheet No. 27 to an original sheet No. 27A.

9.2 Required certificate revisions: Pursuant to the foregoing, add and route descriptions as follows: Revise route 128, sheet No. 27, to read as follows: "128. Between El Nido Junction and Califa: from junction California Highway 152 and California Highway 33 (Wheel Inn), over California Highway 152 to junction U. S. Highway 99 (Califa)." Add route 128A to the following: "128A. between El Nido Junction and Merced: from junction California Highway 152 and unnumbered highway south of El Nido (El Nido Junction), over unnumbered highway to Merced. Alternate route to be used for operating convenience only, with no service at intermediate points."

Issue an original sheet No. 27A on which Route 150 will be shown as proposed.

9.3 Related authorized routes: Route 128 presently connects with Route 127 at Wheel Inn and with Route 116 at Merced. As proposed, it will still connect with Route 127 at Wheel Inn and will connect with Route 116 at Califa as well as with proposed Route 128A at El Nido Junction. Proposed route 128A will connect with Route 116 at El Nido Junction and with Route 116 at El Nido Junction. Proposed route 116 at El Nido Junction.

10. Proposed revision of first revised sheet No. 20 and addition of original sheet No. 30A.

10.1 Proposal: (a) Establish a regular route on first revised sheet No. 20 between South Taquus and Tulare Airport via Tulare to be designated as Route 142, and (b) Establish an alternate route on an original sheet No. 30A between Pasadena Junction and Pasadena over Califormia Highway 118, to be designated as Route 145A.

10.2 Required certificate revisions: Pursuant to the foregoing, add the following route to first revised sheet No. 30: "142. Between South Taquus and Tulare Airport (Route 145A) over Business Route U. S. Highway 99 and Business Route U. S. Highway 99 (South Taquus), over California Route U. S. Highway 99 via Tulare to junction U. S. Highway 99 (Tulare Airport)."

10.3 Related authorized routes: The following route on an original sheet No. 30A: "146A. Between Pasadena Junction and Pasadena: from junction United States Highway 101 and unnumbered highway southwest of Mountain House (Mountain House Junction), over unnumbered highway via Atascadero to junction United States Highway 101 (San Jose Junction) to be designated on sheet No. 30 as Route 146A.

10.4 Proposed revision of original sheet No. 30 and addition of original sheet No. 30A.

13. Proposed revision of original sheet No. 42 and addition of original sheet No. 42A.

14.1 Proposal: Establish a route for special operations only between Redondo Beach and San Pedro via Marina del Rey. To be designated as Route 228 in lieu of Route 228 as now shown on original sheet No. 42.

14.2 Related certificate revisions: Pursuant to the foregoing, add a new route on Sheet No. 42A to read as follows: "228. Between Redondo Beach and San Pedro: from Redondo Beach over Alternate United States Highway 101 to junction unnumbered highway (South Redondo Beach)."

14.3 Related authorized routes: This route connects with California Route 223 at South Redondo Beach.

14.4 Proposed revision of second revised sheet No. 43 and addition of original sheet No. 43A.

15.1 Proposals: (a) Change Route 233 (Sheet No. 43) between Los Angeles and Miraflores from an alternate route to a regular route to be partially restricted with respect to intermediate points of service, and correct route description. (b) Establish a route between Knott's Berry Farm Junction and Red Hill Junction for special operations only. To be designated as Route 233A on sheet No. 43. (c) Transfer present route 234 from Second revised sheet No. 43 to an original sheet No. 43A.

15.2 Proposed revision of original sheet No. 37.

15.2.1 Proposal: Establish an additional regular route between Sherwood Park Junction and Sepulveda Pass Overpass to be designated Route 191A.

15.2.2 Requested certificate revision: Pursuant to the foregoing, add a new regular route on sheet No. 37 to read as follows: "191A. Between Sherwood Park Junction and Sepulveda Pass Overpass: from junction United States Highway 101 and unnumbered highway north of Salinas (Sherwood Park Junction), over unnumbered highway south of California Highway 101 (Sepulveda Pass)."

15.2.3 Related authorized routes: This route connects at both termini with Route 151.

15.3 Proposed revision of original sheet No. 38.

15.3.1 Proposal: Establish an additional regular route between North Atascadero and Santa Margarita Junction, to be designated on sheet No. 38 as Route 155.

15.3.2 Required certificate revision: Pursuant to the foregoing, add a new regular route on Sheet No. 38 to read as follows: "155. Between North Atascadero and Santa Margarita Junction: from junction United States Highway 101 and unnumbered highway north of North Atascadero (North Atascadero) over unnumbered highway via Atascadero to junction United States Highway 101 (Santa Margarita Junction)."

15.3.3 Related authorized routes: The proposed route connects at each of its termini with Route 151.

15.4 Proposed revision of original sheet No. 42 and addition of original sheet No. 42A.
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to read as follows: "233A. Between Knot's Berry Farm Junction and La Palma Avenue Junction: from junction U. S. Highway 101 and California Highway 77 to Knott's Berry Farm Junction (Knot's Berry Farm Junction), over California Highway 39 to junction La Palma Avenue, thence over La Palma Avenue to junction U. S. Highway 101 (La Palma Avenue Junction) is authorized to be conducted in special operations only." (c) Establish an additional route on an original sheet No. 43A, to be designated as route 233B, to read as follows: "233B. Between Knott's Berry Farm Junction and Disneyland: from junction U. S. Highway 101 and Harbor Boulevard (Disneyland Junction), over Harbor Boulevard to Disneyland. Service is authorized to be conducted in special operations only." (d) Establish an additional regular route on an original sheet No. 43A, to be designated as route 233C, to read as follows: "233C. Between Knott's Berry Farm and Knott's Berry Farm Hill Junction: from junction U. S. Highway 101 and North Main Street, Santa Ana (North Santa Ana) over U. S. Highway 101 to junction Red Hill Avenue/Jplorer Highway via Fallbrook to thence over unnumbered highway via Otay Junction (Otay Junction) north of San Diego (San Diego Boulevard) to San Diego, with route 233D at Carlsbad (Carlsbad Junction)."

15.3 Related authorized routes: (a) Proposed route 233, as revised, connects with route 232 at Los Angeles and Disneyland and with proposed special operations route 233A at Knott's Berry Farm Junction and La Palma Avenue Junction, and with proposed special operations route 233B at Knott's Berry Farm Junction and Disneyland. (b) Proposed route 233A connects with route 233, as revised, at Knott's Berry Farm Junction and La Palma Avenue Junction. (c) Proposed route 233B connects with route 233, as revised, at Disneyland. (d) Proposed route 233C connects with route 232 at North Santa Ana Junction and Red Hill Junction and crosses route 232 east of Santa Ana. (e) Proposed route 233D connects with route 230 at Oceanside Junction and Carlsbad Junction.


16.1 Proposals: (a) Consolidate route 237, sheet No. 44, between Anaheim and Corona with route 238, sheet No. 44, between Corona and Riverside, and revise highway designations, the entire route between Anaheim and Riverside to be redesignated as route 237. (b) Revise route description of present route 237, sheet No. 44, between Corona and San Diego, sheet No. 44, between Murrieta Hot Springs and Murrieta Hot Springs Junction via Murrieta as a separate regular route to be designated route 240 on sheet No. 45. (d) Reauthorize route 246, sheet No. 45, between Perris Junction and Elsinore Junction, changing the same from an alternate to a regular route.

16.2 Required Certificate revisions: (a) Revise route 237 on Second revised sheet No. 44 to read as follows: "237. Between Anaheim and Riverside: from Anaheim over U. S. Highway 91 to Riverside." (b) Revise route 238 on Second revised sheet No. 44 to read as follows: "238. Between Corona and San Diego: from Corona over California Highway 71 to Elsinore, thence over unnumbered highway via Murrieta to junction U. S. Highway 395 over U. S. Highway 395 to junction unnumbered highway east of Fallbrook (Fallbrook Junction), thence over unnumbered highway via Fallbrook Route 240 on original sheet No. 46 to California Highway 76 to junction unnumbered highway north of Vista (Vista Junction), thence over unnumbered highway to Vista, thence over California Highway 78 to Esonia (Esonia Junction), thence over unnumbered highway via Fallbrook Route 240 on original sheet No. 46 to California Highway 76 to junction unnumbered highway north of Vista (Vista Junction), thence over unnumbered highway via Murrieta Hot Springs to junction U. S. Highway 395 at Murrieta (Murrieta Hot Springs Junction)." (c) Revise route 240 on original sheet No. 45 to read as follows: "240. Between Murrieta and Esonia Junction: from Murrieta over unnumbered highway via Murrieta Hot Springs to junction U. S. Highway 395 (Murrieta Hot Springs Junction) to Esonia Junction." (d) Revise route 241 on original sheet No. 45 to read as follows: "241. Between Fallbrook and Esonia Junction: from route 240 at California Highway 76 to junction unnumbered highway via Linda Vista to San Diego." (e) Revise route 242 on original sheet No. 46 to read as follows: "242. Between Perris Junction and Esonia Junction: from Perris Junction over U. S. Highway 395 to Esonia Junction."

16.3 Related authorized routes: (a) Proposed route 237 connects with route 232 at Anaheim, with proposed route 233 at Corona, and with routes 239 and 262 at Riverside. (b) Proposed route 238 connects with proposed route 237 at Corona, with route 239 at Elsinore, with route 240 at Murrieta, with route 240 at Elsinore Junction, with route 241 at Fallbrook Junction and Esonia, with route 243 at Muramar Junction, with route 244 at North Camp Elliott Junction and South Camp Elliott Junction, with route 245 at Linda Vista Junction, with route 246 at Otay Junction (Otay Junction), with route 247 at La Jolla, with route 248 at San Diego, with route 249 at San Ysidro Junction, with proposed route 251A west of Otay Junction. (b) Route 251 connects with routes 249 and 251 west of Otay Junction, with route 252 at Byer Junction, and between Carlsbad and San Diego, with route 249 at San Ysidro Junction, and with proposed route 251A at Byer Junction.

Note: Applicant states that unless otherwise specified herein, the authority sought in each instance is for the use of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points, and in public streets serving all intermediate points. The changes in operating authority shown are proposed route 240 at Fallbrook Junction and route 241 at Esonia Junction and route 242 at Linda Vista Junction, and with route 245 at Otay Junction (Otay Junction).
Monte to Junction Garvey Avenue (Five Points).” (d) establish the following additional route: “259. Between West Pomona and Beaumont: from junction U. S. Highway 60 and U. S. Highway 70 west of Pomona (West Pomona), over U. S. Highway 70 to Beaumont.” (e) add route 259 to route 260 at Colton, and with route 260 at Five Points. (f) proposed route 259 connects with proposed route 267 at Garvey Avenue Junction and East Five Points, and with route 260 at Five Points. (g) proposed route 260 connects with proposed route 258 at Garvey Avenue Junction and East Five Points, and with route 267 at Palm Springs Junction, and with route 267 at Indio. (h) proposed route 258 connects with proposed route 257 at West Pomona and at Beaumont, with proposed route 262 at Colden, and with route 266 at San Bernardino, with proposed route 258 at San Bernardino, with proposed route 258 at San Bernardino, with proposed route 258 at San Bernardino, and with proposed route 258 at San Bernardino.

2. Proposed revision of third revised sheet No. 44.

2.1 Proposal: redesignate route 262 between Riverside and Elsinore so as to eliminate duplication between Riverside and Box Springs Junction.

2.2 Requested certificate revision: redesignate route 258, sheet No. 44, to read as follows: “259. Between Los Angeles and the California-Arizona State line east of Blythe so as to adopt relocated U. S. Highway 70 between Los Angeles and East Five Points, thence present Route 256 to West Pomona, thence using segments of present routes 256 and 266 to Beaumont, thence present route 256 to the California-Arizona State line. (b) redesignate alternate route 267 for sheet No. 45, between Pomona and Ontario so as to make the same a regular route and then include the same in proposed route 258 between Los Angeles and Garvey Avenue Junction. (c) redesignate alternate route 267 over sheet No. 45, between Los Angeles and the California-Arizona State line east of Blythe, from Los Angeles over U. S. Highway 70 to West Pomona, thence over U. S. Highway 60 to Beaumont, thence over U. S. Highway 70 to the point where it intersects the California-Arizona State line. (Connects with Arizona route 2.)” (d) redesignate route 258 to read as follows: “259. Between Garvey Avenue Junction and East Five Points: from junction U. S. Highway 70 and Garvey Avenue (Garvey Avenue Junction), over Garvey Avenue to junction U. S. Highway 70 (East Five Points).” (e) redesignate route 260 to read as follows: “260. Between South Alhambra Junction and Five Points: from junction U. S. Highway 70 and South Alhambra (South Alhambra Junction), over unnumbered highway via South Alhambra and El
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Authorized regular route operations between Chicago, Ill., and Cleveland, Ohio.

Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

No. MC 30139 (Sub No. 92), filed April 7, 1958. Applicant: SOUTHERN PACIFIC TRANSFER COMPANY, Box 4054, Houston, Texas. Applicant's attorney: Edwin N. Bell, Esperon Building, Houston 2, Texas. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between East Bernard, Texas, and Hunkerford, Texas, over Texas Highway 60, serving no intermediate points.

Applicant is authorized to conduct operations in Texas and Louisiana.

Note: Dual operations or common control may be involved.

No. MC 52516 (Sub No. 12), filed March 31, 1958. Applicant: BALTIMORE-NORTH ILLINOIS EXPRESS, INCORPORATED, 110 North Macon Street, Baltimore 3, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Aberdeen, Md., on the one hand, and, on the other, points in New Jersey, those in New York, N. Y., and on Long Island, N. Y.

Applicant is authorized to conduct operations in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia.

Note: Applicant states that the purpose of the instant application is to obtain an additional "terminal gateway" in connection with its regular route authority to Oxford and West Grove, Pa., and points in Pennsylvania, West Virginia, New Jersey, and New York, West Virginia, and no service at Aberdeen, Md., except as may otherwise be provided.

No. MC 64932 (Sub No. 237), filed April 7, 1958. Applicant: ROGERS CARTAGE CO., a Corporation, 334 South Wurtzworth Avenue, Chicago, III. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fluorinated hydrocarbons, in bulk, in tank vehicles, from the site of the General Chemical Division plant at 818 Northeast Marine Drive, Portland 3, Ore. Applicant's attorney: John M. Forsyth, Pilling, Pilling, Portland, Oregon. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sodium chlorate and calcium soda, from Portland, Oregon, to Yreka, Cal., Winnemucca, Nev., Winterford, Utah, and New Mexico, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application.

Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 107496 (Sub No. 105), filed April 7, 1958. Applicant: RUAN TRANSPORT CORPORATION, 428 36th Street, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum oil, in bulk, in tank vehicles, from Muncie, Ind., to Duluth, Minn.

Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

No. MC 111159 (Sub No. 55), filed April 5, 1958. Applicant: MILLER TRANSPORT CORPORATION, 1121 7th Street, Ne., Omaha, Neb., Applicant's attorney: Phineas Mackroll, 101 Richards Road, Kansas City, Mo.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium, Sodium hydroxide, Fluorinated hydrocarbons, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, and St. Louis, Mo., and from points in Washington County, Mo., to points in Arkansas and Louisiana.

Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

No. MC 111765 (Sub No. 1), filed April 1, 1958. Applicant: FORD MACKRILL, doing business as FORD MACKRILL, PAUL L. MACKRILL AND CLIFORD MACKRILL, doing business as MACKRILL BROS. AUTO BODY AND MOTOR WORKS, First and East Court Streets, Weiser, Idaho.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked or disabled motor vehicles, between points in Malheur and Baker Counties, Oreg., on the one hand, and, on the other, points in Ada County, Idaho. Applicant is authorized to conduct similar operations in Oregon and Idaho.

No. MC 114194 (Sub No. 7), filed April 5, 1958. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pre-cast and pre-stressed concrete products, except such commodities which because of size or weight require special equipment or special handling, from Nance Hill Township, Madison County, Ill., to points in Illinois, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application.

Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, and Tennessee.

No. MC 117082 (Sub No. 2), filed April 3, 1958. Applicant: WILLIAM R. HURST, doing business as W. R. HURST WAREHOUSE & LUMBER CO., 210 W. Ivie Street, Boise, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, other than plywood or moulding, in such quantity as may be in volved.

No. MC 117327, filed April 10, 1958. Applicant: AIR CARGO TERMINALS, INC., 116 Richards Road, Kansas City, Mo., Applicant's attorney: Russell S. Bernard, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicles, in loading and discharging General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Municipal Airport, Mid-Continent International Airport, and Fairfax (Field) Airport at Kansas City, Kans.-Mo., on the one hand, and, on the other, points in Kansas, Missouri, and Illinois.

Applicant is authorized to conduct operations in Kansas, Missouri, and Illinois.

Conversion Proceedings—Section 212 (c)

No. MC 21555 (Sub No. 11) SERVICE EXPRESS, INC. (Medford, Mass.)

No. MC 26201 (Sub No. 11) PEARSON TRUCKING CO., INC. (Paierson, N. J.)

No. MC 45222 (Sub No. 1) PEARSON TRUCKING CO., INC. (Weiser, Idaho)

No. MC 101729 (Sub No. 3) CITY TRANSFER COMPANY (Asheville, N. C.)

No. E. K. MOTOR SERVICE (Maywood, Ill.)

Authorized regular route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

Applicant's attorney: Edwin N. Bell, Esperon Building, Houston 2, Texas. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between East Bernard, Texas, and Hunkerford, Texas, over Texas Highway 60, serving no intermediate points, to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum oil, in bulk, in tank vehicles, from Muncie, Ind., to Duluth, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium, Sodium hydroxide, Fluorinated hydrocarbons, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, and St. Louis, Mo., and from points in Washington County, Mo., to points in Arkansas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked or disabled motor vehicles, between points in Malheur and Baker Counties, Oreg., on the one hand, and, on the other, points in Ada County, Idaho. Applicant is authorized to conduct similar operations in Oregon and Idaho.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pre-cast and pre-stressed concrete products, except such commodities which because of size or weight require special equipment or special handling, from Nance Hill Township, Madison County, Ill., to points in Illinois, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application.

Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, and Tennessee.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, other than plywood or moulding, in such quantity as may be involved.

Applicant is authorized to conduct operations in Kansas, Missouri, and Illinois.

Conversion Proceedings—Section 212 (c)

Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, and Tennessee.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, other than plywood or moulding, in such quantity as may be involved.
The above-numbered proceedings were instituted on the Commission's own initiative, on February 17, 1958, to determine the carrier's status pertaining to their contract carrier authority issued on or before August 22, 1957. It has now been determined that the carriers' operations are those of a contract carrier and an order which becomes effective May 26, 1958, will discontinue the proceedings.

APPLICATION FOR CERTIFICATES OR PERMISSIONS PURSUANT TO SECTION 5, GOVERNED BY SPECIAL RULE 1204 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Sub No. 61), filed April 7, 1958. Applicant: MIDWEST BUSINESSES, INC., 319 Dowling Street, Houston, Texas. Applicant's attorney: R. Ben Allen, Boyle Building, Little Rock, Ark. Authority sought to operate as a common carrier by motor vehicle, over regular routes, transporting: Passengers and their baggage, and express and mail in the same vehicle with passengers. (1) over U. S. Highway 65 from McGhee, Ark., to junction U. S. Highway 65 and U. S. Highway 165; and (2) from junction U. S. Highway 65 and Louisiana Highway 15 near Clayton, La., to Natchez, Miss., over U. S. Highway 64 and U.S. Highway 84, and return over the same routes, serving the intermediate points of Vicksburg, Miss., and Brandon, Miss., in the State of Mississippi connected by the Mississippi River. Applicant is authorized to conduct operations in Missouri, Colorado, Texas, Arkansas, Tennessee, Mississippi, Louisiana, and Nebraska.

No. MC-C 6888. Authority sought for purchase by HARRY W. HAMILTON, Jr., doing business as HAMILTON TRUCK & STORAGE CO., 1009 South 1st Street, Oxnard, Calif., of a portion of the operating rights of VENTURA TRANSFER COMPANY, 3440 South Street, Lakewood, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier by motor vehicle, over irregular routes, between points in Ventura County, Calif., on the one hand, and, on the other, Los Angeles and Orange County, Calif., on the one hand, and, on the other, Ventura, Cal., on the one hand, and, on the other, certain points in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6888. Authority sought for purchase by HAMILTON TRUCK & STORAGE CO., 1009 South 1st Street, Oxnard, Calif., of a portion of the operating rights of VENTURA TRANSFER COMPANY, 3440 South Street, Lakewood, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier by motor vehicle, over irregular routes, between points in Ventura County, Calif., on the one hand, and, on the other, Los Angeles and Orange County, Calif., on the one hand, and, on the other, Ventura, Cal., on the one hand, and, on the other, certain points in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-C 6889. Authority sought for purchase by HAMILTON TRUCK & STORAGE CO., 1009 South 1st Street, Oxnard, Calif., of a portion of the operating rights of BROTHERS EXPRESS, INC., Post Office Box 59, Curranville, Calif. Applicant's attorney: T. OWEN RUPERT, ROSAMOND T. RUPERT, and LOUISA E. HAMILTON, all of New Memphis, Ark., of New Memphis, Ark., of control of such rights through the purchase. Applicant's attorneys: Delilah & Wick, 1211 Berger Building, Pittsburgh 19, Pa., and Shertz, Barnes & Sherrard, 211 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: Foodstuffs, as a common carrier by motor vehicle, over irregular routes, between Baltimore, Md., to Johnstown, Pa.; glass bottles, from Brockway, Pa., to points in Virginia and West Virginia. Vendor is authorized to operate as a contract carrier in Alabama, Mamantou, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Michigan, South Carolina, Virginia, West Virginia, Michigan, Indiana, Michigan, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCAY, Secretary.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3694]

CONSORTIUM GAS CO. ET AL.

NOTICE OF FILING

APRIL 16, 1958.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Consolidated Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company, File No. 70-3694.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated") has filed a joint application for the sale of $30,000,000 first mortgage bonds. Consolidated further proposes to provide funds to assist the subsidiaries in meeting their construction requirements for 1958, estimated to aggregate $65,000,000, Consolidated proposes to issue and sell $45,000,000 aggregate amount of twenty-five year sinking fund debentures pursuant to the competitive bidding requirements of Rule 50.

To assist the subsidiaries in meeting their construction requirements, Consolidated proposes to borrow temporarily up to $30,000,000 from banks included in the list below, on unsecured notes having a maturity of not more than six months from the date of issue. Such notes will bear interest at the prime rate of the Chase Manhattan Bank ("Chase Bank") in effect on the first date of borrowing, and will provide for a repayment privilege upon ten days notice, without premium. These notes are to be paid out of the proceeds of the above described sale of debentures.

Consolidated further proposes to make temporary loans aggregating $30,000,000 to four of its subsidiaries. Such loans will be made at the prime interest rate.
obtained on Consolidated’s related bank borrowing. These loans are to be evidenced by unsecured short-term notes of the subsidiaries matured prior to Consolidated’s related bank borrowing and in aggregate amounts as follows: East Ohio $11,000,000, Hope $6,000,000, New York State $11,000,000 and Peoples $8,000,000. Following the above described sale of debentures, Consolidated proposes to loan, and four of its subsidiaries propose to borrow, an aggregate of $44,500,000, in amounts as follows: East Ohio $19,000,000, Hope $8,500,000, New York State $11,000,000 and Peoples $8,000,000. Consolidated also proposes to purchase from its fifth subsidiary, River, an aggregate of 5,000 shares of its $100 par value capital stock for a cash consideration of $500,000. These borrowings are to be evidenced by unsecured promissory notes, to bear interest at the prime rate predicated upon and substantially equal to the cost of money to Consolidated and substantially equal to the cost of money to Consolidated on the sale of debentures.

Consolidated further proposes to provide funds to finance seasonal storage and to aid in connection with the proposed transactions as follows: East Ohio $7,000,000, Hope $5,000,000, New York State $27,500,000 and Peoples $1,500,000.

While no definite arrangements have yet been made by Consolidated in respect of the proposed bank loans it is expected that the borrowings will be made from some or all of the banks indicated below:

The Chase Manhattan Bank, New York City.

The First National City Bank of New York, New York City.

Irving Trust Company, New York City.

Guaranty Trust Company of New York, New York City.


Chemical Corn Exchange Bank, New York City.

The Hanover Bank, New York City.

Irving Trust Company, New York City.

Manufacturers Trust Company, New York City.

The National City Bank of Cleveland, Cleveland, Ohio.

First National Bank of Cleveland, Cleveland, Ohio.

National Bank of Cleveland, Cleveland, Ohio.

The Dime Bank, Akron, Ohio.

The Firestone Bank, Akron, Ohio.

First National Bank of Canton, Canton, Ohio.

The Harter Bank & Trust Company, Canton, Ohio.

The Canton National Bank, Canton, Ohio.

The Mahoning National Bank of Youngstown, Youngstown, Ohio.

The Union National Bank of Youngstown, Youngstown, Ohio.

Wednesday, April 23, 1958

FEDERAL REGISTER

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DEPARTMENT OF LABOR

Weage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367) the following certificates listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 14(a) of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended)

The following learner certificates were issued under special industry regulations in the apparel industry. The number of learners authorized to be employed, are as indicated.

Bellevue Garment Co., Bellevue, Ohio: effective 4-14-58 to 4-13-59; 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellevue Garment Co., Bellevue, Ohio: effective 4-14-58 to 4-13-59; 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellewa Garment Co., Bellevue, Ohio: effective 4-14-58 to 4-13-59; 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

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the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the Federal Register pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D. C., this 16th day of April 1958

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F. R. Doc. 58-3016; Filed, Apr. 22, 1958; 8:51 a. m.]

Wage and Hour and Public Contracts Divisions

[Administrative Order No. 507]

APPOINTMENT OF AUTHORIZED REPRESENTATIVES TO GRANT OR DENY CERTAIN SPECIAL CERTIFICATES IN PUERTO RICO AND VIRGIN ISLANDS

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, I hereby designate and appoint the Territorial Director and Deputy Territorial Director for Puerto Rico and the Virgin Islands as my authorized representatives with full power and authority, within Puerto Rico and the Virgin Islands, to grant or deny applications for special certificates authorizing the employment of learners at subminimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith.

This order supplements Administrative Order No. 435 (23 F. R. 209).

Signed at Washington, D. C., this 17th day of April 1958.

CLARENCE J. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-3015; Filed, Apr. 22, 1958; 8:51 a. m.]

TARIFF COMMISSION

TEXTILE FIBERS AND PRODUCTS; FOOTWEAR; HEADWEAR AND HAT BRAIDS; GLOVES; LUGGAGE, HANDBAGS, BILLETTOPS AND OTHER FLAT GOODS; MISCELLANEOUS ARTICLES OF LEATHER OR FUR

HEARINGS ON PROPOSED REVISED AND CONSOLIDATED TARIFF SCHEDULES

The United States Tariff Commission hereby gives notice that Schedule 3, entitled "Textile Fibers and Textile Products", and Part I of Schedule 7 entitled, "Footwear; Headwear and Hat Braids; Gloves; Luggage, Handbags, Billfolds and Other Flat Goods; Miscellaneous Articles of Leather or of Fur", of the proposed revised and consolidated tariff schedules are being released today and that public hearings thereon will begin at 10 a. m., e. d. s. t., on Tuesday, the 3d day of June 1958, in the Hearing Room of the Tariff Commission, Eighteenth and E Streets NW., Washington 25, D. C.

Requests to appear at the hearings on these schedules must be filed in writing with the Secretary of the Commission not later than May 23, 1958. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after May 23, 1958. Any person who fails to receive such notification by May 27, 1958, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued January 17, 1958, regarding hearings on Schedule 1 (Animal and Vegetable Products) of the proposed revised and consolidated tariff schedules (23 F. R. 449 et seq.; Weekly Treasury Decisions, Vol. 92, No. 4, January 23, 1958) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of January 11 applies to the hearings on the schedules being released today to the extent that they are applicable.

As each of the schedules is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D. C. and New York, N. Y.; at all field offices of the Department of Commerce, and at the offices of collectors of customs and appraisers of merchandise at all headquarters ports of entry in the United States.

Issued: April 18, 1958.

By order of the Commission.

[Seal] DONN N. BENT,
Secretary.

[F. R. Doc. 58-3017; Filed, Apr. 22, 1958; 8:51 a. m.]