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CFR SUPPLEMENTS

(As of January 1, 1958)

The following Supplements are now available:

- Title 7, Parts 900 to 959 (\$1.00)
- Titles 22-23, Rev. Jan. 1, 1958 (\$4.25)
- Titles 28-29 (\$1.50)

Previously announced: Title 3, 1957 Supp. (\$0.40); Titles 4-5 (\$1.00); Title 8, Rev. Jan. 1, 1958 (\$3.25); Title 9 (\$0.75); Titles 10-13 (\$1.00); Title 17 (\$0.65); Title 18 (\$0.50); Title 20 (\$1.00); Titles 30-31 (\$1.50); Title 32, Parts 700-799 (\$0.60), Part 1100 to end (\$0.50); Titles 35-37 (\$1.00); Title 39 (\$0.60); Titles 40-42 (\$1.00); Title 43 (\$0.70); Title 46, Parts 1-145 (\$0.75), Parts 146-149, Rev. Jan. 1, 1958 (\$5.50); Title 49, Part 165 to end (\$0.75)

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

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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 Agricultural Act of 1956 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 methods 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 applicable to the commodity when, with the prior approval of the county committee, the producer repays 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 not present the loan documents 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 total amount disbursed under 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, or an 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 by the State committee to be so located and of such substantial and permanent construction as to afford safe 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 common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS 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, Loan Settlement, 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) **Purchaser 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 stated in each commodity supplement to this subpart.

(e) **Other requirements.** Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, 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 trustee, 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. Farm-storage 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 interests 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 loans, the service charges shall be collected from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. 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 computed at 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. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

Method of price support (1)	Service charges		
	Per bushel (2)	Per 100 pounds (3)	Minimum charges (4)
	Cents	Cents	
Farm-storage loans.....	1	2	\$3.00
Warehouse-storage loans.....	3 ¹	4 ¹	1.50
Purchase agreements.....	3 ²	1	1.50

¹ Except rice for which State committees are authorized to require payment of \$5 for each lot sampled.
² Except rice for which the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of \$3.

(b) In the case of farm-storage loans, and identity-preserved and modified commingled warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown 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 delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of 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 or the Mobile Drying equipment Loan Program, any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (c) to 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 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm-storage loan, identity-preserved or modified commingled warehouse-storage loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default and (b) where there has been a fraudulent representation or in producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 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 producer or his authorized agent 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 mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. Subject to the provisions of § 421.3017 regarding partial redemption of loans, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.3013 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to main-

tain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.3014 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.3015 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, physical loss or damage on farm-stored or identity-preserved warehouse-stored commodities, and loss in quality of modified-commingled warehouse-stored commodities occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed, or in an amount equivalent to the extent of the damage as determined by CCC less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure; (b) the physical loss or damage resulted 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 has given the county office immediate notice confirmed in writing of such loss or damage; (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursements of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 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 him personally liable for the amount of the loan (including interest 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. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, wilful con-

version or unlawful disposition, the value of the commodity or part thereof delivered to the holder of the note or removed by such holder 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 as of the close of the market on the final date for repayment as determined by the holder in the case of 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 wilful, 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 amount disbursed under a loan or 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 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. All charges in connection with the collection of the note shall be paid by the producer. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, arrange for the release of the chattel mortgage. The producer may arrange with the county office for partial release of the commodity prior to maturity after making payment for the quantity 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 chattel mortgage is greater 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 committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and releases of the commodity will not be permitted. Release of only a portion of the total quantity of the commodity under a farm-storage loan shall be permitted if the commodity is purchased by the producer with a soil bank certificate. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent. Such written authorization must

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 county office. If 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, pay off his loan and redeem his 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 is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or 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 delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

(2) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county office which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus 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 under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in accordance with the provisions of the note and loan agreement and § 421.3019. Any payment due the producer because of an over-plus realized from the sale or pooling of the commodity shall be made by the appropriate CSS commodity office. Where loans are called prior to maturity solely for the benefit or protection of CCC (as determined by the CSS commodity office serving the area) and storage has been deducted or prepaid through the maturity date and the period of the unearned storage can be determined by CCC, refunds of this amount shall be made to the producer by the appropriate CSS commodity office. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be computed at the lower of (1) the rate prepaid or (2) the applicable storage agreement rate or other applicable rate. If storage charges were deducted from the loan rate, the amount to be refunded shall be the amount of the storage deduction less storage charges accrued on the commodity. Refunds of prepaid handling charges shall be made by the appropriate county office.

(c) *Purchase agreements.* (1) The producer who signs a purchase agreement will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the commodity eligible for delivery 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 have a 30-day period during which he must notify the county office in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart 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 of \$3.00 or less, 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 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 storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. The holder or his agent shall pay to the producer or his personal representative only without right of assignment to, or substitution of any other party, the higher of (a) any overplus remaining from the sales proceeds, or if the commodity is pooled the producer's ratable share from the liquidation of a pool, after deducting the amount of the note, interest, and charges and any expenses of conducting the pool, in the case of pooled commodities; or (b) the amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in accordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC, or any other agency of the United States. The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity, and otherwise protecting the interest in the mortgaged commodity of any holder of the note or the producer, including foreclosure costs.

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

Chicago 5, Illinois, 623 South Wabash Avenue; Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, 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, 560 Westport Road; Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 17th day of April 1958.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 58-3003; Filed, Apr. 22, 1958;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter 1—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:

1. Delete grades A1L and A2L set forth in § 29.301.

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, very fine texture, very elastic, very oily, medium to fleshy body, spready, uniform. Tolerance, 30 percent leaves of a quality not lower than B3 or C3, and 5 percent injury of a nature affecting wrapper yield.

A1R Choice Quality Wrapper in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A1F.

A2F Fine Quality Wrapper Pickers in Orange Color. Silky, fine texture, elastic, very oily, medium to fleshy body, fairly spready, harmonizing. Tolerance, 50 percent leaves of a quality not lower than B3 or C3, and 10 percent injury of a nature affecting wrapper yield.

A2R Fine Quality Wrapper Pickers in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A2F.

3. Delete grades B3S, B4S, B5S, B6S, and B6M set forth in § 29.302.

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

B2L Fine Quality Leaf in Lemon Color. Smooth, good texture, oily, ripe, firm, medium body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 18" long. Tolerance, 10 percent injury.

B3L Good Quality Leaf in Lemon Color. Fairly smooth, fair texture, oily, ripe, firm, medium body, 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 Variegated 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, otherwise same as B3L.

B3K Good Quality Variegated Leaf. Average quality of B3 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 B3, except maturity.

6. Delete grades C3K, C3M, and C4M set forth in § 29.303.

7. Delete grade X3K set forth in § 29.304.

8. Delete grade X5M set forth in § 29.305.

9. Amend § 29.311 to read as follows:

§ 29.311 *Botched*. Any lot of unsorted 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 district of preparing tobacco for market, including: (a) Extreme mixtures, such as Lugs and Primings intermingled with Leaf, or lemon and orange colored tobacco intermingled with dark mahogany or walnut, or tobacco of very poor quality or badly injured tobacco intermingled with good quality tobacco which is not materially injured, et cetera; (b) any unsorted tobacco, or tobacco which has been sorted in an unskilled, careless, or bungling manner; (c) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, sand, muddy, or extremely dirty leaves; (d) tobacco prepared in a disorderly or

tangled manner, such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (e) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

10. Delete § 29.312.

11. Delete § 29.328 and substitute therefor the following:

§ 29.328 *Greenish or unripe*. Tobacco of the B, C, and X groups which is slick 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 tobacco 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 matter in the inner portions of the hands, or which contains foreign matter 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 lower 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 together so 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 specifications of the lowest grade of any other group; (b) any wet, semicured, 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

type. Specifically, offtype shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco having an odor foreign to the type, or tobacco showing the effects of smoke or fumes from open fires.

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 § 29.379 to read as follows:

§ 29.379 *Variegated (K)*. Having a diversity of contrasting colors or tints within a leaf; or leaves which are in part distinctly gray, mottled, bleached, stained, or doty-faced; or leaves which in part 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 § 29.398 to read as follows:

§ 29.398 *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 "B" in the grade symbol.

(Sec. 14, 49 Stat. 734, as amended; 7 U. S. C. 511m)

Issued at Washington, D. C., this 18th day of April 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

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

Chapter III—Agricultural Research Service, Department of Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BARBERRY, MAHOBERBERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38-5 of the regulations (7 CFR 301.38-5, as amended, 22 F. R. 2656; cf. 22 F. R. 2679) 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, 162), the Direc-

tor 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 evidence satisfactory to him, 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-callida.
- B. beaniana.
- B. buxifolia.
- B. buxifolia nana.
- B. calliantha.
- B. candidula.
- B. cavallieri.
- B. chenaulti.
- B. circumscerrata.
- B. concinna.
- B. coxii.
- B. darwini.
- B. dubia.
- B. formosana.
- B. franchetiana.
- B. gagnepaini.
- B. gligiana.
- B. gladwynensis.
- B. horvathi.
- B. hybrido-gagnepaini.
- B. insignis.
- B. julianae.
- B. koreana.
- B. lempergiana.
- B. lepidifolia.
- B. linearifolia.
- B. linearifolia var. Orange King.
- B. lologensis.
- B. manipurana.
- B. mentorensis.
- B. pallens.
- B. potanini.
- B. Renton.
- B. replicata.
- B. sanguinea.
- B. sargentiana.
- B. stenophylla.
- B. stenophylla diversifolia.
- B. stenophylla gracilis.
- B. stenophylla irwini.
- B. stenophylla nana compacta.
- B. taliensis.
- B. telomaica artisepala.
- B. thunbergi.
- B. thunbergi argenteo marginata.
- B. thunbergi atropurpurea.
- B. thunbergi atropurpurea erecta.
- B. thunbergi atropurpurea nana.
- B. thunbergi erecta.
- B. thunbergi "globe".
- B. thunbergi "golden".
- B. thunbergi maximowiczii.
- B. thunbergi minor.
- B. thunbergi pluriflora.
- B. thunbergi "thornless".
- B. thunbergi "variegata".
- B. thunbergi xanthocarpa.
- B. triacanthophora.
- B. verruculosa.
- B. virgatorum.
- B. wokingensis.
- B. xanthoxylon.
- Mahoberberis aquil-candidula.
- M. aquil-sargentiae.
- M. miethkeana.
- Mahonia aquifolium.
- M. bealei.
- M. compacta.
- M. dictyota.
- M. fortunei.

- M. lomarifolia.
- M. nervosa.
- M. pinnata.
- M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on April 23, 1958, when they shall supersede P. P. C. 577, third revision, effective March 21, 1957 (22 F. R. 1883).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following six additional species and varieties: *Berberis cavallieri*, *B. coxii*, *B. dubia*, *B. gladwynensis*, *B. taliensis*, *B. thunbergi argenteo marginata*. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U. S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of April 1958.

[SEAL] E. D. BURGESS,
Director, Plant
Pest Control Division

[F. R. Doc. 58-3018; Filed, Apr. 22, 1958; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

PART 1—GENERAL

1. Subparagraphs (3) and (14) of paragraph (a) *Terms used in this chapter* of § 1.1 *Definitions* are amended to read as follows:

(3) The term "attorney" means a person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of a state, territory, insular possession, or District of Columbia and is not under a court order suspending, enjoining, restraining, disbaring, or otherwise restricting, him in practicing law.

(14) The term "representative" means a person representing a religious, charitable, social service, or similar organization established in the United States and so recognized by the Board, or a person described in § 292.1 (b), (d), or (h) of this chapter.

2. Subparagraph (8) of paragraph (b) *Terms used in subchapter B of this chapter* of § 1.1 *Definitions* is amended to read as follows:

(8) Except as used in §§ 214a.1, 214g.1 and 214m.1 of this chapter, the term "immediate family" means those aliens who are closely related by blood or by marriage to, and regularly reside in the household of, the alien in whose family membership is alleged.

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

PART 2—SERVICE RECORDS: FEES

The first item "For filing application for United States citizen border crossing identification card ---- \$5.00" of § 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act* is revoked.

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

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Subparagraphs (3) and (6) of paragraph (b) of § 6.1 *Board of Immigration Appeals* are amended, so that, when taken with the introductory material to paragraph (b), they will read as follows:

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

(3) Decisions of district directors on applications for the exercise of the discretionary authority contained in section 212 (c) of the Immigration and Nationality Act, as provided in Part 212 of this chapter;

(6) Decisions of the Assistant Commissioner, Examinations Division, or district directors on applications for the exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in Parts 9 and 212 of this chapter.

2. Subparagraph (3) of paragraph (d) *Powers of the Board* of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(3) *Rules of practice; discipline of attorneys and representatives.* The Board shall have authority, with the approval of the Attorney General, to promulgate rules governing proceedings before it. It shall also determine whether organizations are of the type specified in § 1.1 (a) (14) of this chapter, and shall regulate the conduct of, and may disbar for cause, attorneys, representatives of such organizations, and others who appear in a representative capacity before the Board or the Service.

3. Paragraph (f) *Service of Board decisions* of § 6.1 *Board of Immigration Appeals* 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".

4. The first sentence of paragraph (c) *Distribution of motion papers when the Commissioner, an assistant commissioner, or a regional commissioner is the moving party* of § 6.21 *Motion to reopen or motion to 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".

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

PART 8—REOPENING AND RECONSIDERATION

1. The first sentence of § 8.2 *Reopening of suspension cases pending in Congress* is amended to read as follows: "Any deportation proceeding in which a special inquiry officer has ordered suspension of deportation and the regional commissioner has approved the granting of suspension, but final action in the case has not been taken by Congress, may be reopened by the special inquiry officer for proper cause upon motion made by an examining officer or the alien."

2. The third sentence of paragraph (a) *Filing* 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".

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

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

1. 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 extension of their temporary stay, as provided in section 214 (a) 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.

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the changes made by the order in the existing rules, other than those relating to agency procedure and management (to which section 4 is not applicable), relate to form only and are chiefly editorial in nature.

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; PAROLE

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 excludability* 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 director 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 stand-

ards of medical practice, and (ii) to submit to the United States Quarantine Station, Staten Island, New York, a clinical evaluation of the alien, including necessary X-ray films, and a report of final disposition of the case. In each case the statement of agreement regarding these services shall specify the name and 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 have been made with the hospital. This affidavit is not required of an alien who establishes eligibility under the Dependents Medical Care Act of June 7, 1956 (70 Stat. 250; 37 U. S. C. 401).

(3) Assurance that upon admission into the United States he will go direct to the specified hospital; will submit to such examinations, treatment, isolation, and medical regime as may be required; and will remain under the prescribed treatment or observation, whether on an inpatient or outpatient basis, until discharged.

(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.

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

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

Section 214j.2 is amended to read as follows:

§ 214j.2 *Limitation as to time for which alien may be admitted.* An alien applying for admission to the United States as a nonimmigrant under section 201 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 act, and who is otherwise admissible to the United States, may be admitted for the period specified in the Form DSP-66 presented by him at the port of entry, not to exceed one year.

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

PART 235a—PREENAMINATION 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 "§ 236.2 (c)" in lieu thereof.

(Sec. 103, 66 Stat. 173; 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 Hearing.
- 236.3 Decision of the special inquiry officer; notice to the applicant.
- 236.4 Finality of order.
- 236.5 Appeals.
- 236.6 Fingerprinting of excluded aliens.

AUTHORITY: §§ 236.1 to 236.6 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 212, 234, 235, 236, 292, 66 Stat. 182, as amended, 198, 200, 235; 8 U. S. C. 1182, 1224, 1225, 1226, 1362.

§ 236.1 *Authority of special inquiry officers.* In determining cases referred for further inquiry as provided in section 235 of the act, special inquiry officers shall have the powers and authority conferred upon them by the act and this chapter. Subject to any specific limitation prescribed by the act and this chapter, special inquiry officers shall also exercise the discretion and authority conferred upon the Attorney General by the act as is appropriate and necessary for the disposition of such cases.

§ 236.2 *Hearing—(a) Opening.* The special inquiry officer shall ascertain whether the applicant for admission is the person to whom Form I-122 was previously delivered by the examining immigration officer as provided in Part 235 of this chapter; enter a copy of such form in evidence as an exhibit in the case; inform the applicant of the nature and purpose of the hearing; advise him of the privilege of being represented by an attorney or other representative qualified under Part 292 of this chapter, and request him to state then and there whether he desires representation; advise him that he will have a reasonable opportunity to present evidence in his own behalf, to examine and object to evidence against him, and to cross-examine witnesses presented by the Government; and place the applicant under oath.

(b) *Procedure.* The special inquiry officer shall receive and adduce material and relevant evidence, rule upon objections, and otherwise regulate the course of the hearing.

(c) *Certification for mental condition; medical appeal.* An applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act shall be advised that he has the right to appeal to a board of medical officers of the United States Public Health Service in accordance with the provisions of section 234 of the act. If the applicant elects to appeal to such medical board, the district director shall make the necessary arrangements for the convening of the medical board.

(d) *Record.* The hearing before the special inquiry officer, including the testimony and exhibits, the special inquiry officer's decision, and all written orders, motions, appeals, and other papers filed in the proceeding shall constitute the record in the case. The hearing shall be recorded verbatim except for statements made off the record with the permission of the special inquiry officer.

§ 236.3 *Decision of the special inquiry officer; notice to the applicant—(a) Contents.* The decision of the special inquiry officer may be oral or written. It shall include a summary of the evidence adduced and shall set forth findings of fact and conclusions of law as to excludability. The decision shall be concluded with the order of the special inquiry officer.

(b) *Oral decision.* An oral decision shall be stated for the record by the special inquiry officer at the conclusion of the hearing and in the presence of the applicant. When entitled to appeal from an adverse decision of the special inquiry officer, the applicant shall be so advised and shall be required to state then and there whether he wishes to appeal. At his request, the applicant shall be furnished with a typewritten transcript of the oral decision of the special inquiry officer.

(c) *Written decision.* When the decision of the special inquiry officer is in writing, the district director shall serve a signed copy thereof on the applicant, together with the notice referred to in § 6.11 of this chapter.

§ 236.4 *Finality of order.* The order of the special inquiry officer shall be final except when a case has been certified as provided in § 6.1 (c) or § 7.1 (b) of this chapter, or when an appeal is taken to the Board of Immigration Appeals. When the order of the special inquiry officer is to admit the applicant, the special inquiry officer shall place him on notice that the decision is subject to appeal by the district director as provided in § 236.5 (c).

§ 236.5 *Appeals—(a) In general.* Pursuant to Part 6 of this chapter, an appeal shall lie to the Board of Immigration Appeals from a decision of the special inquiry officer under this part, except as limited by section 236 (d) of the act.

(b) *By applicant.* When the applicant states that he wishes to appeal from an oral decision of the special inquiry officer, he shall be required then and there to submit completed Form I-290A. At his request, he shall be allowed 5 days from the date of the oral decision in which to file a brief. An appeal from a written decision of the special inquiry officer shall be taken within 5 days after receipt thereof by the applicant.

(c) *By district director.* The district director may, within 5 days from date of decision, appeal from an order of the special inquiry officer to admit the applicant. The applicant shall be notified in writing when an appeal is taken by the district director and advised that he will be allowed 5 days from receipt of notification in which to submit written representations for transmittal to the Board with the record in the case.

§ 236.6 *Fingerprinting of excluded aliens.* Every alien 14 years of age or older who is excluded from admission to the United States by a special inquiry officer shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

The last sentence of § 245.3 *Medical examination* is amended by deleting the reference "§ 236.13 (c)" and inserting the reference "§ 236.2 (c)" in lieu thereof.

(Sec. 103, 66 Stat. 173; 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 "§ 236.13 (c)" and inserting the reference "§ 236.2 (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. 103, 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 by organizations for 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. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 292, 66 Stat. 235; 8 U. S. C. 1362.

§ 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 commissioner, 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, of the government to which he owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(e) *Attorneys outside the United States*. 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 court of the country in 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.

(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 represent 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 a regional commissioner, district director, or 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 commissioner, district director, officer in charge, or the Commissioner, for transmittal to the Board, or with the Board. Additions or deletions shall be similarly certified. The eligibility of a representative to appear shall terminate upon the deletion of his name from the organization's list of accredited representatives or when the organization is no longer recognized by the Board as being of the character described in § 1.1 (a) (14) of this chapter. A person who is authorized to represent an organization described in § 1.1 (a) (14) of this chapter may continue without being accredited to appear before the Board or the Service until July 1, 1958, subject to the provisions of § 292.3.

(c) *Roster*. The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished the Commissioner, and he shall be advised from time to time of changes therein.

§ 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. The suspension or disbarment of an attorney or representative 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 recognized under § 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 an organization may be regularly compensated by the organization of which he is an accredited representative;

(2) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, 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, board, commission, 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, aids 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 contumelious or otherwise obnoxious conduct with respect to a case in which he acts in a representative capacity, which in 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 felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year.

(b) *Procedure.* If an investigation establishes to the satisfaction of the regional commissioner that suspension or disbarment proceedings should be instituted, 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 a representative of the regional commissioner may be requested. When a hearing is requested, the regional commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence. If an answer is not received within 3 days after expiration of the period prescribed to show cause, defense to the charges is waived. When a hearing is not requested in the answer, the regional commissioner shall forward the complete record to the Board with his recommendation. The attorney or representative, either with or without counsel, and the regional commissioner, by the service officer within the purview of § 6.1 (e) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board. The Board shall consider the record and render its decision. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order is to suspend or disbar, or if any one of the circumstances described in § 6.1 (h) of this chapter is present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding. When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to reappear until authorized by the Board.

§ 292.4 *Appearances.*—(a) *Form G-28.* An appearance shall be filed on Form G-28 by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required.

(b) *Availability of records.* During the time a case is pending, the unrepresented person or the attorney or representative of record shall be permitted to review the record and, upon request, be

lent a copy of the testimony adduced upon giving his receipt for such copy and pledging that a copy thereof will not be made, that it will be retained in his possession and control, and that it will be surrendered upon final disposition of the case or upon demand.

§ 292.5 *Service upon and action by attorney or representative of record.*—(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpoena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of, the attorney or representative of record, or the person himself if unrepresented. Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by certified or registered mail upon the attorney or representative of record.

(b) *Right to representation.* Whenever an examination is provided for in 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 299—IMMIGRATION FORMS

The references to Forms G-27 and I-90 in the list of forms in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.; Title and Description

- G-27 Request for recognition to represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.
I-90 Application to replace alien registration receipt document.

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

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP 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 whose naturalization by taking the oath prescribed in section 337 of the Immigration and Nationality Act before any naturalization court is authorized by a private law shall submit to the Service a preliminary application on Form N-401. The application to the court shall be made on Form N-408, in triplicate, amended as set forth in § 332a.13 of this chapter. A copy of the private law shall 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.

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

PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

The third sentence of paragraph (a) *Scope of investigation* of § 332.11 *Investigation preliminary to filing petition for naturalization* is amended to read as follows: "During the interrogation of the applicant and at his request, his attorney, or representative who has filed an appearance in accordance with Part 292 of this chapter may be permitted to be present and observe the interrogation and make notes without otherwise participating therein."

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

PART 332a—OFFICIAL FORMS

Section 332a.13 *Alteration of forms of petitions or applications for naturalization* is amended by the addition of paragraph (g) reading as follows:

(g) *Naturalization authorized by private 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 allegation 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."

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

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

The first sentence of paragraph (g) *Representation by attorney or representative; absence of representative; advice to petitioner* of § 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act* is amended to read as follows: "The petitioner may be represented by an attorney or representative who has filed an appearance in accordance with Part 292 of this chapter."

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

PART 343a—NATURALIZATION AND CITIZENSHIP 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 replacement of or for new naturalization or citizenship paper.*—(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention,

certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, or under the provisions of any private law, has been lost, mutilated, or destroyed, shall apply on Form N-565 for a new paper in lieu thereof.

(b) *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-565 for a new certificate of naturalization, or of citizenship, in the changed name.

2. The first sentence of paragraph (c) *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 the proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, or under the provisions of any private law is approved, there shall be issued by the district director a certified positive photocopy of the record of the proceedings filed with the Service, whether such record be a duplicate of the court proceedings or a copy of the proceedings conducted at an embassy, legation, or consulate."

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

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency procedure and management.

Dated: April 8, 1958.

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

[F. R. Doc. 58-3014; Filed, Apr. 22, 1958;
8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

WILD RUMINANTS AND WILD SWINE

Pursuant to the provisions of section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 92.4 of the regulations governing the importation of certain animals and poultry and certain

animal and poultry products (9 CFR 1956 Supp. 92.4), is hereby amended by adding a new paragraph (c) to read as follows:

(c) *Wild ruminants and wild swine from countries where foot-and-mouth disease or rinderpest exists.* (1) Wild ruminants and wild swine originating in the countries designated in Part 94 of 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 evidence of the diseases. In view 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 intended for exhibition purposes in a 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 with the Division 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 the 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 the receipt and maintenance of imported animals as described in this paragraph, shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the zoological park which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants and swine within the zoological park; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoologi-

cal park. The operator of the zoological park shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the zoological park for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Prior to the issuance of an import permit under this section, the operator of the approved zoological park to which the animals are to be consigned, and the importer of the animals, if such operator and importer are different parties, shall execute an agreement covering each animal or group of animals for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

----- operator(s) of the zoological park known as ----- located at ----- (Name) ----- and ----- hereby (City and state) (Importer) request a permit for the importation of ----- for exhibition (Number and kinds of animals) purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in Part 92, Title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Director of Division as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

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 ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing except at a port approved by the Director of Division as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Quarantine Station in Clifton, New Jersey.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises

without the prior consent of the Animal Inspection and Quarantine Division.

 (Signature of Importer)
 Subscribed and sworn to before me this
 day of -----, 19-----

 (Title or designation)

 (Name of zoological park)
 By -----
 (Signature of officer of
 zoological park)

 (Title of officer)

Subscribed and sworn to before me this
 day of -----, 19-----

 (Title or designation)

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, under provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

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

[SEAL] M. R. CLARKSON,
 Acting Administrator.
 (P. R. Doc. 58-3002; Filed, Apr. 22, 1958;
 8:48 a. m.)

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES SERVICES

§ 222.104 "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 divestment 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 subsidiary bank sold participations 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 arrangements with utilities, as well as paper covering home improvements which was not insured. Pursuant to certain service agreements, Corporation X made all collections, enforced guarantees, filed claims under Title I insurance and performed other services for the affiliated banks. Also Corporation X rendered to banking subsidiaries of Holding Company A various accounting, 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, who made time sales and desired to convert their time sales paper into cash; but Corporation Y made no loans or purchases of sales 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 from dealers the papers offered by them 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, issuance of drafts in favor of dealers in order to facilitate their prompt receipt of payment for installment 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 for its actual costs and expenses in 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 applica-

tion. 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 statute as finally enacted does not expressly mention any specific type of servicing activity for exemption. In recommending the change, the Senate Banking and Currency Committee stated that the types of services contemplated are "in the fields of advertising, public relations, developing new business, organization, operations, preparing tax returns, personnel, and many others", which indicates that latitude should be given to the range of activities contemplated by this section beyond those specifically set forth in the early draft of the bill. (84th Cong., 2d Sess., Senate Report 1095, Part 2, p. 3.) It nevertheless seems evident that Congress intended such services to be types of activities generally comparable to those mentioned above from the early bill ("auditing, appraising, investment counseling") and in the excerpt from the Committee Report on the later bill ("advertising, public relations, developing new business, organization, 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 in general intended to refer to servicing operations which a bank could carry on itself, but which the bank or its holding company chooses to have done through another organization. Moreover, the report of the Senate Banking and Currency Committee indicated that the types of servicing permitted under section 4 (c) (1) are to be distinguished from activities of a "financial, fiduciary, or insurance 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 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 activities 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, to banking subsidiaries of Holding Company A. This latter and basic activity of Corporation X appeared to involve essentially a financial relationship between it and the banking subsidiaries of Holding Company A and appeared beyond the category of servicing exemptions contemplated by section 4 (c) (1) of the act. Accordingly, it was the Board's view that Corporation X could not be regarded as qualifying under section 4 (c) (1) as a company engaged "solely in the business of furnishing services to or performing services for" Holding Company A or subsidiary banks thereof.

(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), 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 58-2997; Filed, Apr. 22, 1958;
8:47 a.m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1618]

[Fairbanks 014406]

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. 10355 of May 26, 1952, it is ordered as follows:

Subject to 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. 601-604) 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. 3 E.

Sec. 11, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$, and $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$.

The areas described aggregate 12.5 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 16, 1958.

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

[Public Land Order 1619]

[532175]

ARIZONA

PARTIALLY REVOKING CERTAIN EXECUTIVE ORDERS CREATING PUBLIC WATER RESERVES

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (30 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of April 17, 1926, 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. 22, $NW\frac{1}{4}NW\frac{1}{4}$.

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. 15, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}$.

The areas described aggregate 280 acres.

The total area described in this order is 341.21 acres.

3. The lands are grazing lands. Lot 11, Section 4, T. 12 N., R. 1 E., is located in Yavapai County, and the remainder of the lands, in Maricopa County. The soils range from sandy loam to rocky outcrops. Vegetation is of the desert-type. There are no permanent streams or water holes on the lands.

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 valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

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

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

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support

of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on May 22, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on August 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on August 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m., on August 21, 1958.

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

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

APRIL 16, 1958.

[F. R. Doc. 58-2992; Filed, Apr. 22, 1958;
8:45 a.m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 58-379]

[Rules Amdts. 2-17, 4-10, 7-3, 8-5, 9-19, 10-3,
11-14, 12-2, 16-26, 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 the other instances;

(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 and amateur use;

(c) The reallocation of the frequency bands 1350-1400 Mc, 3100-3300 Mc, 5100-5250 Mc, 8500-9000 Mc, 9200-9300 Mc and 9500-9800 Mc from their present shared status between Government and non-Government use to exclusive Government use;

(d) The reallocation of the frequency bands 8400-8500 Mc and 13225-13250 Mc from Government to non-Government use;

(e) Government sharing of the frequency band 2450-2500 Mc on a non-interference basis to non-Government use;

(f) The amendment of footnote US 8 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; and

(g) The deletion of footnote US10 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 reallocations set forth above are required either because of vital national defense considerations or are desirable changes incident thereto. The reallocation of frequency bands for Government use are stated to be essential to fill radiopositioning requirements, which have increased significantly in recent years due to the international political climate and the advent of the "space age". It is further stated that vital national defense considerations make it mandatory that provisions be made now in the allocation table for these requirements, some of which must be satisfied immediately and others which must be satisfied in the near future.¹

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 satisfied, sound 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 the bands shown. Similarly, in the interest of making available to non-Government users as quickly as practicable those bands now

designated as exclusive Government bands or bands which are now shared with non-Government stations, but which are henceforth to be designated as exclusive non-Government bands in partial compensation for the loss of other non-Government bands, the Table of Allocations in Part 2 should also be amended now. In its Notice of Proposed Rule Making issued today in Docket No. 12404 the Commission has proposed allocation of these bands to specific non-Government services.

4. In general, the Government operations which must be accommodated will utilize extremely high power. In many instances these operations will also be mobile. Therefore, there will be a very high probability that the Government operations in certain instances will cause harmful interference to other services operating in the same frequency bands. Moreover, because of the vital national defense considerations involved, non-Government services operating in certain of the bands in question would have to protect the Government operations from harmful interference.

5. Because of the high probability of harmful interference to the fixed service from the radiopositioning service in the band 890-942 Mc, the ODM has recommended that all fixed stations be moved from this band.² However, since the degree of interference to the fixed service can not be fully evaluated at this time, the Commission, by arrangement with the ODM, is not ordering the removal of the fixed stations now authorized in the band but recommends that those stations not able to accept harmful interference from radiopositioning or ISM voluntarily move to other appropriate bands. However, it is recognized that each additional fixed station authorized in the band 890-942 Mc increases the probability of harmful interference to or from the radiopositioning service. Therefore, the Commission will authorize no new fixed stations in the band 890-942 Mc, but will permit the continued operation of stations licensed therein at the present time, pursuant to the terms of outstanding authorizations. Renewals of these authorizations will, however, be granted only upon the condition that stations in the fixed service in the band 890-942 Mc continue to accept interference from ISM, and that, in addition, fixed stations in the band 890-942 Mc accept interference from radiopositioning, and not cause harmful interference to that service.

6. The Commission wishes to call attention to the fact that it has today taken two other actions which are related to the actions ordered herein. One such action is the issuance of a Notice of Inquiry in Docket 12263, requesting comments on proposed changes in Chap-

² In connection with the frequency band 890-942 Mc, the Commission notes that most of the comments received in Docket 11866 from fixed service licensees operating in that band stress that their operations are not compatible with the operation of ISM equipment on 915 Mc. The ODM has recognized that the radiopositioning service in the band 890-942 Mc must accept any harmful interference caused by the operation of ISM equipment on 915 Mc.

ter III of the Atlantic City Radio Regulations, which includes the International Table of Frequency Allocations. The other action is the issuance of a Notice of Proposed Rule Making in Docket No. 12404, which proposes various changes in the Commission's Table of Frequency Allocations.

7. Based upon the representations that have been submitted to it concerning the requirements of national defense, the Commission finds that it would be in the public interest to amend its rules to permit the orderly satisfaction of those requirements.

8. Because of the urgency and nature of the Government requirements and the vital national defense considerations involved herein, the Commission finds that it is impracticable and contrary to the public interest to comply with the Public Notice requirements of section 4 of the Administrative Procedure Act, and that, for the same reasons, the amendments ordered herein should be made effective immediately.

9. In some instances, by the terms of this Order, frequency allocations are being made to services not previously provided for in Part 2 of the Commission's rules. Since Part 2 defines only those services for which specific frequency allocations have been made, it now becomes necessary to amend Part 2 to cover the newly-provided-for services and stations associated therewith. It should be noted that the new definitions are among those to be proposed by the U. S. at the ITU Radio Conference and are therefore subject to change. Accordingly, the text below sets forth necessary additional definitions as well as necessary changes to the table of frequency allocations in Part 2 of the rules.

10. In order to maintain consistency between the several Parts of the Commission's Rules, Amendments to those Parts affected by the changes being ordered in Part 2 are set forth below.

11. It is ordered, That under authority contained in sections 1, 4 (i), 4 (j), 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended, the Commission's rules are amended, effective April 16, 1958, as set forth in the Appendices hereto; and

12. It is further ordered, That,

a. Persons presently authorized to operate on frequencies in the 216-220 Mc band may continue to operate until the expiration of their present authorizations or until January 1, 1963, whichever is later and, if existing authorizations expire prior to January 1, 1963, applications for renewal may be granted for authority to operate until the latter date; and

b. Persons eligible under existing Rules may continue to apply for and receive authorizations to operate on available frequencies in the band 216-220 Mc until replacement frequencies become available pursuant to studies now being conducted by the Commission. Such authorizations shall have an expiration date not later than January 1, 1963; and,

c. Effective immediately no new fixed stations, including tropospheric scatter stations in the international fixed service, will be authorized in the band

¹ The nature and importance of these requirements is such that the allocations changes must be effected nationally despite the fact that a new international table of frequency allocations will not be adopted until the holding of the International Radio Conference scheduled to be held at Geneva, Switzerland, commencing in July, 1959.

RULES AND REGULATIONS

890-942 Mc, provided that all stations presently authorized to operate on frequencies in the band 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 radiopositioning service in the band 890-942 Mc and (2) that they do not cause harmful interference to the radiopositioning service;

d. Persons presently authorized to operate on frequencies in the band 3500-3700 Mc may continue to operate until the expiration of their present authorizations and, if existing authorizations expire prior to February 1, 1961, applications for renewal may be granted for authority to operate until that date.

e. Effective immediately no new land radiopositioning or mobile radiopositioning stations will be authorized in the band 3100-3246 Mc, 3266-3300 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 3100-3246 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 accept any harmful interference that may be experienced from Government services in the band.

13. 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 925-940 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 21, 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 890-940 Mc. (Docket No. 10797).

Adopted: April 16, 1958.

Released: April 18, 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 10500 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 radiopositioning service, which in each case would be operated by the U. S. Government within the U. S., its territories and possessions.

1. Amend Part 2 of the Commission's rules in the following particulars:

1. Amend § 2.1 by inserting the following definitions in the proper alphabetical order:

Radiopositioning. The determination of position or direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves for purposes other than the navigation of ships or aircraft, or other than warning of obstructions to navigation.

Radiopositioning service. A service involving the use of radiopositioning.

Land radiopositioning station. A station in the radiopositioning service not intended for operation while in motion.

Mobile radiopositioning station. A station in the radiopositioning service intended to be used while in motion or during halts at unspecified points.

2. Amend the appropriate portions of § 2.104 (a) (5), the table of frequency allocations to read as follows in columns 5 through 11.

5	6	7	8	9	10	11
220-225	G, NG (US109).	220-225 (NG20).	Amateur.	Amateur.		AMATEUR.
420-450	G, NG (US11) (US18) (US104).	420-450	Amateur.	Amateur.		AMATEUR.
890-942	G (US104A).	890-942			915	Industrial, Scientific and Medical Equipment.
1215-1300	G, NG (US105).	1215-1300	Amateur.	Amateur.		AMATEUR.
1350-1400	G.	1350-1400				
2300-2450	G, NG (US109).	2300-2450	Amateur.	Amateur.		AMATEUR.
2450-2500	NG. (US110).	2450-2500 (NG1) (NG17).	a. Fixed. b. Mobile.		2450	Industrial, Scientific and Medical Equipment.
3100-3500	G (US113B) (US113C).	3100-3500				
3500-3700	G, NG (US114).	3500-3700	Amateur.	Amateur.		AMATEUR.
5100-5250	G.	5100-5250				
5650-5925	G, NG (US119).	5650-5925	Amateur.	Amateur.	5850	Industrial, Scientific and Medical Equipment.
8400-8500	NG.	8400-8500	a. Fixed. b. Mobile.			
8500-9000	G (US120).	8500-9000				
9200-9300	G (US113B).	9200-9300				
9500-9800	G (US120).	9500-9800				
10000-10500	G, NG (US127).	10000-10500	Amateur.	Amateur.		AMATEUR.
13225-13250	NG.	13225-13250	a. Fixed. b. Mobile.			

US11 Radio altimeters will not be permitted to use the band 420-460 Mc after February 15, 1963.

US18 The power to be employed by amateur stations in this band will not exceed 50 watts DC plate power input to the final stage of the transmitter.

US103 The only non-Government service permitted in the band 220-225 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US104 Except as provided by footnote US11, the only non-Government service permitted in the band 420-450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US104A Each non-Government station in the fixed service, authorized to operate in the band 890-942 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date, and shall be protected from harmful interference from the radiopositioning service during such term. Renewals of such authorizations, however, shall be contingent upon the condition that each such fixed station (1) accept any harmful interference that may be experienced from the operation of ISM equipments on 915 Mc, (2) accept any harmful interference that may be experienced from the radiopositioning service, and (3) shall not cause harmful interference to the radiopositioning service.

US105 The only non-Government service permitted in the band 1215-1300 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US109 The only non-Government service permitted in the band 2300-2450 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US110 The Government radiopositioning service is permitted in the band 2450-2500 Mc on the condition that harmful interference is not caused to non-Government services.

US113B Each non-Government land radiopositioning or mobile radiopositioning station authorized to operate in the band 3100-3246 Mc, 3266-3300 Mc or 9200-9300 Mc and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band 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 Government services.

US113C Each non-Government radionavigation station authorized to operate a shipborne radar in the band 3100-3246 Mc, and holding a valid authorization to so operate as of April 16, 1958, may continue to operate in that band for the duration of the term of its authorization in effect as of that date. Renewals of such authorization, however, shall be contingent upon the condition that each such station must accept any harmful interference that might be experienced from Government services in that band.

US114 The only non-Government service permitted in the band 3500-3700 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US119 The only non-Government service permitted in the band 5650-5925 Mc is the amateur service. The amateur service shall not cause harmful interference to the radiopositioning service.

US120 In the band 8750-8850 Mc/s, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service, and meanwhile must accept any harmful interference that may be experienced from the radiopositioning service.

US126 In the band 9750-9850 Mc, Government and non-Government airborne doppler radars in the aeronautical radionavigation service may be authorized temporarily until moved to a frequency band allocated to the aeronautical radionavigation service and meanwhile must accept any harmful interference that may be experienced from the radiopositioning service.

US127 The band 10000-10500 Mc is limited to CW systems. The amateur service, which shall not cause harmful interference to the radiopositioning service, is the only non-Government service permitted in the band.

3. Amend footnote US8, applied to the band 216-220 Mc, to read as follows:

US8 Until January 1, 1963, the frequencies 217.425 through 217.675 Mc/s and 219.325 through 219.575 Mc/s, inclusive, 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.

4. Delete footnote indicator US10 from column 5 in the frequency bands 225.0-328.6 Mc and 335.4-400.0 Mc/s and delete

the text of the footnote from the list of US footnotes following 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	946.0 Mc	949.5 Mc
943.0 Mc	946.5 Mc	950.0 Mc
943.5 Mc	947.0 Mc	950.5 Mc
944.0 Mc	947.5 Mc	951.0 Mc
944.5 Mc	948.0 Mc	951.5 Mc
945.0 Mc	948.5 Mc	
945.5 Mc	949.0 Mc	

(b) Any standard broadcast STL station or FM broadcast STL station for which there was outstanding a valid construction permit or license on April 16, 1958, specifying operation on any frequency between 890 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 therefor be granted a renewal of such license, subject to the condition that no harmful interference shall be caused to the radiopositioning service operating in the band 890-942 Mc and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiopositioning stations in the band 890-942 Mc and industrial, scientific, and medical (ISM) equipment in the band 890-940 Mc.

(c) FM inter-city relay stations may be licensed to operate on any of the frequencies listed in paragraph (a) of this section, subject to the condition that no harmful interference is caused to stations operating in the band 942-952 Mc in accordance with the Table of Frequency Allocations contained in § 2.104 (a) 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 16, 1958, specifying operation on any frequency between 890 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 therefor, be granted a renewal of license subject to the condition that no harmful interference shall be caused to the radiopositioning service operating in the band 890-942 Mc and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiopositioning stations in the band 890-942 Mc and indus-

trial, 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 particulars:

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

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

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

(2)

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 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 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 7.503 (b) is amended by deleting the frequency band 3500 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:

2900 to 3000 Mc.	
5250 to 5440 Mc.	
5440 to 5460 Mc.....	5450 Mc (Racons only).
9000 to 9200 Mc.	
9300 to 9320 Mc.....	9310 Mc (Racons only).

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

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

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 stations) in the maritime radionavigation service (the associated transmitting frequencies of U. S. Government radar beacons (racons) are, respectively, as follows: 5450 and 9310 megacycles); 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:

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

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 stations operating in the 3100 to 3246 Mc band.

B. Section 8.404 (b) (2) is amended to read as follows:

(2)

3000 Mc to 3100 Mc.
5460 Mc to 5650 Mc.
9320 Mc to 9500 Mc.

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service. 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 3500 Mc to 3700 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.
5250 to 5440 Mc.
5440 to 5460 Mc..... 5450 Mc (Racons only).
9000 to 9200 Mc.
9300 to 9320 Mc..... 9310 Mc (Racons only).

PART 9—AVIATION SERVICES

Amend Part 9—Aviation Services, as indicated below:

1. Amend subparagraphs (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 1350–1400 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:

(n)

Mc	Mc
5250–5440	9300–9320
9000–9200	9320–9500

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 1350–1400 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:

Mc	Mc	Mc	Mc
217.425	217.575	219.375	219.525
217.475	217.625	219.425	219.575
217.525	217.675	219.450	
217.550	219.325	219.475	

Until January 1, 1963, 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:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95.....	Mobile.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1900.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2, 19
2500 to 2700.....	Operational fixed.....	1
6425 to 6575.....	Base and mobile.....	1

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:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95.....	Mobile.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1900.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2, 19
2500 to 2700.....	Operational fixed.....	1
6425 to 6575.....	Base and mobile.....	1

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:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95.....	Mobile.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1900.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2, 17
2500 to 2700.....	Operational fixed.....	1
6425 to 6575.....	Base and mobile.....	1

4. Section 10.405 (e) 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:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95.....	Mobile.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1900.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2, 21
2500 to 2700.....	Operational fixed.....	1
6425 to 6575.....	Base and mobile.....	1

5. Section 10.462 (e) 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:

Frequency or band	Class of station(s)	Limitations
Mc		
458.95.....	Mobile.....	1
952 to 960.....	Operational fixed.....	1
1850 to 1900.....	do.....	1
2110 to 2200.....	do.....	1
2450 to 2500.....	Base and mobile and operational fixed.....	1, 2, 14
2500 to 2700.....	Operational fixed.....	1
6425 to 6575.....	Base and mobile.....	1

PART 11—INDUSTRIAL RADIO SERVICES

1. In paragraph (d) of § 11.252 delete the frequency table and substitute the following:

Mc
* 2450–2500
6425–6575
11700–12200

* 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.

2. a. In paragraph (b) of § 1.253 delete the frequency table and substitute the following:

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

¹Use 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 § 11.253 as follows:

(e) 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.

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

Mc
¹ 2450-2500
6425-6575
11700-12200

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.

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

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

¹Use 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 (d) to § 11.303 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.

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

Mc
¹ 2450-2500
6425-6575
11700-12200

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.

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

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

¹Use 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 (d) to § 11.353 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.

7. In paragraph (b) of § 11.402 delete the frequency table and substitute the following:

Mc
¹ 2450-2500
6425-6575
11700-12200

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.

8a. In paragraph (b) of § 11.403 delete the frequency table and substitute the following:

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

¹Use 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 (c) to § 11.403 as follows:

(c) 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.

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

Mc
¹ 2450-2500
6425-6575
11700-12200

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.

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

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

¹Use 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 (c) to § 11.453 as follows:

(c) 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.

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

Mc
2450-2500
6425-6575
11700-12200

¹ 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.

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

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	20000-30000
6575-6875	

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.

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 radioposition-

ing service operating on frequencies in the band 890-942 Mc.

13a. In paragraph (c) of § 11.607 delete the frequency table and substitute the following:

Mc	Mc
2900-3100	9000-9200
5250-5440	9320-9500
5460-5650	

b. Add a new paragraph (g) to § 11.607 as follows:

(g) Stations authorized to operate on frequencies included in the bands 3100-3246, 3266-3300 and 9200-9300 Mc prior to April 16, 1958, may continue to operate on frequencies in those bands 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 issued subject to the condition that no harmful interference is caused to government stations in the radiopositioning service operating in the bands 3100-3246, 3266-3300 and 9200-9300 Mc.

PART 12—AMATEUR RADIO SERVICE

1. Section 12.111 is amended as follows:

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

(j) 220 to 225 Mc,¹ using types A₀, A1, A2, A3, A4, 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, 3500 to 3700 Mc, and 5650 to 5925 Mc, using types A₀, A1, A2, A3, A4, A5, F₀, F1, F2, F3, F4, F5, and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively. In these bands 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.

2. Section 12.231 is amended as follows:

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

(c) Except as provided in paragraph (d) of this section, at such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

b. New paragraph (d) is added to read as follows:

(d) In the band 220 to 225 Mc, stations operating in the Radio Amateur Civil Emergency Service shall not at any time cause harmful interference to the government radiopositioning service.

PART 16—LAND TRANSPORTATION RADIO SERVICES

1. Amend paragraph (g) of § 16.252 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:

FREQUENCY BANDS

Mc	Mc
¹ 2450-2500	13200-13225
6425-6575	¹ 16000-18000
10550-10700	20000-30000
11700-12200	

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.

2. Amend paragraph (c) of § 16.253 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-

tions 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

Mc	Mc
952-960	10550-10700
1850-1920	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

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; and
- (3) That no harmful interference is caused to stations in the radiopositioning 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

Mc	Mc
¹ 2450-2500	13200-13225
6425-6575	¹ 16000-18000
10550-10700	26000-30000
11700-12200	

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 serv-

ices, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the station authorization:

FREQUENCY BANDS

Mc	Mc
952-960	10550-10700
1850-1990	12200-12700
2110-2200	13200-13225
¹ 2450-2500	¹ 16000-18000
2500-2700	26000-30000
6575-6875	

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.

6. Amend § 16.353 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 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; and
- (3) That no harmful interference is caused to stations in the radiopositioning service operating on frequencies in the band 890-942 Mc.

7. Amend paragraph (d) of § 16.402 to read as follows:

(d) Frequencies in the following bands are available for assignment to base stations and mobile stations in the Taxicab 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

Mc	Mc
¹ 2450-2500	13200-13225
6425-6575	¹ 16000-18000
10550-10700	26000-30000
11700-12200	

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Part 21 of the Commission's rules is amended in the following particulars:

1. Delete the present text § 21.501 (g) and in lieu thereof insert the following:

(g) Control and repeater stations authorized to operate in the 890-940 Mc band in the Domestic Public Land Mobile Radio Service 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) 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 until the date of expiration of their respective present station authorizations. Thereafter, station authorizations may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890-940 Mc band.¹²

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

(b) Stations authorized to operate in the 890-940 Mc band in the Rural Radio Service 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) 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 paragraph (1) until the date of expiration of their respective present station authorizations. Thereafter, station authorizations may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890-940 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 and 2450-2500 Mc bands, respectively, shall be subject to the following conditions in accordance with § 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 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.

(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 paragraph (1) until the date of expiration of their respective present station authorizations. Thereafter, station

authorizations in the 2450-2500 Mc band may be renewed subject to the provision of subparagraph (1) of this paragraph, and station authorizations in the 890-940 Mc band may be renewed subject to all of the aforementioned provisions. New stations will not be authorized in the 890-940 Mc and 2450-2500 Mc bands.

4. Delete the present text of § 21.801 (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:

16000-18000 Mc.
26000-30000 Mc.

Stations operating on frequencies between 17850 Mc and 18000 Mc will not be protected from such interference as may be experienced from the emission of industrial, scientific and medical equipment operating on the frequency

18000 Mc, in accordance with § 2.104 (a) of this chapter.

5. Delete the present text of § 21.801 (e) and in lieu thereof insert the following:

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

3500-3700 Mc.¹
6425-6576 Mc.²
11700-12200 Mc.³

¹ No new stations will be authorized in this frequency band. Stations authorized on April 16, 1958, may continue to operate therein until the date of expiration of their respective present station authorizations.

² Use of this frequency band is subject to the final action taken in Docket No. 10797.

6. In § 21.807 (d), delete the entire line entry concerning the frequency band 2450-2500 Mc.

[F. R. Doc. 58-3019; Filed, Apr. 22, 1958; 8:52 a. m.]

(c) "Style II Sliced" 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.

(d) "Style III Cut or Chopped" is the style of frozen turnip greens with turnips that consists of leaves with adjacent portions of the stem which have been cut or chopped into small pieces, together with a specified form of the turnip root.

§ 52.3733 *Color of turnips in frozen turnip greens with turnips.* (a) White.
(b) Yellow.

§ 52.3734 *Recommended proportion of ingredients.* (a) It is recommended that frozen turnip greens with turnips consist of 50 percent or more, by weight, of turnip greens and not less than 20 percent nor more than 50 percent, by weight, of turnips.

(b) Compliance with the requirements for proportions of ingredients will be determined by averaging the percent, by weight, of each ingredient in all of the containers in the sample: *Provided*, That any deviation from the recommended proportion of ingredients in any container is within the limits of good commercial practice.

(c) The quantity of each ingredient in each container in the sample shall be fairly uniform.

§ 52.3735 *Grades of frozen turnip greens with turnips.* (a) "U. S. Grade A" (or "U. S. Fancy") is the quality of frozen turnip greens with turnips in which the turnip ingredient is fairly uniform in size and each ingredient possesses similar varietal characteristics; possesses a good flavor; possesses a good color; is practically free from defects; possesses a good character; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" (or "U. S. Extra Standard") is the quality of frozen turnip greens with turnips in which each ingredient possesses similar varietal characteristics; possesses a reasonably good flavor; possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good character; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen turnip greens with turnips that fail to meet the requirements of U. S. Grade B.

FACTORS OF QUALITY

§ 52.3736 *Ascertaining the grade—*
(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

- (1) *Factors not rated by score points.*
- (i) Uniformity of size.
- (ii) Varietal characteristics.
- (iii) Flavor.
- (iv) Proportion of ingredients.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum num-

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN TURNIP GREENS WITH TURNIPS¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Turnip Greens with Turnips, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 60 days after publication in the FEDERAL REGISTER.

PRODUCT DESCRIPTION, STYLES, COLOR, PROPORTION OF INGREDIENTS, AND GRADES

Sec.	
52.3731	Product description.
52.3732	Styles of frozen turnip greens with turnips.
52.3733	Color of turnips in frozen turnip greens with turnips.
52.3734	Recommended proportion of ingredients.
52.3735	Grades of frozen turnip greens with turnips.

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

FACTORS OF QUALITY

Sec.	
52.3736	Ascertaining the grade.
52.3737	Ascertaining the ratings for the factors which are scored.
52.3738	Color.
52.3739	Defects.
52.3740	Character.

EXPLANATION AND METHODS OF ANALYSIS

52.3741 Explanation of terms and analysis.

LOT INSPECTION AND CERTIFICATION

52.3742 Ascertaining the grade of a lot.

SCORE SHEET

52.3743 Score sheet for frozen turnip greens with turnips.

AUTHORITY: §§ 52.3731 to 52.3743 issued under sec. 205, 60 Stat. 1090, 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 properly prepared product from the clean, sound, succulent leaves and the clean, sound, succulent roots of the turnip plant (*Brassica rapa*) by proper washing, sorting, peeling, trimming, and blanching, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 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 used. The turnip 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 the leaf with adjacent portions of the stem, together with a specified form of the turnip root.

ber of points that may be given for each such factor is:

Factors:	Points
Color-----	20
Defects-----	40
Character-----	40
Total Score-----	100

(b) *Evaluation of quality.* The rating for the factors of color, defects, and character (with respect to each ingredient) and the evaluation of uniformity of size and similar varietal characteristics are 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 flavors 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 flavors and objectionable odors of any kind.

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

§ 52.3737 *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 20 points" means 17, 18, 19, or 20 points).

§ 52.3738 *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 17 to 20 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 turnips, which ingredients have been properly prepared and properly processed.

(c) (B) *classification.* Frozen turnip greens with turnips that possess a reasonably good color may be given a score of 14 to 16 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 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 turnips 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 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3739 *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 or portion of stem, and damage 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 34 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 2 inches in length may be coarse green grass and weeds and none shall be other than green, and in other styles no grass or weeds or pieces of grass or weeds that materially affect the appearance or edibility of the product.

(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.

(3) The presence of harmless extraneous material, unpeeled turnip ingredient, and damaged units, individually or collectively, does not more than slightly affect the appearance or eating quality of the product.

(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 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 green grass and weeds and none shall be other than green, and in other styles no grass or weeds or pieces or grass or weeds that seriously affect the appearance or edibility of the product.

(2) An aggregate area of damage affecting 6 square inches (6" x 1") of leaves and stems or portions of leaves and stems, and 10 percent, by count, of units of turnip ingredient affected by damage.

(3) The presence of harmless extraneous material, unpeeled turnip ingredient, and damaged units, individually or collectively, does not materially affect the appearance or eating quality of the product.

(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 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3740 *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 leafy ingredient is tender and practically free from coarse or tough leaves and stems and that the turnip ingredient possesses a 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 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION AND METHODS OF ANALYSIS

§ 52.3741 *Explanation of terms and analysis.* (a) The proportion of each of the ingredients is determined on the thawed product 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 *Ascertaining the grade of a lot.* The grade of a lot of frozen turnip greens with turnips covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87; 22 F. R. 3535).

SCORE SHEET

§ 52.3743 *Score sheet for frozen turnip greens with turnips.*

Size and kind of container.....		
Container marks or identification.....		
Label.....		
Net weight (ounces).....		
Style of product.....		
Turnips (form and color).....		
Proportion of ingredients:		
Turnip greens %.....		
Turnips %.....		
Uniformity of turnip ingredient (Whole, Sliced, Diced, Cut) Meets A..... Falls A.....		
<hr/>		
Factors Score points		
Color.....	20	(A) 17-20 (B) 14-16 (SStd.) 10-13
Defects.....	40	(A) 34-40 (B) 28-33 (SStd.) 10-27
Character.....	40	(A) 34-40 (B) 28-33 (SStd.) 10-27
Total score.....	100	
<hr/>		
Flavor.....		
Varietal characteristics.....		
Grade.....		

¹ Indicates limiting rule.

Dated: April 18, 1958.

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

[F. R. Doc. 58-3000; Filed, Apr. 22, 1958;
8:47 a. m.]

[7 CFR Part 957]

[Docket No. AO-150 A-3]

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

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047, and 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 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. 98 and 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 record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 24, 1958, filed with the Hearing Clerk, United States Department of Agriculture, his 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 (23 F. R. 2028).

Rulings. Within the period provided therefor, an exception was filed by Edd Moore, Executive Secretary-Manager, Idaho Grower Shippers Association, Inc., Idaho Falls, Idaho. The substance of this exception is that a finding should have been made that the composition of the Idaho-Eastern 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 a 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, to the extent that 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 *Secretary* to include employees of the United States Department of Agriculture among the persons to whom authority may be or has been delegated to act in the stead of the Secretary; (b) § 957.2 *Act* to add the citation of the statute (Statutes at Large) containing amendments to the act which were included in the Agricultural Act of 1954, Public Law 690, 83d Congress, and (c) § 957.3 *Person* to conform the definition thereof to that set forth in the act.

(2) The amendment of (a) § 957.7 *Seed potatoes to Certified seed potatoes* and to delete "the State from which the potatoes are shipped" and substitute

"the State in which the potatoes are grown," and (b) § 957.12 *Fiscal year* 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 recommendations by the committee.

(3) The renumbering of § 957.15 *District* as § 957.17 and the amendment of said section so as to include redistricting.

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

(5) The addition of a new § 957.18 to define "Label."

Pertaining to administrative committee:

(6) the amendment of § 957.20 to provide for additional membership on the Idaho-Eastern 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, § 957.23.

(9) The addition of a new § 957.23 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 selection of the enlarged committee membership; (b) § 957.24 to provide an altered procedure for the nomination of committee members; and (c) § 957.25 to provide appropriate language and cross-references.

(11) The amendment of (a) § 957.28 to provide that alternate members may perform duties as assigned or requested by the committee; (b) § 957.29 to increase the number of committee members necessary to constitute a quorum; and (c) § 957.30 to increase the rate of reimbursement to committee members.

(12) The amendment of paragraph (d) of § 957.32, *Duties*, to delete the provision for engaging in research and service activities.

Pertaining to budget, expenses, and assessments:

(13) 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.

(14) The addition of a new § 957.47 *Research and development* to include authority for the establishment of potato marketing research and development projects.

Pertaining to regulations:

(15) 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.

(16) The renumbering of §§ 957.55 through 957.57 because of the combination of §§ 957.50 and 957.51.

(17) The amendment of § 957.57 (a) to provide for establishment of safeguards on shipments for specified purposes; (b) the requirements 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 repacked lots which have had prior inspection; (c) authorize the committee to establish, with the approval of the Secretary, a length of time for which an inspection certificate may be valid; and (d) provide that a copy of each inspection certificate issued by the inspection service be made available to the committee.

Pertaining to exemptions:

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

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.

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

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

The definition of "act" should be amended to include the citation "68 Stat. 906, 1047" which refers to the amendments to the act contained in the Agricultural Act of 1954. Such amendments authorize provisions in marketing agreements and orders for container regulation and for the establishment of re-

search and development projects. A provision authorizing container regulation is contained in the proposed order.

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

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

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

(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 reestablishment of districts and the reapportionment 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 basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to a combination of factors relating to 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, Size A, 2-inch or 4-ounce minimum, or a specified percentage of 10-ounce or larger potatoes, in 100-pound burlap bags or in 50-pound paper bags, or in 10-pound paper or mesh bags. The latter packs are loaded loose or in 50-pound master (paper) containers. Other packs may include those in which a particular size range, 6 to 10 ounces, for example, or perhaps 20 to 30 percent 10 ounces and larger, is packed in a given shipping unit according to the buyer's instructions. The common units in which production area potatoes are handled are 100 pounds, 50 pounds, 15 pounds, 10 pounds, and 5 pounds. Grades such as U. S. No.

1, U. S. No. 2, or Idaho Standard, may be tied in with any such unit, and, in addition, minimum and maximum sizes may also be specified.

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

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets. The definition would include all types of containers presently used in the handling of potatoes or any conceivable type which may be used in the future. For example, the definition would include the usual bags, sacks, crates, cartons and in addition any other type of receptacle used in the handling of potatoes. It was testified at the hearing that bulk loads shipped to processors outside of the production area were examples of another "type of receptacle" and would be included within this definition.

(5) No evidence was offered to support the provision of § 957.18 "Label" which was included in the notice of hearing; hence, this section is dropped.

(6) The notice of hearing proposed doubling the membership of the Idaho-Eastern Oregon Potato Committee, hereinafter called the "committee", from its 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 alternative proposals were presented at the hearing. One such proposal favored no change in membership. Another would add one producer member from District No. 1. Another would add two members, one a producer the other a handler, both 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 Hargraves, Pocatello, Idaho, principally for the reasons given above. The brief indicated that although increased membership would have been desirable, the committee as presently constituted has been able to administer the program satisfactorily and could be expected to continue to do so. Also, the present representation is adequate and no complaints have been received from the industry.

The remaining provisions of § 957.20 as contained in the notice of hearing of the proposed order were supported by

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 are eligible for committee membership in the same manner as the present order provides for corporate producers. Unincorporated producers should be able to be represented by employees since their interests as producers are basically the same.

Many producers are also handlers. 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 that their representatives on the committee will be primarily concerned with and allied with producers' interests. To restrict the producer membership on the committee to growers who handled nothing but their own production, would deny committee membership to many able producers simply because they handled some of their neighbors' potatoes. For the same reason, such a requirement could disqualify a producer member during his tenure on the committee. The 51 percent requirement is deemed to be a reasonable one in determining producers' qualifications for nomination and selection. This type of eligibility should also be applicable to producers participating in nomination meetings.

(7) The provision for committee members' terms of office in the proposed order should be amended because of the proposed definition of fiscal period. The terms of office in the present order correspond to the dates set forth for the fiscal year. In the proposed order a fiscal period is defined, but the exact beginning and ending dates are subject to recommendation of the committee. Therefore, the tie-in no longer exists and it is necessary to specify the beginning and ending dates of the terms of office in the proposed order. These dates are the same as the old fiscal year and make no change from the present order in the terms of office for which committee members serve. Also, some repetitious 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 957.33.

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

(10) Since the proposal to double the membership of the committee was not supported by substantial evidence, 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 committee would be composed of eight members, three from District No. 1, two from District No. 2, and three from District No. 3.

The procedure applicable to nomination of committee members and alternates contained in the present order should be changed to require only one nominee be designated for each position to be filled on the committee. The present order requires two such nominees. 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 from all eligible persons especially if a particular nominee may, for some reason, be unqualified for committee membership. Of course, this change will not prevent the committee or any other person from submitting the names of more than one nominee for each position to be filled. However, past experience has shown that usually the producers and handlers in a district have particular preference for a single slate of representatives from that district. Frequently, at a producer nomination meeting the present arrangement has resulted in the names of first and second choices being submitted for the position as member, and the third and fourth choices for the position as alternate; and such an arrangement could result in the elimination of a top choice as alternate. Submission of a single slate of qualified nominees by the committee, which slate would most likely be the only one submitted, could ordinarily result in the selection of the members and alternates desired by the industry.

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

(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 to perform duties requested or assigned by the committee. Such duties should include, but not be limited to, serving on various subcommittees, or perhaps to help in reporting or tracing violations of the proposed order. An alternate member attending committee meetings will be familiar with committee business and will be better qualified to serve in the absence of the member for whom he is an alternate. Also, in the event an alternate subsequently is

selected as a member, his tenure as an alternate will have served as good experience. An alternate, when performing duties assigned or requested by the committee, should be entitled to compensation and reimbursement of expenses on the same basis as committee members.

The provisions of the present order require that five of the eight members of the committee shall constitute a quorum and that the same number of concurring votes are necessary to approve any committee action. Because the membership of the committee would not be changed under the proposed order, the provisions with respect to procedure should also remain unchanged 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 1950 amendment to Order No. 57. Committee members and alternates frequently attend to committee business at a personal financial sacrifice. Regardless of whether the \$5.00 or \$10.00 maximum rate is effective, such rate will not, in most cases, compensate the individual for the time lost from his own interests. It is reasonable that the rate of compensation should be increased in view of rising costs that have occurred since 1950.

(12) No testimony was offered in support of amended paragraph (d) to § 957.38 *Duties* contained in the notice of hearing, and such paragraph would be continued with no change from the present order.

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

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

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

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

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

or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in his successor or agency, or person designated by the Secretary the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

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

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

It is generally accepted as good business practice to provide during a fiscal period for unforeseen contingencies, such as adverse weather conditions, which might result in a substantially reduced crop. The net effect of a reduced crop would be to greatly reduce shipments and assessment revenue, or it could cause the discontinuance of regulation and collection of assessments. In order to continue at least a nucleus of an administrative organization and to assure the performance of a minimum of basic services, the committee should have authority, with the approval of the Secretary, to set up a reserve account. Such reserve would be continued and maintained from one fiscal period to another and could be used during any period when needed. For example, the reserve fund should be used during periods whenever the committee is in financial troubles because of crop failures or short crops or during periods of suspension. The reserve fund should also be used to defray the cost of liquidation in the event of termination of the order.

Funds in the reserve account might properly serve another purpose. At the

beginning of each fiscal period there will be a need for operating funds at a time when there will usually be little revenue from assessments. It is economical and practical and the committee should be so authorized, to use the funds in the reserve account until such time as assessments provide adequate revenue to meet current expenses.

In the event of termination of the order, any funds remaining after liquidation, including any balance in the reserve account, should be refunded, to the extent practicable, to the handlers from whom such funds were collected.

(14) No testimony was offered in support of § 957.47 "Research and development" authorizing the establishment or provision for the establishment of research and development projects which was included in the notice of hearing, hence, this section is dropped.

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

In the light of operating experience, it is necessary to clarify order provisions relating to marketing policy, recommendation for regulations, and the issuance of regulations. This has been accomplished in the proposed order.

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

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, as well as revisions thereof, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted promptly to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum no-

tice of probable regulations. All reports on marketing policy and regulations recommended by the committee should be submitted promptly to the Secretary and presented to the industry as a means of keeping both informed. The committee should furnish the Secretary with a new or revised policy whenever conditions warrant a change from an existing marketing policy and regulation. This will tend to keep the program's operations on a current basis with market conditions.

The committee should, as the local administrative agency under the proposed order, be authorized to recommend such grade, size, quality and maturity regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is necessary to the successful operation of the proposed order that the committee should have such responsibility. The Secretary should look to the committee as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increasing growers' returns. The committee should therefore, have authority to recommend such regulations as are authorized by the proposed order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the suspension or termination of such regulations, as the situation warrants.

The proposed order should authorize the Secretary to limit shipments of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. This authority is included in the present order and should be continued under the proposed order with appropriate amendments. Shipments 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 in any or all portions of the production area the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period, much the same as is now done under 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 for different varieties 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 to continue this authority, and provisions should be included in the proposed order so as to continue these benefits.

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

For example, in the early deal potatoes are usually shipped immediately after harvest, and in order that such potatoes reach market in an acceptable form, without excessive skinning or feathering, regulations were issued which specified a maturity requirement for such potatoes. In addition, some portions of the production area may suffer from a condition affecting the crop which does not necessarily extend throughout the production area. In such cases, different regulations for the respective portions of the production area could be made effective to meet the precise problems. It is important, therefore, that the proposed order should have this authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the market so justifies. This authority should be included in the proposed order to provide for disasters which might affect a particular portion of the production area as a result of conditions beyond individual growers or handlers control. Such cases are usually the result of adverse weather conditions in a particular portion of the production area. Individual exemptions are issued under the present order permitting such growers and handlers to ship an equitable proportion of their crop. The exemption provisions should be deleted from the proposed order for reasons hereinafter stated, and such conditions should be provided for under the aforementioned authority.

The proposed order should include authority for regulating 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 in the proposed order so that the committee may make appropriate recommendations and the Secretary may issue such regulations as will establish and maintain orderly marketing conditions as will tend to establish parity prices.

Common practice throughout the potato industry in the production area has been to prepare specific packs of potatoes for market. These packs have developed over a number of years. The 100-pound, U. S. No. 1 grade, pack is a common one throughout the area, as also is the U. S. No. 2 grade. Minimum sizes or percentages of 10 ounces or larger are commonly specified in conjunction with the grades in these packs. Idaho grades established under State authority are also commonly used. In addition, "Bak-

ers," particular sizes of potatoes, are packed in the production area, and such designation is, at times, used in connection with any grade of potatoes. The combination of grade and size related to the size of unit establishes a pack of potatoes. On the other hand, the 10, 15, and 25 pound packs of U. S. No. 1's Idaho Standards, or Utilities also are common packs. Each particular grouping by grade and size in connection with the container has been emphasized by the industry in its dealings with the public and with receivers in terminal markets. The designation of "Bakers" on containers of Idaho potatoes is a significant commercial asset in the market. It is important that these trade distinctions, which have a monetary value, should be preserved in the interests of doing a good merchandising job for the industry. The results of this practice has been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in certain types of packs. The development of certain grades and sizes in connection with certain packages, however, involves some difficulties particularly in the smaller packs. The proposed order should provide authority to issue different regulations for different kinds of packs so that the industry may avail itself of prescribed tolerances in recognition of certain mechanical difficulties inherent in grading and packing and for proper merchandising of its packs in the markets which will pay premiums for such packs. In addition, the export market will take certain kinds of packs, such as U. S. No. 1, Size B, which would not reflect an appropriate return if sold in domestic markets. The committee should have authority to recommend the kind of packs that go into export, the kind of packs that should go into different outlets, and the grade and size of potatoes that should go into various packs.

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

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

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

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

The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations to facilitate the handling of potatoes for purposes other than disposition in normal domestic fresh markets. Inspection or assessment requirements should also be subject to modification, suspension, or termination in connection with such handling. This authority is contained in the present order and has been used each season regulations have been in effect. The committee should be well qualified because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Idaho-Malheur County potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to or sold in certain outlets, such as those specified in § 957.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities packs, or containers, or different prices are returned, or combinations of such considerations may apply. The proposed order should provide authority for the committee and the Secretary to give appropriate consideration to the handling of potatoes for such purposes so that full opportunity may be taken under this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

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

The proposed order should provide that special considerations may be given to the handling of potatoes for relief or for

charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers. Most of such shipments under the present order have been donated to religious or fraternal groups for charity.

The handling of pickouts and culls for livestock feed has been relieved from regulation under the present order. Under the proposed order such handling similarly should be relieved from regulation. Because adequate outlets are available in the production area for livestock feed potatoes such shipments should not present any particular problems.

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

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

are, in fact, used for the purpose intended. No other regulation or restriction is implied on potatoes for canning or freezing.

(16) Two sections of the present order (§§ 957.50 and 957.51) have been combined into one section in the proposed order (§ 957.50). In order to assure continuity in the proposed order, §§ 957.55 through 957.57 are renumbered to eliminate any deletions.

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

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

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

Responsibility for obtaining inspection should fall primarily on the handler who first handles potatoes after they have been prepared for market so that each shipment of such potatoes will be identified and certified with respect to its grade, size, and other factors. The handler who 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

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

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificates may be valid insofar as the requirements of the proposed order are concerned. In order to assure that an inspection certificate will reflect at the time of handling, that quality of a particular lot of potatoes at the time of inspection prior thereto, the committee should have authority to fix, with approval of the Secretary, a time limit governing the continuing validity of any such certificate. Such requirement is reasonable and necessary. Furthermore, it could be helpful especially with respect to warehouse or lot inspections, so that a time could be fixed that would allow adequate opportunity for the handling of all of the inspected potatoes, thereby accommodating handlers and truckers. For example, this provision could serve to authorize the committee, with approval of the Secretary, to establish a longer period of validity for inspection certificates issued in the case of potatoes placed in warm storage for conditioning for use as chips and shipped out of storage at some later date. As previously indicated conditioned potatoes are subject to shriveling and sprouting, due to conditioning, and the added time would enable the subsequent handling of such conditioned potatoes if they otherwise meet the then current regulations.

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

(19) The provisions of the present order setting forth procedures to be followed in the issuance of exemption certificates to individual producers and handlers who, because of adverse circumstances beyond their control or reasonable expectation, are unable to handle a quantity of potatoes equal to the average handled by all producers and

handlers in their immediate areas, are deleted from the proposed order. It was testified at the hearing that unusual weather conditions can reasonably be expected; the shipment of undergrade and undersize potatoes moved under exemption certificates tends to depress the returns paid for good quality potatoes; and there are numerous outlets for such potatoes within the production area. The issuance of individual exemptions has tended to result in inequities to all producers and handlers as well as in individual cases. The sale of exempted potatoes in terminal markets can be detrimental to other growers and handlers whose potatoes are sold in these markets because of their price-depressing influence. The proponents testified that no particular hardship should result to growers and handlers in deleting these provisions because processors and feeders within the production area purchase field-run potatoes; hail insurance is available to growers; and adequate flexibility is included in the regulatory provisions of the proposed order which would enable the committee to recommend regulations that would be equitable to a majority of all growers and handlers. For these reasons it is hereby found that no good cause exists for continuing the exemption provisions in the proposed order and they are, therefore, deleted therefrom.

(20) 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 of the program. 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.

(21) 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 proposed order and so that the entire order conforms to changes resulting from the proposed amendments.

The provisions of the present order which remain essentially unchanged by the terms and conditions of the proposed order should be applied to all handling of potatoes grown in the production area because such provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 957.80 through 957.94 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 essentially 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 thereof it is found that:

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

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

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

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

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or di-

rectly 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.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order, as Amended,¹ Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon

Sec. 957.0 Findings and determinations.

DEFINITIONS

- 957.1 Secretary.
- 957.2 Act.
- 957.3 Person.
- 957.4 Production area.
- 957.5 Potatoes.
- 957.6 Varieties.
- 957.7 Certified seed potatoes.
- 957.8 Handler.
- 957.9 Ship or handle.
- 957.10 Producer.
- 957.11 Committee.
- 957.12 Fiscal period.
- 957.13 Grade and size.
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- 957.15 Pack.
- 957.16 Container.
- 957.17 District.

ADMINISTRATIVE COMMITTEE

- 957.20 Establishment and membership.
- 957.21 Term of office.
- 957.22 Districts.
- 957.23 Redistricting.
- 957.24 Selection.
- 957.25 Nominations.
- 957.26 Failure to nominate.
- 957.27 Acceptance.
- 957.28 Vacancies.
- 957.29 Alternate members.
- 957.30 Procedure.
- 957.31 Expenses and compensation.
- 957.32 Powers.
- 957.33 Duties.

BUDGET, EXPENSES AND ASSESSMENTS

- 957.40 Expenses.
- 957.41 Budget.
- 957.42 Assessments.
- 957.43 Accounting.
- 957.44 Refunds.

REGULATIONS

- 957.50 Marketing policy.
- 957.51 Recommendation for regulations.
- 957.52 Issuance of regulations.
- 957.53 Shipments for specified purposes.
- 957.54 Minimum quantity exemption.
- 957.55 Notification of regulation.
- 957.56 Safeguards.

INSPECTION AND CERTIFICATION

- 957.65 Inspection and certification.

COMPLIANCE

- 957.70 Compliance.

¹ This order, as amended, shall not become effective unless and until the requirements of § 900.14 (7 CFR 900.14) of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

MISCELLANEOUS PROVISIONS

- Sec. 957.80 Reports.
- 957.81 Right of the Secretary.
- 957.82 Effective time.
- 957.83 Termination.
- 957.84 Proceedings after termination.
- 957.85 Effect of termination or amendments.
- 957.86 Duration of immunities.
- 957.87 Agents.
- 957.88 Derogation.
- 957.89 Personal liability.
- 957.90 Separability.
- 957.91 Amendments.

AUTHORITY: §§ 957.0 to 957.91 Issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 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 previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d 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 therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of

quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The 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 effectively carry out the declared policy of the act;

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

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

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 heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

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

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

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

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

§ 957.6 Varieties. "Varieties" means and includes all classifications or subdi-

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 between the production area and 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 51.1559 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; or

(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 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 section, and §§ 957.24, 957.25, 957.27, and 957.29, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

(c) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler or an officer or employee of a handler, and shall be a resident of the production area.

§ 957.21 *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the following May 31. Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end thereof, and until their successors are selected and have qualified.

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

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

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

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

§ 957.23 *Redistricting.* The Secretary, upon recommendation of the committee, may reestablish 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 new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors.

§ 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 or 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 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 to be desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(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, in designating nominees for 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 voter's

privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.26 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 957.25, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation prescribed in this subpart.

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

§ 957.28 *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, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 957.25 or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.24.

§ 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 requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified. The committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 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 pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

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

§ 957.31 *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 in 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.

§ 957.32 *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 subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

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

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

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

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

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

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

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

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

BUDGET, EXPENSES AND ASSESSMENTS

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

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenses as authorized in § 957.40. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

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

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed \$1.00 per carload, 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 the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes assessable under this part and handled by the first handler thereof during such fiscal period.

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

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, and records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's

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

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

§ 957.44 *Refunds.* 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, each 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 operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of 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 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. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

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

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

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

(3) The trend and level of consumer income;

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

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

(6) Other relevant factors.

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

(2) In the event it becomes advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate a new or revised 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 on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52, or § 957.53, or both, it shall recommend to the Secretary grade, size, quality, or maturity regulation, or any combination thereof, or amendment thereto, or modification thereof, 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.

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

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

(2) Regulate the shipment of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period; or

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

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

§ 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 § 957.42, § 957.52, or § 957.65, or any 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, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any 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 adequate safeguards to prevent shipments pursuant to § 957.53 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(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.

(e) 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,

957.52, or § 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendations by the committee and approved by the Secretary.

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

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

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

COMPLIANCE

§ 957.70 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

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

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

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

§ 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 if announced on or before April 30 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; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

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

§ 957.85 *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 amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) 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 amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.86 *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 the United States to exercise any powers, granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.89 *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 (48 Stat. 31, 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 28-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, 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; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda 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, Allan 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 said referendum jointly or severally.

Copies of the text of the aforesaid annexed amendatory order may be examined 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.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: April 17, 1958

[SEAL]

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-3006; Filed, Apr. 22, 1958; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 12404; FCC 58-378]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

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

2. As part of its preparation for the International Radio Conference to be held at Geneva, Switzerland, in July 1959, the Commission has today issued a Fifth Notice of Inquiry in Docket 12263, inviting comments on proposed amendments to the international table of frequency allocations. In order to provide interested persons with the necessary allocations information the Commission is also making known at this time certain changes and proposed changes to the national table of frequency allocations. These include certain immediate changes in the national table which are required by virtue of national defense considerations and which have been made by a separate Order issued today by the Commission. In addition they include proposed changes in the national allocation table which are the subject of this docket proceeding.

3. In making these changes and proposed changes in allocations the Commission has had the benefit of the work which has been conducted by the Department of State Preparatory Committees for the 1959 Radio Conference; the comments and testimony presented in the Commission's proceeding concerning frequencies above 890 Mc (Docket 11866); the comments submitted in the Commission's proceeding involving frequencies between 25 and 890 Mc (Docket 11997); other rule making proceedings conducted by the Commission; and conferences with representatives of the Executive Branch concerning Government frequency requirements.

4. Set forth below are those changes in national allocations being proposed in this proceeding upon which comments are desired. However, in order that interested persons may become acquainted with the way in which these proposed national changes are related to international proposals and certain national changes being made this date, by order of the Commission, the attention of such persons is invited to the documents and proceedings mentioned in paragraph 2, above.

5. The Commission is still considering comments and/or testimony received in Dockets 11866 and 11997 in connection with such subjects as licensee eligibility, technical standards, various philosophies expressed in connection with private versus common carrier uses of the radio frequency spectrum and various sub-allocations to non-Government services. No specific proposals concerning these matters are being issued at this time and

such matters will continue to be studied by the Commission. However, as a result of the Commission's order adopted today amending its Table of Frequency Allocations, non-Government services will have suffered a loss of spectrum space above 890 Mc. Additional space will be lost by some of these services if the allocations proposals set forth herein are adopted. Therefore, it must be recognized that, to the extent such services may lose spectrum space, such possible loss will necessarily have a bearing on subsequent decisions of the Commission concerning sub-allocations and licensee eligibility.

6. The Commission wishes to direct especial attention to its proposal in connection with the band 942-952 Mc. As evidenced in the proceeding in Docket No. 11866, there exists a particularly difficult allocation problem arising from the fact that common carriers have extensively activated domestic fixed systems in the band 890-940 Mc wherein the frequency 915 Mc has been allocated both nationally and internationally for ISM use with the condition that radiocommunications service in this band would have to accept any interference caused by the operation of ISM equipment. In the Commission's order adopted today the band 890-942 Mc was allocated, due to national defense considerations, to the Government. Although serious consideration was given by the Commission and by the ODM to the possibility of ISM interference to Government services, the ODM has recognized that the radiopositioning service in the band 890-940 Mc must accept any harmful interference caused by the operation of ISM equipment on 915 Mc. The operation of Government stations in the 890-942 Mc band will increase the likelihood of additional interference being caused to those existing fixed stations which may continue to be authorized in this band and the Commission's Order reallocating the band takes this fact into consideration and "freezes" the band as far as new assignments are concerned. In view of the immediate 915 Mc common carrier problem and as indicated below, it is proposed to:

(a) Allocate the band 942-952 Mc to:

(1) AM, FM and TV STL (Audio only).

(2) FM intercity relay on a non-interference basis to other services.

(3) International fixed public and international aeronautical fixed stations, in the territories only, where extended range fixed circuits are required.

(b) Permit access to the band 942-952 Mc by those fixed stations which now are authorized in the band 890-942 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890-942 Mc band or by ISM operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942-952 Mc is likely to eliminate the above interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

(c) Allocate the band 2110-2200 Mc to:

- (1) Common Carrier fixed.
- (2) International control.
- (3) Operational 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 video transmission.

7. Under the provision of footnote NG18, the Commission's Table of Frequency Allocations now permits the use of the bands 2900-3246 Mc, 3266-3300 Mc, 5250-5440 Mc, 5460-5650 Mc, 9000-9300 Mc and 9320-9500 Mc by radiopositioning stations on a non-interference basis. Under the Commission's proposal, footnote NG18 would be deleted. However, in lieu of the availability of frequencies in these bands under this footnote the Commission proposes that the allocation to radiopositioning would be changed to the bands 2900-3100 Mc (footnote US113), 5250-5460 Mc (footnote US116), 5460-5600 Mc (footnote US117), 5600-5650 Mc (footnote US118), 9000-9200 Mc (footnote US122) and 9300-9500 Mc (footnote US124). These bands would also become available, pursuant to footnote US113A, to educational institutions now governed by existing footnote NG39, which would be deleted.

8. If, as a result of the decisions 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 may not take final action with respect to some of the proposals made in this proceeding until after the 1959 ITU Radio Conference. (For example, radionavigation bands.)

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

10. Any interested person who is of the opinion that the proposed amendments set forth below should not be adopted 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 the 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 (1) 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 § 1.54 of the Commission's rules and

regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 16, 1958.

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 U. S. allocation		Proposed FCC allocation	
Band (Mc)	Allocation	Band (Mc)	Class of station or service
3	4	5	6
108.0-118.0....	G/NG	108.0-118.0	Aeronautical radio-navigation.
118.0-121.975 (US94) (US90) (US90)	G/NG	118.0-121.975	Aeronautical mobile.
121.975-123.075 (US97) (US98) (US99)	NG	121.975-123.075	Aeronautical mobile.
123.075-126.80 (US94) (US100) (US101)	G/NG	123.075-126.80	Aeronautical mobile.
126.80-132.0....	NG	126.80-132.0	Aeronautical mobile.
942-952.....	NG	942-952 (NG101)	(a) AM STL. (b) FM STL. (c) FM intercity relay (shall cause no harmful interference to the other services and stations sharing this band). (d) International aeronautical fixed (Territories only). (e) International fixed public (Territories only).
1400-1427.....	G/NG	1400-1427	Radio Astronomy.

1	2	3	4
1427-1435.....	G	1427-1435	Mobile (Aeronautical tele-metering only).
1435-1535 (US107)	G/NG	1435-1535	Mobile (Aeronautical tele-metering only).
1535-1660 (US108)	G/NG	1535-1660	Aeronautical radionavigation.
1660-1670.....	G	1660-1670	Meteorological aids (Radionavigation).
1670-1700.....	G/NG	1670-1700	Meteorological aids (Radionavigation).
2110-2200.....	NG	2110-2200	(a) Common Carrier fixed. (b) International control. (c) Operational fixed.
2450-2500.....	NG	2450-2500	(a) Fixed (NG102). (b) Mobile (NG102). (c) Radiopositioning.
2700-2900 (US111) (US112)	G	2700-2900	Maritime radionavigation.
2900-3100 (US113) (US113A)	G/NG	2900-3100	Maritime radionavigation.
4200-4400 (US115)	G/NG	4200-4400	Aeronautical radionavigation.

1	2	3	4
4900-5100.....	G/NG	4900-5100	Aeronautical radionavigation.
5250-5460 (US116) (US113A)	G/NG	5250-5460	Aeronautical radionavigation.
5460-5600 (US117) (US113A)	G/NG	5460-5600	Maritime radionavigation.
5600-5650 (US118) (US113A)	G/NG	5600-5650	(a) Maritime radionavigation. (b) Meteorological Aids.
9000-9200 (US122) (US122A)	G/NG	9000-9200	Aeronautical radionavigation.
9300-9500 (US124) (US113A)	G/NG	9300-9500	(a) Aeronautical radionavigation. (b) Maritime radionavigation. (c) Meteorological aids.
10500-10550 (US125)	G/NG	10500-10550	Radiopositioning.
13250-13400.....	G/NG	13250-13400	Aeronautical radionavigation (Limited to airborne devices employing the doppler technique).
15250-15300.....	G/NG	15250-15300	Aeronautical radionavigation.
15500-17500.....	G	15500-17500	(a) Fixed. (b) Mobile.
17500-20000.....	NG	17500-20000	(a) Fixed. (b) Mobile.
20000-22000.....	G	20000-22000	Amateur.
22000-23000.....	NG	22000-23000	Amateur.
23000-24500 (US101)	G	23000-24500	Radionavigation.
24500-25000.....	G/NG	24500-25000	Radionavigation.
25000-27500.....	G	25000-27500	(a) Fixed. (b) Mobile.
27500-31500.....	NG	27500-31500	(a) Fixed. (b) Mobile.
31500-33000.....	G	31500-33000	Radionavigation.
33000-33400.....	G/NG	33000-33400	Radionavigation.
33400-36000.....	G	33400-36000	(a) Fixed. (b) Mobile.
36000-38000.....	NG	36000-38000	(a) Fixed. (b) Mobile.
38000-40000.....	G	38000-40000	(a) Amateur. (b) Experimental.
Above 40000.....	G/NG	Above 40000.	(a) Amateur. (b) Experimental.

NG101 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890-942 Mc may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942-952 Mc provided the bandwidth of emission 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 942-952 Mc is likely to result in the elimination of the interference occurring in the band 890-942 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, 1958, may continue to be authorized in this band.

US16 The frequency 22235 Mc/s is designated for industrial scientific and medical purposes; emissions must be confined within the limits of 22110-22300 Mc/s. Radio-communication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US94 The bands 118.0-121.4 Mc/s and 123.6-126.80 Mc/s are for air traffic control communications.

US95 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 locale involved.

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 temporary and may continue until they are moved to an appropriate band.

US98 The band 121.975-123.075 Mc/s is available to CAA aircraft for communications pursuant to flight inspection functions in accordance with the Civil Aeronautics Act of 1938, as amended.

US99 The band 121.975-123.075 Mc/s is for use by private aircraft stations. The frequencies 122.8 and 123.0 Mc/s may also be used by aeronautical advisory stations.

US100 The band 123.075-123.55 Mc/s is for (a) non-Government operations in accordance with the Commission's Rules and (b) for CAA communications incident to flight test activities pertinent to aircraft certification.

US101 The band 123.075-123.55 Mc/s is for use by flight test and flying school stations.

US107 The band 1435-1535 Mc/s is allocated exclusively for aeronautical telemetering.

US108 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.

US111 Temporarily, and until certain operations of the radiopositioning service in the band 2700-2900 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 radiopositioning service.

US112 Non-Government land based radars in the aeronautical radionavigation service may be authorized in the band 2700-2900 Mc/s, subject to the conclusion of appropriate arrangements between the Com-

mission 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.

US113A Non-Government Experimental stations used by educational institutions for purposes of technical instruction in, and demonstration of, microwave techniques using pulsed emissions only may be authorized to use frequencies in the bands 2900-3100 Mc, 5250-5650 Mc, 9000-9200 Mc and 9300-9500 Mc on the condition that harmful interference is not caused to the other services authorized to operate in these bands.

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 radiopositioning service may be authorized in the band 5250-5460 Mc/s on the condition that it does not cause harmful interference to the aeronautical radionavigation service or to the Government radiopositioning service.

US117 The non-Government radiopositioning service may be authorized in the band 5460-5600 Mc/s on the condition that it does not cause harmful interference to the maritime radionavigation service or to the Government radiopositioning service.

US118 In the band 5600-5650 Mc the non-Government radiopositioning service shall not cause harmful interference to the Government radiopositioning service.

US121 Temporarily and until certain operations of the radiopositioning service in the band 9000-9200 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 radiopositioning 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 aeronautical radionavigation service or the Government radiopositioning service.

US124 The non-Government radiopositioning service may be authorized in the band 9300-9500 Mc/s on the condition that harmful interference is not caused to the aeronautical radionavigation, maritime radionavigation, meteorological aids services or to the Government radiopositioning service.

US128 The band 10500-10550 Mc/s is restricted to CW systems with a power not to exceed 40 watts into the antenna.

NOTES

1. The Commission proposes to delete footnote NG18 from the bands 2900-3246 Mc, 3266-3300 Mc, 5250-5440 Mc, 5460-5650 Mc, 9000-9300 Mc and 9320-9500 Mc. In lieu thereof, radiopositioning stations would be allocated the bands shown in proposed footnotes US113, US116, US117, US118, US122 and US124. The Commission also proposes the deletion of footnote NG39 for the band 2900-3246 Mc and in lieu thereof, to permit educational institutions access to the bands indicated in footnote US113A.

2. In lieu of footnote US17, 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".

3. Footnotes US5 and US6 would be deleted in view of other footnotes proposed for the band 108-132 Mc.

4. Footnote US20 would be amended by inclusion of the frequency 157.15 Mc for Government use.

[F. R. Doc. 58-3021; Filed, Apr. 22, 1958; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Dept. of the Air Force has filed an application, Serial No. Fairbanks 016422, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a Communications Station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1050, Fairbanks, Alaska.

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

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GALENA AREA

Two parcels of land located approximately twenty miles south of Galena in the Fourth Judicial Division, Territory of Alaska, more precisely described as follows:

TRACT A

Beginning at a point which bears North, 400 feet from the intersection of latitude 64°25'40.383" N., longitude 156°49'59.445" W., 1927 North Am. Datum; thence by metes and bounds,

East, 450 feet;
South, 900 feet;
West, 800 feet;
North, 900 feet;
East, 350 feet to the point of beginning.

Containing 16.53 acres, more or less.

TRACT B

Beginning at a point which bears S. 4°09' W., 1887 feet from the intersection of latitude 64°25'40.383" N., longitude 156°49'-

59.445" W., 1927 North Am. Datum; thence by metes and bounds,

S. 69°52' E., 6,217 feet;
S. 20°08' W., 2,000 feet;
N. 69°52' W., 6,217 feet;

N. 20°08' E., 2,000 feet to the point of beginning.

Containing 285.45 acres, more or less.

RICHARD L. QUINTUS,
Operations Supervisor.

[F. R. Doc. 58-2993; Filed, Apr. 22, 1958; 8:46 a. m.]

Bureau of Reclamation

WEBER BASIN PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 12, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388);

SALT LAKE BASE AND MERIDIAN
T. 8 N., R. 2 W.,
Sec. 28, Lot 1 and Tracts 85B, 86B, 87B and
92B.

The above areas aggregate 117.21 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[75970]

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. 58-2994; 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. CPCX-5, the Atomic Energy Commission has determined that Construction Permit No. CPCX-5 has expired as of October 1, 1957, and all rights thereunder 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. 58-2848; Filed, Apr. 22, 1958;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12263; FCC 58-380]

RADIO REGULATIONS OF INTERNATIONAL TELECOMMUNICATION UNION

FIFTH NOTICE OF INQUIRY

1. On December 9, 1957, the Commission released its First Notice of Inquiry in this docket, inviting interested persons to file comments on or before January 23,

1958, setting forth their views with respect to changes in the Atlantic City Radio Regulations.

2. The Commission has set forth in the appendix 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 shown 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. Moreover, further changes in this proposal may be made, if circumstances require, any time before the forthcoming radio conference. However, in preparing this proposal the Commission has taken into consideration the comments and testimony in its proceeding concerning the allocation of frequencies above 890 Mc (Docket No. 11866), the comments filed in its allocations proceeding for frequencies between 25 and 890 Mc (Docket No. 11997), the work of various State Department committees and Government-Industry committees as well as consultations with representatives of the Executive Branch of the Government with respect to Government frequency requirements. The Commission has also had the benefit of the public comments filed in connection with the First Notice of Inquiry in this Docket.

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 concerning the position that 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 effectuate 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 columns 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

¹ Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington 25, D. C.

and fifteen (15) copies of all comments shall be furnished to the Commission.

Adopted: April 16, 1958.

Released: April 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3022; Filed, Apr. 22, 1958;
8:52 a. m.]

[Docket No. 12243; FCC 58M-396]

PIERCE BROOKS BROADCASTING CORP.
(KGIL)

ORDER CONTINUING HEARING

In re application of Pierce Brooks Broadcasting Corp. (KGIL), San Fernando, California, Docket No. 12243, File No. BP-10512; for construction permit.

The Hearing Examiner having under consideration a motion, filed by Western Empire Broadcasters, Inc., on April 14, 1958, requesting continuance of the hearing herein;

It appearing, that counsel for other parties to the proceeding have consented to immediate consideration and grant of the motion;

It is ordered, This 16th day of April 1958, that the above motion is granted; and the hearing now scheduled for May 7, 1958, is continued until May 20, 1958, at 9:00 a. m.

Released: April 17, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-3023; Filed, Apr. 22, 1958;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6816]

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 retender 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. 107 and Supplements Nos. 1 and 3 thereto.

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.

Kamo 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 study of the agreement between Public Service and Authority embodied in the proposed rate schedule "Temporary Agreement" and the effects thereof.

The proposed changes in Public Service's currently filed rate schedule have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. And unless suspended by order of the Commission, the proposed rate schedule by reason of the alternative requested effective date therefor 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 proposed 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 3 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 3 thereto, until this proceeding has been disposed of unless otherwise ordered by the Commission.

(E) Interested State Commissions may participate in this proceeding as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3004; Filed, Apr. 22, 1958;
8:48 a. m.]

[Docket No. G-12319]

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 Arlington (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. Moode Stevenson near Applicant's No. 4 Compressor Station, Luna County, New Mexico. Mr. Stevenson will 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. Stroud 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 \$275.00 each, making a total of \$1,375.00 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
(1) Arlington:			
Annual (Mcf).....	20,520	20,621	20,720
Peak day (Mcf).....	157	158	160
(2) Stevenson tap:			
Annual (Mcf).....	2,800	2,800	2,800
Peak day (Mcf).....	12	12	12
(3) Stroud tap:			
Annual (Mcf).....	1,000	1,000	1,000
Peak day (Mcf).....	6	6	6
(4) Signal Peak tap:			
Annual (Mcf).....	19,600	19,600	19,600
Peak day (Mcf).....	154	154	154
(5) Woodman tap:			
Annual (Mcf).....	223	223	223
Peak day (Mcf).....	1.4	1.4	1.4
Total:			
Annual (Mcf).....	44,143	44,244	44,343
Peak day (Mcf).....	330.4	331	333

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-3005; Filed, Apr. 22, 1958;
8:48 a. m.]

[Project No. 5]

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 56,000 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 (Kerr) Project No. 5, located on Flathead Lake and

Flathead 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 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 on 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 Chairman of the Tribal Council requested that the Commission take no action on the licensee's request pending agreement between the two as to the date of such a hearing. No such agreement was reached, nor did further meetings between them effect agreement on the amount of compensation, if any, for the third generating unit.

Consequently, on May 8, 1957, a motion was filed by the Confederated Salish and Kootenai Tribes (Tribes) in which request 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 to 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 request was made that 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 its license to include thereunder the third generating unit, and until the licensee shall have obtained permission from the Secretary of the Interior and the Tribes for 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 in 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 petition filed by 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

conferred upon it by the Federal Power Act, particularly sections 8, 10 (e) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on May 20, 1958, commencing at 10:00 a. m., e. d. s. t., at the Commission's hearing room, General Accounting Office Building, 441 G Street NW., Washington 25, D. C., respecting the issues involved in the pending application for amendment of the license for Project No. 5, including the determination of additional amount of annual charges, if any, for the use of the Indian Tribal lands as proposed in the application for amendment.

(B) The petition for declaratory relief filed by the Tribes is denied.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2995; Filed, Apr. 22, 1958;
8:46 a. m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

NOTICE OF APPLICATION FOR ANNUAL LICENSE

APRIL 17, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by The Western Colorado Power Company, licensee for Project No. 733, for annual license for the minor-part project located on the Uncompahgre River in Ouray County, Colorado, and affecting lands of the United States within Uncompahgre National Forest. The project, which is constructed, is known as the Ouray power plant and consists of a rubble masonry diversion dam 71.5 feet high and 70 feet long; settling tank; steel and wood-stave pipe lines with aggregate length of about 6,120 feet; a signal circuit line extending about 6,035 feet between dam and powerhouse; and a powerhouse with installed hydraulic capacity of 1,000 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 2, 1958. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-2996; Filed, Apr. 22, 1958;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32010]

MISSOURI 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 peti-

tion 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 filed 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 support thereof are insufficient to warrant granting of that part of the motion:

And it is further ordered, That the petition 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 Director, Division of Federal Register, and that the reasons advanced in support of petition were insufficient to warrant granting of the petition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3007; Filed, Apr. 22, 1958;
8:49 a. m.]

[Notice 32]

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 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience

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

MOTOR CARRIERS OF PROPERTY

No. MC-200 (Deviation No. 6), RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo., filed April 10, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th 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. Highway 24 to junction U. S. Highway 83, thence over U. S. Highway 83 to Halford, 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 Manhattan, Kans., and Halford, Kans., over the following pertinent route: from Manhattan over Kansas Highway 18 (formerly U. S. Highway 40) to Junction City, Kans., thence over U. S. Highway 40 to Oakley, Kans., thence over U. S. Highway 83 to junction U. S. Highway 24 near Halford.

No. MC-263 (Deviation No. 1), GARRETT 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 89 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 287 to Rawlins, Wyo., thence over U. S. Highway 30 to its junction with U. S. Highways 30N and 30S near Little America, Wyo., thence over U. S. Highway 30S to Uintah, Utah, thence over U. S. Highway 89 to the junction of 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 91 to the junction of U. S. Highways 89 and 91 near Farmington.

No. MC-75543 (Deviation No. 1), VALERIE'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 Terminus of the Connecticut Turnpike at the Connecticut-New York State line and Interchange 52 in East Haven, Conn., as follows: from the Western Terminus of the Connecticut Turnpike over the Connecticut Turnpike

and access routes to Interchange 52 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 and Danbury, 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 7 to Norwalk, Conn., thence over U. S. Highway 1 to New York.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-3008; Filed, Apr. 22, 1958;
8:40 a. m.]

[Notice 213]

MOTOR CARRIER APPLICATIONS

APRIL 18, 1958.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.241).

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 119), filed March 26, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. Authority 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, (1) from Pasco, Wash., to Burley, Idaho, from Pasco over U. S. Highway 395 to junction of U. S. Highway 30, thence over U. S. Highway 30 to Burley; (2) from Prosser, Wash., to Burley, Idaho, from Prosser over Washington Highway 8 to Plymouth, Wash., thence over the Umatilla Bridge to unnumbered Oregon Highway, thence over unnumbered highway via Hermiston and Stanfield, Oreg., to junction U. S. Highway 30, thence over U. S. Highway 30 to Burley; (3) from Portland, Oreg., to Burley, Idaho, from Portland over U. S. Highway 30 to Burley, also from Portland over U. S. Highway 30 By-pass from Portland to junction U. S. Highway 30, thence over U. S. Highway 30 to Caldwell, Idaho, thence over U. S. Highway 26 to Bliss, Idaho, thence over Idaho Highway 25 to Paul, Idaho, thence over unnumbered highway to Burley, serving no intermediate points on the above-described routes.

NOTE: Applicant states that service over the above-described routes will be restricted to

traffic destined to or interlined at Burley, Idaho, or points east thereof. Applicant further states that any grant of authority requested is to be conditioned upon the understanding that to the extent it duplicates any existing rights of applicant it shall not be construed as conferring more than a single authority. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, California, Nevada, Missouri, Kansas, Illinois, Washington, Oregon, Montana, and Idaho.

HEARING: June 2, 1958, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 81.

No. MC 730 (Sub No. 120), filed April 8, 1958. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., A Corporation, 14th and Clay Streets, Oakland, Calif. Applicant's attorney: F. S. Pilling, Pacific Intermountain Express Co., same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation St. Louis Plymouth Assembly Plant near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations to and from St. Louis, Mo. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

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

No. MC 3062 (Sub No. 13), filed April 7, 1958. Applicant L. A. TUCKER TRUCK LINES, INC., 1451 Independence, Cape Girardeau, Mo. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen'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 site of the Chrysler Corporation Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, Arkansas, Michigan, Kentucky, Ohio, Tennessee, Kansas, Iowa, Wisconsin, Oklahoma, Nebraska, Pennsylvania, New York, New Jersey, and Connecticut.

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

No. MC 4405 (Sub No. 299), filed March 17, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, 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 Lowell, Mass., to points in the United States; and (2) *truck-tractors*, in secondary movements, by driveaway method, only when drawing trailers moving in initial movements in driveaway service from Lowell, Mass., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegner.

No. MC 4405 (Sub No. 301), filed April 7, 1958. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence 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, 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, in driveaway service, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont; (3) *trucks*, in secondary movements, by driveaway method, from York, Pa., to points in Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 4, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner John P. McCarthy.

No. MC 8902 (Sub No. 12), filed February 12, 1958. Applicant: THE WESTERN EXPRESS COMPANY, 1277 East 40th Street, Cleveland, Ohio. Applicant's attorney: George N. Plavac, 1277 East 40th Street, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities in bulk*, but excluding commodities in bulk, in tank vehicles, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, in connection with applicant's authorized 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 no change in present operating routes or territory, and that it proposes to amend the above mentioned certificates.

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

No. MC 17793 (Sub No. 15), filed April 3, 1958. Applicant: FOSTER

FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen'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 site of the Chrysler Corporation Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with 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 29566 (Sub No. 56), filed March 26, 1958. Applicant: SOUTHWEST 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 Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations 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., Fluvanna Road, R. D. No. 1, 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: *Voting machines, uncrated, including accessories shipped with machines in cartons or packages*, in boxes or in steel cabinets on own wheels or casters, protected with wooden hoods or corrugated fibreboard hoods, between Jamestown, N. Y., and points in Missouri and Kansas. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, New Jersey, Illinois, Indiana, Michigan, Wisconsin, Massachusetts, Connecticut, Rhode Island, Maryland, District of Columbia, Virginia, West Virginia, New Hampshire, Delaware, and North Carolina.

HEARING: May 23, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 30605 (Sub No. 101), filed March 20, 1958. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman Street, P. O. Box 56, Wichita, Kans. Applicants' attorney: F. J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4,

Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *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, between Wellington, Kans., and Amarillo, Tex., from Wellington over U. S. Highway 160 to junction Kansas Highway 14, thence over 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 serving all intermediate points between Woodward, Okla., and Amarillo, Tex., including Woodward and Amarillo. Applicant states it proposes service to that portion of the route between Woodward, Okla., and Amarillo, Tex., involving points which were authorized applicant under MC-F 7172, and by this application seeks relief from restriction to service that is auxiliary to, or supplemental of, rail service of The Atchison, Topeka and Santa Fe Railway Company. (2) *Class A and B explosives* (except nitroglycerine), in service that is auxiliary to, or supplemental of, rail service of The Atchison Topeka and Santa Fe Railway Company, between Woodward, Okla., and Amarillo, Tex., 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 all intermediate points.

NOTE: Applicant states the portion of the route between Wellington, Kans., and Woodward, Okla., is requested for the purpose of tacking the proposed authority with certificated authority at Wellington, Kans.; restricted against local business between Wellington, Kans., and Woodward, Okla. Applicant proposes service further restricted against local or interline business between Amarillo, Tex., on the one hand, and, on the other, Wellington, Kans., and points beyond.

HEARING: May 26, 1958, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 170.

No. MC 41255 (Sub No. 28), filed March 26, 1958. Applicant: GRUBB MOTOR LINES, INC., P. O. Box 567, Lexington, N. C. Applicant's attorney: Harry F. 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 Norwood, N. C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, Tennessee, Virginia, Delaware, Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and *damaged, rejected, or refused shipments of furniture*, on return. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey,

New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: May 28, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 41432 (Sub No. 80) (Correction), filed March 18, 1958, published April 9, 1958. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Street, Dallas 10, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, with usual exceptions, serving the site of the plant of Plymouth Division, Chrysler Corporation, located on U. S. Highway 66 at or near Valley Park, Mo.

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

NOTE: Previous publication erroneously indicated the hearing date as May 12, 1958.

No. MC 42487 (Sub No. 361), filed March 31, 1958. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, in tank vehicles, from Los Angeles, Calif., and points within six (6) miles thereof, to Helena, Mont., Casper, Wyo., Boise, Idaho, and Salt Lake City, Utah, and points within ten (10) miles of each. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: June 3, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 43269 (Sub No. 43) (Correction), filed December 30, 1957, published page 2058, issue of March 27, 1958. Applicant: WELLS CARGO, INC., 1775 East Fourth Street, (P. O. Box 1511), Reno, Nev. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Previous publication inadvertently failed to note that applicant is authorized to transport commodities similar to those sought in the instant application also in Arizona.

No. MC 50307 (Sub No. 22), filed February 26, 1958. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York 1, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between New York, N. Y., and points in New Jersey within 20 miles of New York, N. Y., on the one hand, and, on the other, Lake City and Hartsville, S. C. Appli-

cant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, and Tennessee.

HEARING: May 29, 1958, at the Wade Hampton Hotel, Columbia, S. C., before Examiner Richard H. Roberts.

No. MC 52310 (Sub No. 18), filed April 7, 1958. Applicant: BRUCE MOTOR FREIGHT, INC., 2011 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen'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, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Iowa, Minnesota, Missouri, and Illinois.

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

No. MC 52862 (Sub No. 5), filed April 1, 1958. Applicant: EDWARD J. BOYLE, doing business as E. J. BOYLE, 622 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, 512 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shale derived aggregate*, from Rahn (Rahns) Township, Pa., and points within five miles thereof in Schuylkill County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in New York and Pennsylvania.

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Mack Myers.

No. MC 55898 (Sub No. 32), filed April 1, 1958. Applicant: HARRY A. DECATO AND EUGENE J. DECATO, doing business as DECATO BROS. TRUCKING CO., Dartmouth College Highway, P. O. Box 421, Lebanon, N. H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N. H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Woodsville (Town of Haverhill), Lakeport (City of Laconia), and Salmon Falls (Town of Rollinsford), N. H., and White River Junction (Town of Hartford), Vt., to points in New York, those in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, Lancaster, Scranton, Bethlehem, Reading, Erie, and Honesdale, Pa., Cleveland, Ohio, Wilmington, Del., and Baltimore and Sparrows Point, Md. Applicant is authorized to conduct common carrier operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Applicant

holds Permit No. MC 111735 as a contract carrier. Section 210, dual operations, may be involved.

NOTE: A Proceeding has been instituted under section 212 (c) of the act to determine whether applicant's status is that of a contract or common carrier, assigned MC 111735 (Sub No. 1).

HEARING: May 29, 1958, at the Chamber of Commerce, Concord, N. H., before Examiner Charles H. Riegner.

No. MC 65967 (Sub No. 24), filed April 10, 1958. Applicant: WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville, Tenn. 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, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Chrysler Corporation, Plymouth Division Plant, located at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Georgia, Kentucky, Missouri, and Tennessee.

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

No. MC 66900 (Sub No. 22), filed April 2, 1958. Applicant: HOUFF TRANSFER, INCORPORATED, P. O. Box 61, Weyers Cave, Va. Applicant's attorney: Glenn F. Morgan, 1006-8 Warner Building, Washington 4, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, wood pulpboard, pulpboard, and fibreboard*, from West Point, Va., to Reynolds, White Haven, and York, Pa., and points within seven (7) miles of Reynolds and White Haven. *Empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Walter R. Lee.

No. MC 69492 (Sub No. 16) (Correction), filed March 3, 1958. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCK COMPANY, P. O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Arlington, Ky., and Paducah, Ky., from Arlington over U. S. Highway 51 to junction U. S. Highway 62 at or near Bardwell, Ky, thence over

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 it and applicant's other existing authority. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: Previous publication assigned application before 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, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place N.W., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *articles distributed by meat-packing houses*, as described in List C, Appendix I to report in Descriptions in Motor Carrier Certificates, 61 MCC 209, (2) *such commodities* as are used by meat packers in the conduct of their business, (3) *foodstuffs, supplies and advertising matter* in connection therewith, (4) *soap, liquid and compound, and cleanser, supplies and advertising matter* in connection therewith, and (5) *frozen fruit juices, including lemonade*, between Kansas City, Kans., and Chicago, Ill.: from Kansas City over U. S. Highway 40 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 36, thence over U. S. Highway 36 to Springfield, Ill., and thence over U. S. Highway 66 to Chicago; from Kansas City over U. S. Highway 69 to junction U. S. Highway 36, thence over U. S. Highway 36 to junction U. S. Highway 66, and thence to Chicago as specified above; and from Kansas City over U. S. Highway 40 to St. Louis, Mo., thence over U. S. Highway 66 to Springfield, Ill. (also from junction U. S. Highways 40 and 67 near Pattonville, Mo., over Alternate U. S. Highway 67 to Jacksonville, Ill., thence over U. S. Highway 36 to Springfield, Ill.), and thence to Chicago as specified above; and return over these routes to Kansas City, serving the intermediate points of Kansas City, Boonville, Columbia, Mexico, Louisiana, Chillicothe, Shelbyville, Hannibal, and St. Louis, Mo., Jacksonville, Springfield, Bloomington, Joliet, and East St. Louis, Ill., and the off-route points of St. Joseph, Trenton, Sedalia, Joplin, Springfield, and Jefferson City, Mo., Rock Island, Quincy, Peoria, Washington, Eureka, Morton, Kankakee, Blue Island, Morrison, Grays Lake, Dixon, and Freeport, Ill. Applicant is authorized to conduct operations in Kansas, Illinois, Missouri, Oklahoma, Indiana, and Iowa.

NOTE: Applicant is authorized to transport "Packinghouse products and supplies restricted to items incidental to and directly connected with the business of the slaughtering of animals and the preservation and sale of meats, but not including dairy

products", over the routes and between the points described above. Applicant states the purpose of this application is to clarify its authority to transport the class of commodities herein requested; that if such commodities are found not to be included within applicant's present authority, to receive a specific grant of authority covering them. A proceeding, No. MC 69752 Sub 16 has been instituted under section 212 (c) to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 16, 1958, at the New Hotel Pickwick, Kansas City, Missouri, before Examiner Michael B. Driscoll.

No. MC 70203 (Sub No. 33), filed April 9, 1958. Applicant: INTERSTATE DISPATCH, INC., 3636 South Western Avenue, Chicago 9, Ill. Applicant's attorney: B. W. LaTourette, Jr., 1230 Boatmen'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, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment or loading facilities, serving the site of the Chrysler Corporation, Plymouth Division, plant located on U. S. Highway 66 at or near Valley Park, Mo., as an off-route point in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Illinois, Ohio, Missouri, Iowa, Wisconsin, and Indiana.

HEARING: May 22, 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: *Lumber and wooden products*, from points in Caldwell and Wilkes Counties, N. C., to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, Virginia, Delaware, New Jersey, New York, District of Columbia, Ohio, Georgia, Alabama, and Tennessee.

HEARING: May 27, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 75320 (Sub No. 82), filed April 7, 1958. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, 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 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.

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

No. MC 78712 (Sub No. 6), filed March 27, 1958. Applicant: MILLER TRANSPORTATION, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, 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, liquid commodities in bulk, and those requiring special equipment, between the site of the Chrysler Corporation plant at Valley Park, Mo., located on a site of approximately 235 acres, on the north side of U. S. Highway 66, approximately nineteen and one-half (19½) miles west of downtown St. Louis, Mo., and St. Louis, Mo., and *damaged or rejected shipments* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 87523 (Sub No. 70), filed April 3, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 393 Mystic 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 vehicles, and commodities susceptible of being transported in hopper type equipment, between the ports of entry of Rouses Point, Champlain, Ft. Covington, Trout River, Chateaugay, and Elenburg, N. Y., Alburg, Swanton, Richford, Newport, and Derby Line, Vt., Canaan, West Stewartstown, and Norton, N. H., and Jackman, Van Buren, Fort Kent, Madawaska, and Frenchville, Maine, on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Connecticut, Rhode Island, Illinois, Pennsylvania, and Delaware.

HEARING: May 27, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegler.

No. MC 87523 (Sub No. 71), filed April 9, 1958. Applicant: FRANK COSGROVE TRANSPORTATION CO., INC., 393 Mystic 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: *Synthetic latex*, in bulk, in tank vehicles, from Acton and Cambridge, Mass., to Detroit, Mich., and Bethune, S. C. Applicant is authorized to conduct operations in Vermont, Massachusetts, New Hampshire, New York, Tennessee, Illinois, Indiana, Ohio, Michigan, Connecticut, Rhode Island, Maine, Pennsylvania, and Delaware.

HEARING: May 28, 1958, at the New Post Office and Court House Building, Boston, Mass., before Examiner Charles H. Riegner.

No. MC 88300 (Sub No. 18), filed April 8, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whitley, 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 3, 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 the above specified commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

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

No. MC 88300 (Sub No. 19), filed April 8, 1958. Applicant: DIXIE TRANSPORT COMPANY, North Dixie Highway, Whitley, 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 3, 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, (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, Florida, and South Carolina, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

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

No. MC 94580 (Sub No. 5), filed March 7, 1958. Applicant: THOMAS STANLEY REDDING, Church Street, Asheboro, N. C. Applicant's attorney: H. Wade Yates, Law Building, Asheboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *commodities* the transportation of

which because of size, weight or shape requires the use of special equipment, from points in that part of North Carolina bounded by a line beginning at U. S. Highway 21 on the North Carolina-Virginia State line and extending in an easterly direction along said state line to U. S. Highway 1, thence in a southerly direction along U. S. Highway 1 to Raleigh, N. C., thence along U. S. Highway 70 to Smithfield, N. C., and thence along U. S. Highway 301 to the North Carolina-South Carolina state line, thence in a westerly direction along the North Carolina-South Carolina state line to U. S. Highway 21, and thence in a northerly direction over U. S. Highway 21 to point of beginning, to points in Virginia, Ohio, Indiana, Connecticut, the District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, West Virginia and points in New York within 50 miles of New York City, N. Y.; and *empty containers* or other such incidental facilities used in transporting the commodities specified, and *grain, grain products and feed ingredients*, on return. Applicant is authorized to conduct operations from and to specified points in North Carolina, the District of Columbia, Maryland, Pennsylvania, and Virginia.

HEARING: May 26, 1958, at the North Carolina Utilities Commission State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 98707 (Sub No. 3), filed March 19, 1958. Applicant: MILES MOTOR TRANSPORT SYSTEM, a Corporation, P. O. Box 510, Stockton, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement* in bulk, and in sacks, (a) from Gold Hill, Ore., to points in Humboldt, Trinity, Shasta, and Lassen Counties, Calif.; (b) from West Sacramento, Calif., to points in Nevada; and (c) from San Andreas, Calif., and points within 5 miles thereof, to points in Nevada. Applicant is authorized to transport general commodities with exceptions between specified points in California and cement from specified points in California and Oregon to points in Nevada, Oregon, and California.

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 P. Roy Linn.

No. MC 106095 (Sub No. 5), filed March 21, 1958. Applicant: DAN'S MOTOR LINES, INC., 153 Chautauqua Street, Fredonia, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Angola, Eden, North Collins, Lawtons (Erie County), Farnham, Fredonia, Dunkirk, Sheridan, and South Dayton, N. Y., to Silver Creek, N. Y. Applicant is authorized to transport similar commodities in Connecticut,

Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

NOTE: Applicant is authorized to conduct contract carrier operations in Permit No. MC 106095. It has filed an appropriate application with this Commission for a determination of its status as a common or contract carrier.

HEARING: May 23, 1958, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N. Y., before Examiner Leo W. Cunningham.

No. MC 106456 (Sub No. 23), filed April 7, 1958. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Fesslers Lane, Nashville, Tenn. Applicant's attorney: J. R. Browder, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between St. Louis, Mo., and Valley Park, Mo., from St. Louis over U. S. Highway 66 to the junction of U. S. Highway 66 and Missouri Highway 141, thence over Missouri Highway 141 to Valley Park, Mo., and return over the same route, serving the intermediate point of the site of the Chrysler assembly plant located at or near Valley Park, Mo. Applicant is authorized to conduct operations in Illinois, Missouri, Kentucky, Indiana, Alabama, Tennessee, Virginia, Maryland, Pennsylvania, New York, New Jersey, and the District of Columbia.

HEARING: May 22, 1958, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 106603 (Sub No. 52), filed April 7, 1958. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Lake County, Ohio, to points in Michigan, Indiana, and Illinois, and *empty containers or other such incidental facilities* (not specified) and *pallets and used containers* used in transporting salt on return. Applicant is authorized to transport similar commodities in Michigan, Ohio, Illinois, Indiana, Wisconsin, Missouri, and Iowa.

HEARING: May 15, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold P. Boss.

No. MC 107227 (Sub No. 61), filed March 13, 1958. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and buses*, in initial movements, in driveaway service, from Seattle and Renton, Wash., to points in the United States and Alaska, except points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota,

Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 2, 1958, at Room 228, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109188 (Sub No. 37), filed February 27, 1958. Applicant: TURNER TRANSFER, INCORPORATED, 3201 High Point Road, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rectifier equipment*, from Limerick, Maine, to Lynchburg, Va. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 23, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Examiner Richard H. Roberts.

No. MC 109584 (Sub No. 40), (CORRECTION) filed January 30, 1958, published issue of March 27, 1958, on Page 2060. Applicant: ARIZONA-PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: In bulk, in tank vehicles, (1) *Synthetic resin*, from Anaheim, Calif., to Denver, Colo., (2) *liquid cleaning, scouring and washing compounds, including dry cleaning solvents*, from Los Angeles and Oakland, Calif., to Denver and Littleton, Colo., and (3) *blends of vegetable oils and animal fats*, from Long Beach, Calif., to Phoenix and Tucson, Ariz., and *rejected and contaminated shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE: The previous publication inadvertently omitted reference to the transportation of the above commodities in bulk, in tank vehicles.

HEARING: Remains as assigned May 8, 1958, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 115353 (Sub No. 4), filed April 4, 1958. Applicant: LOUIS J. KENNEDY, 342 Schuyler Avenue, Kearny, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Group 3, Appendix V of Descriptions in Motor Carrier Certificates, 61 M. C. C. 209, and *aluminum articles* between the warehouses of the United States Steel Supply

Division, United States Steel Corporation, Newark, N. J., on the one hand, and, on the other, points in Delaware, Massachusetts, Rhode Island, Connecticut, those in Maryland on and east of a line beginning at Baltimore, Md., and extending north along U. S. Highway 111 to the Maryland-Pennsylvania State line and north of the Chesapeake Bay and the C & D Canal, those in Pennsylvania in and 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 under 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 115353 Sub 3, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Leo W. Cunningham.

No. MC 115601 (Sub No. 8), filed April 1, 1958. Applicant: BROOKS ARMORED CAR SERVICE, INC., Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Delaware Trust Building, Wilmington, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash, coin and currency, securities and other negotiable and non-negotiable instruments*, between points in Delaware and Philadelphia, Pa. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

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 115601 (Sub No. 6).

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C. before Examiner Reece Harrison.

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: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C. 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 points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa. (including any city, township or borough any part of which is in any such county) and points in New Jersey and Delaware. **RESTRICT-**

TIONS: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, and no service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. Applicant is authorized to conduct contract carrier operations in Connecticut, New Jersey, and New York.

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 63063 (Sub No. 3).

HEARING: May 26, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Reece Harrison.

No. MC 116427 (Sub No. 1), filed April 10, 1958. Applicant: JOE WEST, doing business as LAS VEGAS TRUCK LINE, 722 North Main, P. O. Box 295, Las Vegas, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, between Las Vegas, Nev., and the Nevada 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. PORTER, 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: *Lumber*, from 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 Richard H. Roberts.

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., 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 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, 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. 354.

No. MC 117030 (Sub No. 3), 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., 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 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 the above specified commodities on return.

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

No. MC 117181 (CORRECTION), filed February 11, 1958, published issue March 27, 1958. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: James B. Patten, 226 Securities Building, P. O. Box 1493, 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 Minnesota Highway 7 to Montevideo, Minn., thence over U. S. Highway 212 to Broadus, Mont., thence over Montana Highway 8 to junction U. S. Highway 87, and thence over U. S. Highway 87 to Billings * * *

HEARING: Remains as assigned May 22, 1958, at the Council Chambers City Hall, Billings, Mont., before Examiner Lawrence A. Van Dyke.

No. MC 117193, filed February 21, 1958, published April 2, 1958. Applicant: CERRO TRANSPORTATION CORP., 300 Park Avenue, New York, N. Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N. Y. The corporate name of applicant 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 9, 1958, amended April 12, 1958. Applicant: JAMES AUBREY BREEDLOVE doing business as BREEDLOVE TRUCKING SERVICE, 486 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-route points.

NOTE: Previous publication sought *contract carrier* authority.

HEARING: Remains as assigned May 26, 1958, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 117211, filed February 26, 1958. Applicant: LYNDON L. HOLT, doing business as L. L. HOLT SPREADER SERVICE, R. F. D. 6, Box 163 E, Greensboro, N. C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in special equipment, from Henderson and Greensboro, N. C., to points in Virginia on and south of the James River.

HEARING: May 23, 1958, at the North Carolina Utilities Commission, State Library Building, Morgan Street, Raleigh, N. C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117258 (Sub No. 1), filed April 7, 1958. Applicant: CARLTON HOUSDEN, Shenandoah Junction, W. Va. 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117259 (Sub No. 1), filed April 7, 1958. Applicant: LEO HILLIARD, Route No. 1, Shepherdstown, W. Va. 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 (Logan County), 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117260 (Sub No. 1), filed April 7, 1958. Applicant: LOYD M. HILLIARD, Shepherdstown, W. Va. 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

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 *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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117262 (Sub No. 1), filed April 7, 1958. Applicant: EARL F. GOOD, P. O. Box 361, Charles Town, W. Va. 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 (Logan County), 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117264 (Sub No. 1), filed April 3, 1958. Applicant: GREEN BAG TRANSPORT, INC., 839 Lockhart Street, Pittsburgh 12, Pa. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and packages, and *mortar*, in bulk and packages, from Neville Island, Pa., to points in Allegheny, Garrett, Washington, Frederick and Carroll Counties, Md., Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant, Tucker, Pendleton, Randolph, Pocahontas, Barbour, Webster, Taylor, Preston, Monongalia, Lewis, Wetzel, Marshall, Ohio, Brooke, Hancock, Marion, Tyler, Pleasants, Doddridge, Harrison, Upshur, Nicholas, Clay, Gilmer, Braxton, Roane, Calhoun, Jackson, Wirt, Wood, and Ritchie Counties, W. Va., Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Harrison, Carroll, Tuscarawas, Stark, Portage, Geauga, Lake, Cuyahoga, Summit, Guernsey, Noble, Belmont, Monroe, Washington, Meigs, Athens, Hocking, Morgan, Perry, Fairfield, Muskingum, Licking, Coshocton, Knox, Morrow, Richland, Holmes, Wayne, Ashland, Crawford, Medina, 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 defined in section 203 (a) (1) of the Interstate Commerce Act), who operates manufacturing plants, the principal business of which is the production of cement.

HEARING: June 3, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alfred B. Hurley.

No. MC 117268 (Sub No. 1), filed April 7, 1958. Applicant: EDWARD E. ROBISON, 119 Randolph Avenue, Hagerstown, 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117269 (Sub No. 1), filed April 7, 1958. Applicant: ROBERT G. BUS-SARD, 2215 Virginia Avenue, Hagerstown, 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 3 miles of each to points in Washington, Frederick, Carroll, Howard, Montgomery, and Prince Georges Counties, Md.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117270 (Sub No. 1), filed April 7, 1958. Applicant: J. N. CRIST, doing business as DOWNSVILLE LIME AND MARL COMPANY, 2317 Appletree Drive, Hagerstown, 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.

HEARING: May 23, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 113.

No. MC 117308, filed March 28, 1958. Applicant: ROY D. YIENGST, R. D. No. 2, Lebanon, Pa. Applicant's attorneys: Rhoads, Simon & Reader, State Street Building, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Cumberland County, N. J., to points in Lebanon County, Pa.; and *Stone*, from points in Lebanon County, Pa., to points in Cumberland County, N. J.

HEARING: May 28, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Harold W. Angle.

No. MC 117331, filed April 17, 1958. Applicant: BRIGGS MOBILE HOMES, INC., R. D. No. 1, Newark, Del. Applicant's attorney: W. Byron Sorrell, 1028 Connecticut Avenue NW., Washington 6, D. C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *House*

trailers and the furniture, fixtures and personal effects of the owner, between points in Delaware, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HEARING: May 26, 1958, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 145), filed March 24, 1958. Applicant: THE GREY-HOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, 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 former U. S. Highway 101. (c) Establish an additional regular route between North Cotati Junction and Petaluma Junction over relocated U. S. Highway 101. (d) Redesignate 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.

1.2 Required Certificate Revisions: (a) redesignate Route 1 on Original sheet No. 5 to read as follows: "1. Between the Oregon-California State line north of Smith River and San Francisco: from the point where U. S. Highway 101 intersects the Oregon-California State line, over U. S. Highway 101 to junction Business Route, U. S. Highway 101 (North Santa Rosa Junction), thence over Business Route, U. S. Highway 101 through Santa Rosa to junction U. S. Highway 101 (South Santa Rosa Junction), thence over U. S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U. S. Highway 101 (Petaluma Junction), thence over U. S. Highway 101 to San Francisco. (Connects with Oregon route 8.)" (b) Establish an additional regular route on proposed Original sheet No. 5A to read as follows: "5A. Between North Cotati Junction and Petaluma Junction: from junction U. S. Highway 101 and unnumbered highway north of Cotati (North Cotati Junction), over U. S. Highway 101 to junction unnumbered highway south of Petaluma (Petaluma Junction)."

1.3 Related Authorized Routes: Route 1 connects with Route 38 at Petaluma and crosses proposed route 5A approximately two miles east of Petaluma with provision at such intersection for vehicle interchange between the two highways.

2. Proposed revision of original sheet No. 11.

2.1 Proposal: Extend Route 41 from Davis Junction to South Woodland

Junction over relocated U. S. Highway 99W.

2.2 Required certificate revision: Pursuant to the foregoing proposal, redesignate Route 41 on sheet No. 11 to read as follows: "41. Between the Oregon-California State line north of Yreka, and South Woodland Junction: from the point where U. S. Highway 99 intersects the Oregon-California State line, over U. S. Highway 99 to Red Bluff, thence over U. S. Highway 99W to junction U. S. Highway 40 (South Woodland Junction). (Connects with Oregon route 14.)"

2.3 Related authorized routes: The proposed extension connects with present routes 41 and 81 at Davis Junction, and with Route 80 at South Woodland Junction.

3. Proposed revision of first revised sheet No. 12.

3.1 Proposal: Delete the seasonal-service condition presently applicable to Route 44 between Dunnigan and Vacaville so that all-year service will be authorized.

3.2 Required certificate revision: Pursuant to the foregoing, revise the authorization for route 44 to read as follows: "44. Between Dunnigan Junction and Vacaville Junction: from junction U. S. Highway 99W and unnumbered highway southeast of Dunnigan (Dunnigan Junction), over unnumbered highway via Winters to junction U. S. Highway 40 (Vacaville Junction)."

3.3 Related authorized routes: This route connects with Route 41 at Dunnigan Junction and with Route 80 at Vacaville Junction.

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

4.1 Proposals: (a) Change Route 69, Sheet No. 16, 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 68, 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 North Freeway 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, and incorporate the same into Route 68, sheet No. 16, in lieu of present route between these points over former U. S. Highway 40. (d) Revoke authorization now included in Route 68, sheet No. 16, to operate between Roseville Junction and Florida Inn Junction over former U. S. Highway 40. (e) Revoke authority to operate over Route 74, sheet No. 18, between Folsom and Florida Inn. (f) Establish an alternate route 69A between Elvas Junction and Sacramento over U. S. Highway 99E to be shown as Route 69A on an added Sheet No. 16A. (g) In connection with the proposed reissuance of Second Revised sheet No. 18, incorporate therein the authority granted in MC-1511, sub 107, to conduct special operations between Squaw Valley Junction and Squaw Valley to be designated as route 77, if

the same has not been so incorporated in a First revised sheet No. 18 prior to decision herein.

4.2 Required certificate revisions: Pursuant to the foregoing proposals, revise, delete, and add route descriptions as follows: (a) Redesignate Route 68 on 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: "69. 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 route on a new sheet to be designated as Original sheet No. 16A: "69A. Between Elvas Junction and Sacramento: from junction U. S. Highway 40 and U. S. Highway 99E northeast of Sacramento (Elvas Junction), over U. S. Highway 99E to junction U. S. Highway 50 in Sacramento. Alternate route to be used for operating convenience only, with no service at intermediate points." (e) 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 over unnumbered highway to Squaw Valley. Service is authorized to be conducted in special operations only."

4.3 Related authorized routes: Route 68, prior to relocation of 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 53, 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. Route 74 connects with present Route 68 at Florida Inn and with Route 70 at Folsom.

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

5.1 Proposal. Establish a regular route between Rodeo and West El Cerrito over relocated U. S. Highway 40, to be designated as Route 80B.

5.2 Required certificate revisions: Pursuant to the foregoing, add on Second revised sheet 19 the following regular route: "80B. Between Rodeo and West El Cerrito: from Rodeo over unnumbered highway to junction U. S. Highway 40 (Rodeo Junction), thence over U. S. Highway 40 to West El Cerrito."

5.3 Related authorized routes: Proposed route 80B connects with Route 80 at Rodeo and West El Cerrito and crossed routes 89 and 104 at points where vehicular interchange is provided.

6. 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 relo-

cated 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, add on first revised sheet No. 21 the following regular route: "93A. Between North Manteca and South Manteca: from junction U. S. Highway 99 and unnumbered highway north of Manteca (North 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 shown as presently authorized.

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 130 approximately two miles east of Manteca, at which point of transfer of vehicles from one highway to the other is provided.

7. Proposed revision of original sheets Nos. 23 and 24.

7.1 Proposals: (a) Change Route 107 (Sheet No. 23) between Martinez Junction and Concord Junction from an alternate route to a regular route. (b) Change Route 108 (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 routes and consolidate the two routes into a single regular-route description between Camp Stoneman Junction and Antioch to be designated as route 108, and delete route 114. (c) Correct Route 109 (Sheet No. 24) between Martinez and Acalanes Junction to eliminate duplication and redesignate the termini.

7.2 Required certificate revisions: Pursuant to the foregoing, revise route descriptions as follows: Revise Route 107 (Sheet No. 23) to read as follows: "107. Between Martinez Junction and Concord Junction: from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over California Highway 4 to junction California Highway 24 northeast of Concord (Concord Junction)." Revise route 108 (Sheet No. 24) to read as follows: "108. Between Camp Stoneman Junction and Antioch: from junction California Highway 4 and unnumbered highway (Camp Stoneman Junction), over California Highway 4 to Antioch." Revise route 109 (Sheet No. 24) to read as follows: "109. Between Martinez Junction and Pleasant Hill Overpass: from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over unnumbered highway via West Monument to junction California Highway 24 (Pleasant Hill Overpass)." Revise route 114 (Sheet No. 24) to read as follows: "114. Intentionally left blank."

7.3 Related authorized routes: Proposed route 107 connects with routes 104 and 109 at Martinez Junction and with Route 105 at Concord Junction. It also crosses route 110 between Clyde and Concord at which intersection means of vehicular interchange is provided. Proposed route 108 connects with route 105 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 Martinez 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 118 (Sheet No. 25) as a regular route from Mattox Road Junction to Hayward Junction over unnumbered highway. (c) Change the name of the northern terminus of route 118 (sheet No. 25) from "Oakland" to "East Bay Traffic Distribution Structure". (d) Change the name of the southern terminus of route 118 (Sheet No. 25) from "Mattox Road Junction" to "Castro Valley Junction". (e) Establish an alternate route between Castro Valley Junction and Hayward over California Highway 17 and unnumbered highway, to be designated as route 118A on an original sheet No. 25A. (f) Establish a regular route 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 route 116, sheet No. 25, to read as follows: "116. Between San Francisco and Los Angeles: from San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U. S. Highway 50 northeast of Hayward (Hayward Junction), thence over U. S. Highway 50 to junction unnumbered highway northwest of Livermore (West Freeway Junction), thence over unnumbered highway via Livermore to junction U. S. Highway 50 northeast of Livermore (East Freeway Junction), thence over U. S. Highway 50 to junction California Highway 120 (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: "118. Between East Bay Traffic Distribution Structure and Hayward Junction: from junction U. S. Highway 50 and California Highway 17 (East Bay Traffic Distribution Structure), over California Highway 17 to junction unnumbered highway (Castro Valley Junction), thence over unnumbered highway to junction U. S. Highway 50 (Hayward Junction)." Establish the following alternate route to be shown on an original sheet No. 25A: "118A. 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: "118B. Between Mountain House Junction and Tracy Junction: from junction U. S. Highway 50 and unnumbered highway southwest of Mountain House (Mountain House Junction), over unnumbered highway via Mountain House to junction U. S. Highway 50 (Tracy Junction)."

8.3 Related authorized routes: Proposed route 118 connects with route 116 at East Bay Traffic Distribution Structure, with proposed route 118A at Castro Valley Junction, and with Routes 116 and 137 at Hayward Junction. It also crosses route 116 between Castro Valley Junction and Hayward Junction, and route 137 between Hayward and Castro Valley. Proposed route 118A connects with route 118 at Castro Valley Junction and with routes 116 and 137 at Hayward. Proposed route 118B connects at each of the termini with route 116.

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 Merced as 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, revise and add route descriptions as follows: Revise route 128, sheet No. 27, to read as follows: "128. Between Wheel Inn 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 on sheet No. 27 to read as follows: "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 130 will be shown as presently authorized.

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 but 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 128 at El Nido Junction and with Route 116 at Merced.

10. Proposed revision of first revised sheet No. 30 and addition of original sheet No. 30A.

10.1 Proposal: (a) Establish a regular route on first revised sheet No. 30 between South Tagus 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 Cali-

ornia Highway 118, to be designated as Route 146A.

10.2 Required certificate revisions: Pursuant to the foregoing, add the following route to first revised sheet No. 30: "142. Between South Tagus and Tulare Airport: from junction U. S. Highway 99 and Business Route U. S. Highway 99 (South Tagus), over Business Route U. S. Highway 99 via Tulare to junction U. S. Highway 99 (Tulare Airport)." Also pursuant to the foregoing, add the following route to an original sheet No. 30A: "146A. Between Pasadena Junction and Pasadena: from junction U. S. Highway 99 and California Highway 118 (Pasadena Junction), over California Highway 118 to Pasadena. Alternate route to be used for operating convenience only, with no service at intermediate points."

10.3 Related authorized routes: Proposed route 142 connects with Route 116 at both termini and with Route 143 at Tulare. Proposed Route 146A connects with Route 116 at Pasadena Junction and with Route 257 at Pasadena.

11. Proposed revision of original sheet No. 23.

11.1 Proposal: (a) Revise the description of Route 156, changing its northern terminus from "Skyline Junction" to "Edgemar Junction" in order to eliminate duplication between Skyline Junction and Edgemar Junction. (b) Revoke authority to operate over the segment of Route 156 extending between Skyline Junction and Edgemar over former California Highway 1.

11.2 Required certificate revision: Pursuant to the foregoing, revise Route 156, sheet No. 33, to read as follows: "156. Between Edgemar Junction and Santa Cruz: from junction California Highway 1 and California Highway 5 (Edgemar Junction), over California Highway 5 to junction California Highway 9 (Saratoga Gap), thence over California Highway 9 to Santa Cruz. Service is authorized to be conducted during the season extending approximately from June 10 to September 10 of each year."

11.3 Related authorized routes: This route connects with Route 154 at Edgemar Junction and with Routes 154, 174, and 177 at Santa Cruz.

12. Proposed revision of original sheet No. 37.

12.1 Proposal: Establish an additional regular route between Sherwood Park Junction and Spence Overpass to be designated Route 191A.

12.2 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 Spence Underpass: from junction U. S. Highway 101 and unnumbered highway north of Salinas (Sherwood Park Junction), over unnumbered highway via Salinas to junction U. S. Highway 101 (Spence Underpass)."

12.3 Related authorized route: This route connects at both termini with Route 151.

13. Proposed revision of original sheet No. 38.

13.1 Proposal: Establish an additional regular route between North Atascadero and Santa Margarita Junction, to be

designated on sheet No. 38 as Route 195.

13.2 Required certificate revision: Pursuant to the foregoing, add a new regular route on Sheet No. 38 to read as follows: "195. Between North Atascadero and Santa Margarita Junction: from junction U. S. Highway 101 and unnumbered highway north of Atascadero (North Atascadero), over unnumbered highway via Atascadero to junction U. S. Highway 101 (Santa Margarita Junction)."

13.3 Related authorized routes: The proposed route connects at each of its termini with Route 151.

14. 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 Marineland, to be designated as Route 228 in lieu of Route 228 as now shown on original sheet No. 42.

14.2 Required certificate revision: Pursuant to the foregoing, add a new route on an original sheet No. 42A to read as follows: "228. Between Redondo Beach and San Pedro: from Redondo Beach over Alternate U. S. Highway 101 to junction unnumbered highway (South Redondo Beach), thence over unnumbered highway via Marineland to San Pedro. Service is authorized to be conducted in special operations only." Delete from Original sheet No. 42 the following: "228. Intentionally left blank."

14.3 Related authorized routes: This route connects with California Route 223 at South Redondo Beach.

15. 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 Farm Junction and La Palma Avenue 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. (d) Establish a route between Disneyland Junction and Disneyland for special operations only, to be designated as Route 233B on an original sheet No. 43A. (e) Establish a regular route, between North Santa Ana and Red Hill Junction over relocated U. S. Highway 101, to be designated as Route 233C on an original sheet No. 43A. (f) Establish a regular route between Oceanside Junction and Carlsbad Junction, to be designated route 233D on an original sheet No. 43A.

15.2 Requested Certificate revisions: (a) Revise route 233 on sheet No. 43 to read as follows: "233. Between Los Angeles and Miraflores: from Los Angeles over U. S. Highway 101 to Miraflores. Service is not authorized at intermediate points, except to and from Knott's Berry Farm Junction, La Palma Avenue Junction, and Disneyland Junction for purposes of jolinder only." (b) Establish an additional route on an original sheet No. 43A, to be designated as route 233A,

to read as follows: "233A. Between Knott's Berry Farm Junction and La Palma Avenue Junction: from junction U. S. Highway 101 and California Highway 39 (Knott'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). Service 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 Disneyland 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 North Santa Ana and Red 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 (Red Hill Junction)." (e) Establish an additional regular route on an original sheet No. 43A to be designated as route 233D, to read as follows: "233D. Between Oceanside Junction and Carlsbad Junction: from junction U. S. Highway 101 and unnumbered highway north of Oceanside (Oceanside Junction), over unnumbered highway via Oceanside and Carlsbad to junction U. S. Highway 101 southeast of Carlsbad (Carlsbad Junction)."

15.3 Related authorized routes: (a) Proposed route 233, as revised, connects with route 232 at Los Angeles and Miraflores 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 Disneyland Junction. (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 Junction. (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. Proposed revision of second revised sheet No. 44, original sheet No. 45 and first revised sheet No. 46.

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, to be designated as route 238, so as to show redesignations of highways and to include present alternate route 240, sheet No. 45, as a regular route. (c) Reauthorize segment of present regular route 237, sheet No. 44, between Murrieta Hot Springs and Murrieta Hot Springs Junction via Murrieta as a sep-

arate regular route to be designated route 240 on sheet No. 45. (d) Reauthorize route 246, sheet No. 46, 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 (Elsinore Junction), thence over U. S. Highway 395 to junction unnumbered highway east of Fallbrook (Fallbrook Junction), thence over unnumbered highway via Fallbrook to Bonsall, thence over California Highway 76 to junction unnumbered highway north of Vista (Vista Junction), thence over unnumbered highway to Vista, thence over California Highway 78 to Escondido, thence over U. S. Highway 395 to junction unnumbered highway north of Camp Elliott (North Camp Elliott Junction), thence over unnumbered highway via Camp Elliott Main Gate to junction U. S. Highway 395 southwest of Camp Elliott (South Camp Elliott Junction), thence over U. S. Highway 395 to junction unnumbered highway northeast of Linda Vista (Linda Vista Junction), thence over unnumbered highway via Linda Vista to San Diego." (c) Revise route 240 on original sheet No. 45 to read as follows: "240. Between Murrieta and Murrieta Hot Springs Junction: from Murrieta over unnumbered highway via Murrieta Hot Springs to junction U. S. Highway 395 (Murrieta Hot Springs Junction)." (d) Revise route 246 on first revised sheet No. 46 to read as follows: "246. Between Perris Junction and Elsinore Junction: from Perris Junction over U. S. Highway 395 to Elsinore Junction."

16.3 Related authorized routes: (a) Proposed route 237 connects with route 232 at Anaheim, with proposed route 238 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 proposed route 240 at Murrieta, with route 240 at Elsinore Junction, with route 241 at Fallbrook Junction and Escondido, 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, and with routes 245, 249, 251 and 256 at San Diego. (c) Proposed route 240 connects with proposed route 238 at Murrieta and with route 246 at Murrieta Hot Springs Junction, and crosses route 246 between Murrieta and Murrieta Hot Springs at which intersection of highways provisions are made for vehicular interchange. (d) Proposed route 246 connects with route 239 at Perris Junction and with proposed route 238 at Elsinore Junction. It also crosses proposed route 240 between Murrieta and Murrieta Hot Springs at which intersection vehicular interchange is provided.

17. Proposed revision of second revised sheet No. 47, and addition of an original sheet No. 47A.

17.1 Proposals: (a) Change route 251 between San Diego and Palm City from an alternate to a regular route to Palm City Junction and revise route description to show highway redesignation. (b) Extend this regular route 251 from Palm City Junction to San Ysidro Junction over U. S. Highway 101. (c) Establish an additional alternate route connecting National Avenue with U. S. Highway 101 west of Otay Junction, to be designated route 251A. (d) Change route 252 between County road Junction and Vista Avenue Junction from an alternate to a regular route. (e) Transfer routes 255 and 256 from second revised sheet No. 47 to an original sheet No. 47A.

17.2 Requested Certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: (a) Revise route 251, Second revised sheet No. 47, to read as follows: "251. Between San Diego and San Ysidro Junction: from San Diego over U. S. Highway 101 to junction San Ysidro Boulevard southeast of San Ysidro (San Ysidro Junction)." (b) Establish an additional alternate route on second revised sheet No. 47 to be designated as route 251A, to read as follows: "251A. Between junction Main Street and National Avenue, and junction Main Street and U. S. Highway 101: from junction Main Street and National Avenue over Main Street to junction Main Street and U. S. Highway 101. Alternate route to be used for operating convenience only, with no service at intermediate points." (c) Revise route 252, on second revised sheet No. 47, to read as follows: "252. Between County road Junction and Vista Avenue Junction: from junction National Avenue and unnumbered highway north of Otay Junction (County Road Junction), over unnumbered highway (Vista Avenue) to junction U. S. Highway 101 (Vista Avenue Junction)." (d) Transfer routes 255 and 256 from second revised sheet No. 47 to an original sheet No. 47A without change.

17.3 Related authorized routes: (a) route 251 connects with route 230, proposed route 238, and route 256 at San Diego, with route 249 at San Ysidro Junction, and with proposed route 251A west of Otay Junction. (b) route 251A connects with routes 249 and 251 west of Otay Junction. (c) route 252 connects with route 249 at County road Junction and Vista Avenue Junction, and with route 253 at Byer Junction. (d) route 253 connects with route 250 at Otay and with route 252 at Byer Junction.

NOTE: Applicant states that unless otherwise specified herein, the authority sought in each instance is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points, and in both directions over the routes set forth, serving all intermediate points. The changes in operating authority shown are proposed to be incorporated in the designated revised or added sheets to Certificate No. MC 1501 Sub 138.

HEARING: June 4, 1958, in Room 226, Old Mint Building, Fifth and Mission

Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 1501 (Sub No. 146), filed March 31, 1958. Applicant: THE GREY-HOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers.*

1. Proposed revision of first revised sheet No. 48.

1.1 Proposals: (a) Reroute route 258, shown on first revised sheet No. 48, 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 258 to West Pomona, thence using segments of present routes 260, 262, 239 and 266 to Beaumont, thence present route 258 to the California-Arizona State line. (b) revise the description of route 259 on first revised sheet No. 48, between Los Angeles and East Five Points so as to eliminate duplication of proposed route 258 between Los Angeles and Garvey Avenue Junction. (c) redescribe alternate route 260 on sheet No. 48, between Pomona and Ontario so as to make the same a regular route and then include the same in proposed route 258, revoking present regular route 258 between Pomona and East Ontario over former U. S. Highway 70. (d) establish a regular route between West Pomona and Beaumont, to be designated route 261, to consist of a new route over relocated U. S. Highway 70 between West Pomona and East Ontario in lieu of the segment of present route 258 over former U. S. Highway 70 herein proposed to be revoked, then extending said route 261 over present route 258 to Beaumont. (e) revise route 262 on sheet No. 48, between Ontario and San Bernardino via Riverside, so as to eliminate duplication otherwise occurring.

1.2 Requested certificate revisions: Pursuant to the foregoing, revise and add route descriptions as follows: (a) redescribe route 258 to read as follows: "258. 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.)" (b) redescribe route 259 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)." (c) redescribe route 260 to read as follows: "260. Between South Alhambra Junction and Five Points: from junction U. S. Highway 70 and Atlantic Boulevard (South Alhambra Junction), over unnumbered highway via South Alhambra and El

Monte to junction Garvey Avenue (Five Points)." (d) establish the following additional route: "261. 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) redescribe route 262 to read as follows: "262. Between Riverside and San Bernardino: from Riverside over U. S. Highway 395 to San Bernardino."

1.3 Related authorized routes: (a) proposed route 258 connects with proposed route 259 at Garvey Avenue Junction and East Five Points, with proposed route 260 at South Alhambra Junction and Five Points, with proposed route 261 at West Pomona and Beaumont, with proposed route 262 at Riverside, with route 267 at Palm Springs Junction, and with route 268 at Indio. (b) proposed route 259 connects with proposed route 258 at Garvey Avenue Junction and East Five Points, and with route 260 at Five Points. (c) proposed route 260 connects with proposed route 258 at South Alhambra Junction, and with proposed route 259 at Five Points. (d) proposed route 261 connects with proposed route 258 at West Pomona and at Beaumont, with proposed route 262 at Colton, and with route 264 at San Bernardino Junction. (e) proposed route 262 connects with proposed route 257 at San Bernardino, with proposed route 258 at Riverside, with proposed route 261 at Colton, and with route 264 at San Bernardino.

2. Proposed revision of third revised sheet No. 44.

2.1 Proposal: redescribe route 239 between Riverside and Elsinore so as to eliminate duplication between Riverside and Box Springs Junction.

2.2 Requested certificate revision: redescribe route 239, sheet No. 44, to read as follows: "239. Between Box Springs Junction and Elsinore: from junction U. S. Highway 60 and U. S. Highway 395 east of Riverside (Box Springs Junction), over U. S. Highway 395 to junction California Highway 74 (Perris Junction), thence over California Highway 74 to Elsinore."

2.3 Related authorized routes: The proposed route connects with proposed route 258 (infra, section 1.1(a)) at Box Springs Junction, with route 246 at Perris Junction, and with route 238 at Elsinore.

3. Proposed revision of original sheet No. 49.

3.1 Proposal: Cancel route 266 between Box Springs Junction and Beaumont due to this route having been included in the proposed rerouting of route 258.

3.2 Required certificate revision: revoke and cancel route 266, on sheet No. 49, and insert in lieu thereof the following: "266. Intentionally left blank."

3.3 Related authorized routes: This route connects at Box Springs Junction with proposed routes 258 and 239 and at Beaumont with proposed route 261.

NOTE: Applicant states that unless otherwise specified herein, the authority sought in each instance is for the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between the points, and in both directions over the routes set forth, serving all intermediate points. The changes in

operating authority shown are proposed to be incorporated in the designated revised or added sheet to Certificate No. MC 1501 (Sub No. 138).

HEARING: June 6, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 3647 (Sub No. 234), filed April 9, 1958. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N. J. Applicant's attorney: Richard Fryling, Law Department, same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at Newark, Jersey City and Paterson, N. J., and extending to Catskill Game Farm, Catskill, N. Y., Howe Caverns, Cobleskill, N. Y., and Milford, Pa.* Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: May 26, 1958, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 42.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 29), filed April 7, 1958. Applicant: ARMORED MOTOR SERVICE CO., INC., Hickman Building, 248 Madison Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coin, currency and other valuables, in armored motor vehicles escorted by armed guards, between Charlotte, N. C., on the one hand, and, on the other, Pageland, Jefferson, Chesterfield, McColl, Bennettsville, Dillon, Latta, Florence, Timmonsville, Hartsville, Kewshaw, Lancaster, Heath Springs, and Lynchburg, S. C.* Applicant is authorized to conduct similar operations in Arkansas, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and West Virginia.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 3083 Sub No. 28, to determine whether applicant's status is that of a contract or common carrier.

No. MC 15214 (Sub No. 34), filed April 7, 1958. Applicant: MERCURY MOTORWAYS, INC., 947 Louise Avenue, South Bend, Ind. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a common carrier, by motor vehicle, 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 Waterville and Whitehouse, Ohio, as off-route points in connection with applicant's au-*

thorized regular route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

No. MC 30319 (Sub No. 92), filed April 7, 1958. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Texas. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Texas. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between East Bernard, Texas, and Hungerford, Texas, over Texas Highway 60, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Texas and Louisiana.

NOTE: Dual operations or common control may be involved.

No. MC 52810 (Sub No. 12), filed March 31, 1958. Applicant: BALTIMORE-NEW YORK EXPRESS, INCORPORATED, 1100 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 or alternate "gateway" in connection with its regular route authority to Oxford and West Grove, Pa., and points in Pennsylvania within five miles of West Grove, with 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, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Fluorinated hydrocarbons*, in bulk, in tank vehicles, from the site of the General Chemical Division plant at Baton Rouge, La., to Morton Grove, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 105024 (Sub No. 4), filed March 14, 1958. Applicant: PORTLAND MOTOR TRANSPORT, a Corporation,

818 Northeast Marine Drive, Portland 3, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate and caustic soda*, from Portland, Oreg., to points in Colorado, Wyoming, Utah, and New Mexico, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application. A proceeding has been instituted under section 212 (c) of the act to determine whether applicant's status is that of a contract or common carrier, assigned MC 105024 (Sub No. 3). Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 107496 (Sub No. 105), filed April 7, 1958. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th 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 Mishawaka, Ind., to Duluth, Minn. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

No. MC 111159 (Sub No. 55), filed April 3, 1958. Applicant: MILLER TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, and Missouri, and from points in Washington County, Miss., to points in Arkansas and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

No. MC 111765 (Sub No. 1), filed April 1, 1958. Applicant: CLARE C. MACKRILL, PAUL L. MACKRILL AND CLIFFORD 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 4, 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

Nameoki 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 on return. 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 WHOLESALE LUMBER CO., 207 Louisa 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 shipments of 10,000 pounds or more, from points in Multnomah, Washington, Columbia, Clackamas, Yamhill, Polk, Marion, and Linn Counties, Oreg., to points in Montezuma, La Plata, and Dolores Counties, Colo., and points in San Juan County, N. Mex.

No. MC 117327, filed April 10, 1958. Applicant: AIR CARGO TERMINALS, INC., 110 Richards Road, Kansas City, Mo. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D. C. 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 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 Andrew, Buchanan, Platte, De Kalb, Clinton, Clay, Davies, Caldwell, Ray, Livingston, Carroll, Saline, Pettis, Johnson, Henry, Cass, Jackson, and Lafayette Counties, Mo., and points in Doniphan, Brown, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Osage, Franklin, and Miami Counties, Kans., restricted to traffic having a prior or subsequent movement by air. Applicant states it presently is, and for ten years has been, the official cartage agent of the airlines at Kansas City. Applicant provides pickup and delivery for airfreight within the Kansas City terminal area of the airlines, pursuant to the exemption in section 203 (b) (7a) of the Interstate Commerce Act. The purpose of this application is to enable applicant to extend its airfreight pickup and delivery service to points within approximately 75 miles of the Kansas City airports.

CONVERSION PROCEEDINGS—SECTION 212 (c)

No. MC 21555 (Sub No. 1)
SERVICE EXPRESS, INC.
(Medford, Mass.)

No. MC 36201 (Sub No. 1)
PREAKNESS TRUCKING CO., INC.
(Paterson, N. J.)

No. MC 94522 (Sub No. 1)
W. L. PEARSON, dba
CITY TRANSFER COMPANY
(Asheville, N. C.)

No. MC 107129 (Sub No. 3)
E. K. MOTOR SERVICE
(Maywood, Ill.)

No. MC 107494 (Sub No. 3)
RITE-MOVE STORAGE & VAN CO.
(Waukegan, Ill.)

No. MC 114719 (Sub No. 1)
FRANK R. DEAN, JR.
(Lexington, Ky.)

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 PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PASSENGERS

No. MC 61616 (Sub No. 61), filed April 7, 1958. Applicant: MIDWEST BUS-LINES, INC., 319 Dowling Street, Houston, Tex. 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 McGehee, 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 Ferriday and Vidalia, La. Applicant is authorized to conduct operations in Missouri, Colorado, Texas, Arkansas, Tennessee, Mississippi, Louisiana, Kansas, and Nebraska.

Note: This application is directly related to MC-F 6800. Reference to direct relationship to MC-F 6800 of application in No. MC 61616 (Sub No. 60), published April 16, 1958, is in error and should be disregarded.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier or property or passengers under section 5 (a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 6887. Authority sought for control by GEORGE W. KEEFER, Transport Building, St. Joseph, Mo., of JACKSON TRUCK LINE, INC., 321 West Fifth Street, Maryville, Mo. Applicant's attorneys: Clarence D. Todd or Charles W. Singer, both of 1825 Jefferson Place NW, Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commod-

ities in bulk, as a *common carrier* over a regular route between St. Joseph, Mo., and Shambaugh, Iowa, serving the intermediate points of Clearmont and Elmo, Mo., and Blanchard and Braddyville, Iowa, and the off-route points of Coin and College Springs, Iowa; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont (except Maryville and Tarkio, Mo.), on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas. Applicant holds no authority from this Commission, but is affiliated with CROUCH BROS., INC., which is authorized to operate as a *common carrier* in Missouri, Kansas, Iowa, Illinois, Nebraska, Oklahoma, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6888. Authority sought for purchase by HARRY W. HAMILTON, JR., doing business as PIONEER TRUCK & STORAGE CO., 1009 South H Street, Oxnard, Calif., of a portion of the operating rights of VENTURA TRANSFER COMPANY, 3440 South Street, Lake-wood, Calif. Applicants' 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* over irregular routes, between points in Ventura County, Calif., on the one hand, and, on the other, Los Angeles and Los Angeles Harbor, Calif., between Ventura, Calif., on the one hand, and, on the other, points in Ventura County, Calif., and between Hueneme Harbor, Calif., on the one hand, and, on the other, certain points in California. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6889. Authority sought for purchase by R & H CORPORATION, 1004 Stanton Avenue, New Kensington, Pa., of a portion of the operating rights of BROWN BROTHERS, EXPRESS, INC., Post Office Box 59, Curwensville, Pa., and for acquisition by T. OWEN RUPERT, ROSAMOND T. RUPERT, and LOUISA E. HAMILTON, all of New Kensington, of control of such rights through the purchase. Applicants' attorneys: Delisi & Wick, 1211 Berger Building, Pittsburgh 19, Pa., and Shertz, Barnes & Shertz, 2115 South 15th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Foodstuffs*, as a *contract carrier* over irregular routes, from Baltimore, Md., to Johnstown, Pa.; *glass bottles*, from Brockway, Pa., to points in Virginia and West Virginia. Vendee is authorized to operate as a *contract carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Vermont, 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. McCoy,
Secretary.

[F. R. Doc. 58-3009; Filed, Apr. 22, 1958; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3694]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING

APRIL 16, 1958.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural 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"), a registered holding company, and its wholly-owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and an amendment thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and rules thereunder. The companies have designated sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules 45 and 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to provide funds to meet, in part, the construction and inventory gas requirements of its subsidiaries for 1958 by means of a debenture issue and borrowings from banks as indicated below.

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 principal amount of twenty-five year sinking fund debentures pursuant to the competitive bidding requirements of Rule 50.

Pending the sale of the debentures scheduled for the second quarter of 1958, Consolidated proposes to borrow 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 premiums. 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 maturing 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 \$2,000,000.

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 \$6,000,000. 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 long-term non-negotiable serial notes bearing an interest rate predicated upon 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 gas purchases by four of its subsidiaries through borrowing, on one or more dates in 1958, \$35,000,000 from some of the banks listed below. Such borrowings are to be evidenced by unsecured promissory notes, to bear interest at the prime rate of Chase Bank in effect on the date of the first borrowing, to mature not more than twelve months from the date of the first borrowing, with a repayment privilege upon ten days notice, without premium and in aggregate amounts as follows: East Ohio \$7,000,000, Hope \$5,000,000, New York State \$21,500,000 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.
 Bankers Trust Company, New York City.
 Guaranty Trust Company of New York, New York City.
 J. P. Morgan & Co. Incorporated, 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.
 Union Commerce Bank, Cleveland, Ohio.
 Central National Bank of Cleveland, Cleveland, Ohio.
 First National Bank of Akron, Akron, 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.
 Mellon National Bank and Trust Company, Pittsburgh, Pa.

Peoples First National Bank and Trust Company, Pittsburgh, Pa.
 The Union National Bank of Pittsburgh, Pittsburgh, Pa.
 Johnstown Bank and Trust Company, Johnstown, Pa.
 United States National Bank in Johnstown, Johnstown, Pa.
 Central Trust Company, Altoona, Pa.
 Marine Midland Trust Company of Central New York, Syracuse, N. Y.
 Marine Midland Trust Company of Southern New York, Elmira, N. Y.
 The Empire National Bank of Clarksburg, Clarksburg, W. Va.
 The Union National Bank of Clarksburg, Clarksburg, W. Va.

Applications have been filed with the State commissions of West Virginia, Pennsylvania and Ohio for approval of certain of the proposed transactions by Hope, Peoples, East Ohio and River. The applications to; and orders issued by; these commissions are to be supplied by amendment.

The estimated fees and expenses to be incurred in connection with the proposed transactions are as follows:

Filing fee, this Commission.....	\$4,680.00
Printing of debentures, registration statement, and other documents.....	43,300.00
Trustee's charges.....	13,500.00
Legal fees, payable by obligor and trustee.....	2,000.00
Accountants' fees and expenses.....	7,500.00
Engineering fees and expenses.....	10,000.00
Original issue tax.....	49,500.00
Listing fee, New York Stock Exchange.....	5,400.00
Other miscellaneous expenses.....	2,120.00
Total estimated expenses.....	138,000.00

The fees and expenses of Counsel for the purchasers of Consolidated's Debentures, which will be paid by the successful bidders, are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 6, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said joint amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
 Secretary.

[F. R. Doc. 58-2998; Filed, Apr. 22, 1958; 8:47 a. m.]

VETERANS ADMINISTRATION

HOME LOANS GUARANTEED OR INSURED BY VETERANS ADMINISTRATION

MAXIMUM PERMISSIBLE DISCOUNTS; REVOCATION

The schedule of maximum permissible discounts which was published in the Notices section of the FEDERAL REGISTER (23 F. R. 1278) on March 1, 1958, is revoked inasmuch as section 605 of the Housing Act of 1957 (Public Law 85-104) was repealed by Public Law 85-364.

[SEAL] ROBERT J. LAMPHERE,
 Acting Deputy Administrator.

[F. R. Doc. 58-3010; Filed, Apr. 22, 1958; 8:50 a. m.]

DELEGATIONS OF AUTHORITY MISCELLANEOUS AMENDMENTS

1. Section 1.2 (appearing in the issue of Tuesday, August 21, 1951 (16 F. R. 8310)) is redesignated section 2 and is revised to read as follows:

SEC. 2. *Delegation of authority to employees to take affidavits, to administer oaths, etc.* (a) An employee to whom authority is delegated by the administrator in accordance with section 1211, Public Law 85-56, 38 U. S. C. 3211, or to whom authority was delegated by the Administrator in accordance with title III, Public Law 844, 74th Congress, June 29, 1936, and section 616, Public Law 801, 76th Congress, is by virtue of such delegated authority, so long as such delegation remains in force, empowered to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations, examine witnesses, and certify to the correctness of papers and documents upon any matter within the jurisdiction of the Veterans Administration. Such employee is not authorized to administer oaths in connection with the execution of affidavits relative to fiscal vouchers and is not authorized to take acknowledgments to policy loan agreements and applications for cash surrender value to United States Government life insurance and National Service life insurance.

(b) Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Veterans Administration, may be offered or used in any court of the United States and, without further proof of the identity or authority of such employee, shall have like force and effect as if administered or taken before a clerk of such court.

(c) The delegated authority from the Administrator to employees to take affidavits, to administer oaths, etc., will be evidenced by VA Form 4505 series.

2. A new section 9 is added to read as follows:

SEC. 9. *Delegation of authority to certify copies of documents, records, or papers in Veterans Administration files.* Persons occupying the following posi-

tions in the office of the General Counsel are authorized to certify copies of public documents, records, or papers belonging to or in the files of the Veterans Administration for the purposes of section 202, Public Law 85-56; General Counsel, Deputy General Counsel, Associate General Counsel, and Director and Assistant Director of any of the services.

[SEAL] ROBERT J. LAMPHERE,
Acting Deputy Administrator,

[F. R. Doc. 58-3011; Filed, Apr. 22, 1958;
8:50 a. m.]

DEPARTMENT OF LABOR

Wage 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 (52 Stat. 1060, as amended; 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 firms 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 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product 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 authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 4-14-58 to 4-13-59 (moderately priced dresses, and women's sportswear).

Eru Manufacturing Co., Eru, Miss.; effective 5-1-58 to 4-30-59 (cotton work shirts).

Industrial Garment Manufacturing Co. of Tenn., Inc.; Carolina Street, Erwin, Tenn.; effective 5-1-58 to 4-30-59 (cotton work clothes).

Little Star Frocks, Walnut and Orchard Streets, Bridgeton, N. J.; effective 4-9-58 to 4-8-59 (children's dresses).

Monticello Manufacturing Co., Monticello, Miss.; effective 4-24-58 to 4-23-59 (men's cotton work trousers).

Perry Manufacturing Co., Mount Airy, N. C.; effective 4-14-58 to 4-13-59 (brassieres and sportswear).

Pontotoc Manufacturing Co., Pontotoc, Miss.; effective 5-1-58 to 4-30-59 (cotton work shirts).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; effective 4-22-58 to 4-21-59 (men's cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration

dates and the number of learners authorized are indicated.

Courtland Novelty Co., Inc., 366 North Courtland Street, East Stroudsburg, Pa.; effective 4-9-58 to 4-8-59; 10 learners (trucking and fancy stitching for ladies' garments (dresses and blouses)).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa.; effective 4-11-58 to 4-10-59; Ave learners (children's cotton dresses).

Nelly Don, Inc., Nevada, Mo.; effective 4-15-58 to 4-14-59; 10 learners (women's dresses).

Silver Belle Manufacturing Co., 901 Pittston Avenue, Scranton, Pa.; effective 4-23-58 to 4-22-59; two learners (ladies' aprons).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 4-14-58 to 10-13-58; 20 learners (moderately priced dresses, and women's sportswear).

Rene-Lee Manufacturing Co., 112-116 West Catawissa Street, Nesquehoning, Pa.; effective 4-11-58 to 10-10-58; 10 learners (children's nylon and cotton dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Newton Glove Manufacturing Co., P. O. Box 271, Newton, N. C.; effective 4-21-58 to 4-20-59; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

M. M. Smith & Son, Inc., Galeton, Pa.; effective 4-14-58 to 4-13-59; 5 learners for normal labor turnover purposes (leather dress gloves, men's and boys', and leather work gloves).

Wells Lamont Corp., Barry, Ill.; effective 4-11-58 to 4-10-59; 5 learners for normal labor turnover purposes (glove cuffs).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Newland Knitting Mills, Newland, N. C.; effective 4-10-58 to 10-9-58; 10 learners for plant expansion purposes (ladies' seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Wellington Telephone Co., Wellington, Ohio; effective 4-11-58 to 4-10-59.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Gloray Knitting Mills, Inc., Robeson, Pa.; effective 4-11-58 to 4-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Brookgreen Enterprises, Drawer 33-A, Hickory, N. C., effective 4-10-58 to 10-9-58; two learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 320 hours at the rate of 85 cents an hour (outline needlework on upholstered furniture).

Hart Schaffner & Marx, 165 North Joliet Street, Joliet, Ill.; effective 4-15-58 to

10-14-58; 5 percent of the total number of factory production workers in the manufacture of men's and boys' clothing only, for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's apparel—auxiliary operations).

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 4-19-58 to 10-18-58; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours each at the rates of at least 85 cents an hour for the first 280 hours, and not less than 90 cents an hour for the remaining 200 hours (men's palm beach coats).

Tie-Rite Neckwear Co., 307 East Salisbury Street, Asheboro, N. C.; effective 4-10-58 to 10-9-58; five learners for normal labor turnover purposes, in the occupations of sewing machine operator, presser, and hand sewing, for a learning period of 320 hours each at the rates of at least 85 cents an hour for the first 160 hours, and not less than 90 cents an hour for the remaining 160 hours (men's and boys' ties, and clip-on bows).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., 18 San Vicente Street, P. O. Box 88, Mayaguez, P. R.; effective 4-1-58 to 3-31-59; authorizing the employment of 12 learners for normal labor turnover purposes, in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 320 hours and 66 cents an hour for the remaining 160 hours (brassieres).

Economy Industries, Inc., P. O. Box 305, Rio Grande, P. R.; effective 3-24-58 to 3-23-59; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupations of sewing machine operators, and final pressers for a learning period of 480 hours each at the rates of 50 cents an hour for the first 240 hours and 58 cents an hour for the remaining 240 hours (ladies' blouses).

Trouser Corporation of Puerto Rico, P. O. Box 413, Fajardo, P. R.; effective 3-24-58 to 9-23-58; 128 learners for plant expansion purposes in the occupations of (1) sewing machine operators, and final pressers, for a learning period of 480 hours each at the rates of 53 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at 53 cents an hour (men's trousers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by

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 sub-minimum 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. 485 (23 F. R. 200).

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

CLARENCE J. LUNDBQUIST,
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, BILLFOLDS 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 1 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, Eighth 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. 93, 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 17 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.]











