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VOLUME 23 NUMBER 148

Washington, Wednesday, July 30, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (27) of paragraph (a) of § 6.312 are amended as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary*. * * *

(2) Nine Confidential Assistants to the Secretary.

* * * * *

(27) Deputy Director, Office of International Trade Fairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-5803; Filed, July 29, 1958; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by adding a last sentence to read: "The portion of the east alternate between the Eugene and Portland, Oreg., omnirange stations which lies within the Portland International Airport Military Climb Corridor (R-535) is excluded."

2. Section 600.6283 is amended to read:

§ 600.6283 *VOR civil airway No. 283 (Redmond, Oreg., to Newberg, Oreg.).* From the Redmond, Oreg., omnirange station to the Newberg, Oreg., omnirange station.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 P. s. t. August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58-5732; Filed, July 29, 1958; 8:45 a. m.]

[Amdt. 14]

PART 601—DESIGNATION OF CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Division, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1039 is amended to read:

§ 601.1039 *Control area extension (Portland, Oreg.).* The airspace within a 30-mile radius of the Portland International Airport, including the airspace centered on the back course of the Portland ILS localizer (119° True), extending from the airport 5-mile radius control zone boundary to a point 27 miles southeast thereof and having a width of 2

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FEDERAL REGISTER

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

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miles at the control zone boundary and expanding to a width of 4.6 miles at the southeast boundary. The portions of this control area extension which lie within the Portland International Airport Military Climb Corridor (R-535) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

2. Section 601.6283 is amended to read:

§ 601.6283 *VOR civil airway No. 283 control areas (Redmond, Oreg., to Newberg, Oreg.).* All of VOR civil airway No. 283.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 P. s. t. August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58-5733; Filed, July 29, 1958; 8:45 a. m.]

[Amdt. 230]

PART 608—RESTRICTED AREAS

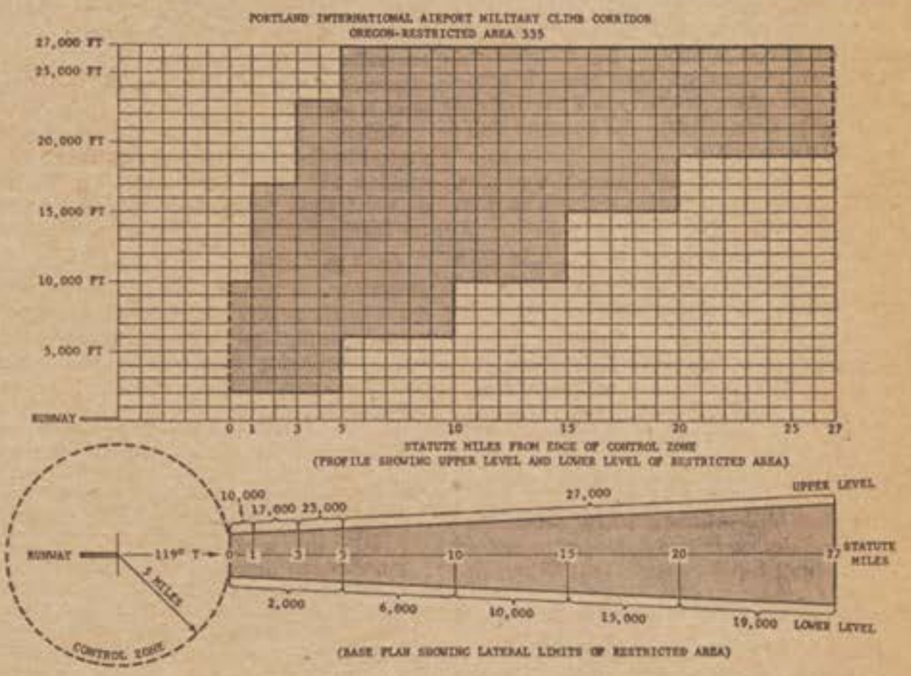
ALTERATIONS

The restricted area appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Division, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.45, the Portland International Airport Military Climb Corridor, Oregon, area (R-535), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Portland International Airport Military Climb Corridor, Oregon (R-535) (Portland).	The area centered on the back course of the ILS localizer 119° TRUE, extending from the airport 5 mile Control Zone boundary to a point 27 miles southeast thereof and having a width of 2 miles at the Control Zone and expanding to a width of 4.6 miles at the southeast boundary, as further identified by the following explanatory chart.	*Lower Level* Beginning at the edge of the Control Zone to a point 5 miles from the edge, at a level of 2,000′ MSL; thence to a point 10 miles from said edge at a level of 6,000′ MSL; thence to a point 15 miles from said edge at a level of 10,000′ MSL; thence to a point 20 miles from said edge at a level of 15,000′ MSL; thence to a point 27 miles from said edge at a level of 19,000′ MSL, as further identified by the following explanatory chart. *Upper Level* Beginning at the edge of the Control Zone to a point 1 mile from said edge, at a level of 10,000′ MSL; thence to a point 3 miles from said edge at a level of 17,000′ MSL; thence to a point 5 miles from said edge at a level of 23,000′ MSL; thence to a point 27 miles from said edge at a level of 27,000′ MSL, as further identified by the following explanatory chart.	Continuous.	CAA Airport Traffic Control Tower, Portland International Airport.



(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 1, 1958.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 23, 1958.

[F. R. Doc. 58-5734; Filed, July 29, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

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

[1023—Allotments—(Cigar-Filler (Type 41) Tobacco—59)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

COMMUNITY CROPLAND FACTOR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-15), and amends the definition of "Community cropland factor" contained in § 723.872 (23 F. R. 5327). The year "1958" appearing in such section is changed to "1959."

Section 723.872 (e) is amended to read:

(e) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U. S. C. 1313)

Done at Washington, D. C., this 25th day of July 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-5826; Filed, July 29, 1958; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.19, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT-CONSUMPTION PORTION OF MAINLAND QUOTA FOR PUERTO RICO, 1958

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of further amending Sugar Regulation 814.19 (23 F. R. 136, 2853), which established allotments of the direct-consumption portion of the 1958 mainland quota for Puerto Rico.

This amendment of S. R. 814.19 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811 (23 F. R. 4597) which established the direct-consumption portion of the 1958 mainland quota for Puerto Rico of 133,064 short tons, raw value, a quantity greater than the 130,016 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) prorate to other allottees, to the extent they are able to utilize additional allotments, allotment deficits declared by two allottees totalling 1,721 short tons, raw value. Prior to issuance of Sugar Regulation 814.19, Amendment 1, the South Porto Rico Sugar Company released its entire 1958 allotment. Accordingly the quota was allotted by Sugar Regulation 814.19, Amendment 1, to the other allottees.

Findings heretofore made by the Secretary in the course of this proceeding (23 F. R. 136) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that paragraph (a) of § 814.19 be further amended to read as follows:

§ 814.19 *Allotment of the direct-consumption portion of 1598 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1958 sugar quota for Puerto Rico, amounting to 133,064 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6,434
Central Roig Refining Co	20,937
Central San Francisco	1,473
Porto Rican American Sugar Rfy., Inc	84,020
Western Sugar Refining Co	20,000
All other persons (raw sugar only)	200
Total	133,064

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 24th day of July 1958.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-5825; Filed, July 29, 1958; 8:55 a. m.]

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

[Nectarine Order 7, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of nectarines of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified varieties of nectarines.

(b) It is, therefore, ordered that the provisions of paragraph (b) (1) of § 937.307 (Nectarine Order 7; 23 F. R. 5190) hereby are amended by deleting the semicolon (;) appearing after the phrase "U. S. No. 1" and inserting, in lieu thereof, the following: ": *Provided*, That nectarines of the Freedom variety, which otherwise grade at least U. S. No. 1, may be handled when the surface of the individual fruit of such variety is affected by russeting which is not checked or cracked; and nectarines of the Golden Grand, Marigold, Le Grand, Grandeur, Late Le Grand, and Gold King varieties, which otherwise grade at least U. S. No. 1, may be handled when not to exceed 25 percent of the surface of the individual fruit of the respective variety is affected by russeting which is not checked or cracked;"

(c) The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., July 26, 1958.

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

Dated: July 25, 1958.

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

[F. R. Doc. 58-5818; Filed, July 29, 1958; 8:53 a. m.]

[Nectarine Order 8, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F. R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of nectarines of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the specified varieties of nectarines.

(b) It is, therefore, ordered that the provisions of paragraph (b) (1) of § 937.308 (Nectarine Order 8; 23 F. R. 5191) hereby are amended by inserting, after the phrase "U. S. No. 1," the following: ": *Provided,* That any such variety of nectarines which otherwise grade at least U. S. No. 1 may be handled when not to exceed 25 percent of the surface of the individual fruit of the respective variety is affected by russeting which is not checked or cracked."

(c) The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., July 26, 1958.

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

Dated: July 25, 1958.

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

[F. R. Doc. 58-5819; Filed, July 29, 1958; 8:53 a. m.]

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 15, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

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

Order relative to handling. The order is hereby amended as follows:

1. Except in subparagraph (4) thereof, delete "50 percent" in each instance wherein it appears in § 941.66 (b) and substitute therefor "30 percent."

2. Delete "50 percent" in each instance wherein it appears in § 941.66 (b) (4) and substitute therefor "40 percent."

3. Delete "September, October, and November" in each instance wherein it appears in § 941.66 (b) and substitute therefor "August, September, and October."

4. In § 941.66 (b) (4) delete "December of the same year and continuing through August" and substitute therefor "November of the same year and continuing through July".

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

Issued at Washington, D. C., this 25th day of July 1958, to be effective on and after August 1, 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-5821; Filed, July 29, 1958; 8:54 a. m.]

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

ORDER, AS AMENDED, REGULATING HANDLING

AUTHORITY: §§ 957.0 to 957.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 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 and in the current of commerce between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by this order, as amended) of more than 50 percent of the volume of potatoes covered by this order, as amended, have signed a marketing agreement, as amended, regulating the handling of Irish potatoes grown in the production area, and

(2) The issuance of this order, as amended, is approved or favored (i) by at least two-thirds of the producers of Irish potatoes who participated in a referendum held during the period April 28 through May 5, 1958, and who, during the determined representative period (July 1, 1957 through April 30, 1958), have been engaged within the production area in the production of potatoes for market, and (ii) by producers who participated in the aforesaid referendum who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such potatoes produced for market within the production area specified herein by all producers who participated in the said referendum.

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

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

Issued at Washington, D. C., this 25th day of July 1958, to become effective September 1, 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5820; Filed, July 29, 1958; 8:53 a. m.]

PART 966—MILK IN NORTHERN LOUISIANA MARKETING AREA

ORDER AMENDING ORDER

AUTHORITY: §§ 966.0 to 966.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

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

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to receipts of other source milk allocated to Class I, producer milk, associated producer milk and Class I milk distributed on routes in the marketing area by a nonfluid milk plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1958.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 24, 1958 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 14, 1958. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1958, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative assoications specified in section 8c (9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period (May 1958) were engaged in the production of milk for sale in the marketing area.

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

DEFINITIONS

§ 966.1 *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 (7 U. S. C. 601 et seq.).

§ 966.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 966.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

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

§ 966.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 966.6 *Northern Louisiana, Marketing Area.* "Northern Louisiana, Marketing Area," hereinafter called the "marketing area," means all territory within the boundaries of the Parishes of Bossier, Caddo, Claiborne, Desoto, Lincoln, Morehouse, Ouachita, Red River, Union, and Webster, all in the State of Louisiana.

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to an average of more than 1,500 pounds per day or not less than 4 percent of the Grade A milk and skim milk received from producers and other plants is disposed of during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 966.8 *Supply plant.* "Supply plant" means any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant:

(a) In any of the months of March through June; and

(b) On ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through February.

§ 966.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 966.10 *Approved plant.* "Approved plant" means (a) a fluid milk plant and (b) any milk processing or packaging plant from which Class I milk is disposed of through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets located in the marketing area.

§ 966.11 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.

§ 966.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade "A" inspection requirements for milk for fluid consumption which milk is (a) received at a fluid milk plant or (b) diverted for the account of a handler from such plant during the month to a nonfluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted: *And provided further,* That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the Act.

§ 966.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received at the fluid milk plant directly from producers or diverted pursuant to § 966.12.

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided,* That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

§ 966.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 966.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 966.41 (b) (1) and (6) from any source (including those produced at the plant) which are reprocessed or converted to another product during the month.

§ 966.15 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 966.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from dairy farmers or producers.

§ 966.17 *Base-forming period.* "Base-forming period" means the months of September through December.

§ 966.18 *Base-operating period.* "Base-operating period" means the months of February through July.

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

§ 966.21 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 966.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 966.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 966.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 966.94 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 966.93 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties);

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 966.30 to 966.32, or payments pursuant to §§ 966.90 to 966.95, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 966.51 (a) and the Class I butterfat differential pursuant to § 966.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 966.51 (b) and the Class II butterfat differential pursuant to § 966.52 (b), both for the preceding month;

(2) On or before the 10th day of each month, the uniform price(s) computed pursuant to § 966.72 or § 966.73 as applicable, and the butterfat differential computed pursuant to § 966.91.

(k) Mail to each handler at his last known address a statement showing for such handler:

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant § 966.90 (f): *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

REPORTS, RECORDS AND FACILITIES

§ 966.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer and, for the months of the base-operating period, the quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 966.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 966.41 (a) on hand at the beginning and end of the month;

(e) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 966.31 *Payroll reports.* On or before the 20th day of each month, each handler, except a producer-handler shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show:

(a) The name and address of each producer;

(b) The total pounds and the average butterfat test of milk received from such producer;

(c) The number of days, if less than the entire month, for which milk was received from such producer; and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;

(d) The rate and net amount of payment to each producer; and

(e) The nature and amount of any deductions or charges involved in such payments.

§ 966.32 *Other reports.* (a) Each producer-handler and each handler operating a nonfluid milk plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonfluid milk plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and name of the plant to which such milk is to be diverted; and

(c) Each associated producer shall submit to the market administrator on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in Class II products pursuant to § 966.41 (b) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to this paragraph.

§ 966.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers or cooperative association and disbursements of money so deducted.

§ 966.34 *Retention of records.* All books and records required this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act, or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 966.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 966.30 shall be classified by the market administrator pursuant to the provisions of §§ 966.41 to 966.46.

§ 966.41 *Classes of utilization.* Subject to the conditions set forth in §§ 966.43 and 966.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk and drinks, cream, cultured sour cream, and any mixture of cream and milk or skim milk except that classified pursuant to paragraph (b) (2) and (5) of this section; (2) used to produce concentrated fluid milk; and (3) not specially accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce eggnog, aerated cream products, ice cream, ice cream mix, ice milk, ice milk mix, frozen desserts, evaporated milk, condensed milk and milk products packaged in hermetically sealed containers or any other

product not specified in paragraph (a) (1) of this section;

(2) Disposed of and used for livestock feed or skim milk dumped during April, May and June: *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;

(4) In shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in receipts from producers and other source milk;

(5) Disposed of to commercial bakeries or food product manufacturing plants (other than nonfluid milk plants) which do not dispose of milk for fluid consumption; and

(6) In frozen cream.

§ 966.42 *Shrinkage*. The market administrator shall assign shrinkage at the fluid milk plant(s) of a handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 966.43 *Responsibility of handlers and reclassification of milk*. (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 966.44 *Transfers*. Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 966.41 (a) (1), to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 966.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 966.46 (a) (2) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 966.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in a product specified in § 966.41 (b);

(2) The operator of such nonfluid milk plant maintains adequate books and records showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 966.41 (a) (1) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk or cream so transferred or diverted.

§ 966.45 *Computation of the skim milk and butterfat in each class*. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids content of such product together with all of the water originally associated with such solids content.

§ 966.46 *Allocation of skim milk and butterfat classified*. After making the computations pursuant to § 966.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 966.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 966.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 966.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 966.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 966.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 966.50 *Basic formula price*. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 966.51 *Class prices.* Subject to the provisions of §§ 966.52 and 966.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* Through June 30, 1960, the minimum price shall be the basic formula price for the preceding month plus $2.00 for each of the months of March, April, May and June, and plus $2.40 for all other months; and

(b) *Class II milk price.* The minimum price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 966.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

§ 966.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 966.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110.

§ 966.53 *Location adjustment to handlers.* For milk received from producers at a fluid milk plant located more than 50 but not more than 60 miles by shortest hard surfaced highway distance, as determined by the market administrator, from either the City Hall in Minden or Monroe, Louisiana, whichever is closer and which is classified as Class I, the prices determined pursuant to § 966.51 (a) shall be reduced 12 cents and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 966.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices, or for any other purpose, is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to such required price.

APPLICATION OF PROVISIONS

§ 966.60 *Producer-handler.* Sections 966.40 to 966.46, 966.50 to 966.53, 966.70 to 966.72, 966.80 to 966.82, and 966.90 to 966.96 shall not apply to producer-handler.

§ 966.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Northern Louisiana marketing area (i) through retail or wholesale outlets (other than distributing plants) during the month, or (ii) to distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to the classification and the pricing provision of such other order.

(b) The operator of such approved plant shall with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 966.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 966.70 *Net obligation to handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together resulting amounts:

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 966.46 (a) (6) and (b) by the applicable class price;

(c) Add an amount computed as follows;

(1) Determine the pounds, if any, that the skim milk or butterfat in inventory subtracted from Class I milk pursuant to § 966.46 (a) (3) and (b) is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and

(2) Multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

§ 966.71 *Computation of aggregate value used to determine uniform prices.* For each month, the market administrator shall compute for each handler who operates a fluid milk plant an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(b) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk;

(c) Add an amount equal to the total deductions to be made pursuant to § 966.92; and

(d) Add the amount represented by any deductions made for eliminating a fraction of a cent in computing the uniform price(s) for such handler for the preceding month.

§ 966.72 *Computation of uniform prices.* For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler. The result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

§ 966.73 *Computation of the uniform prices for base milk and for excess milk.* For each of the months of the base-operating period, the market administrator shall compute for each handler a uniform price for base milk and for excess milk as follows:

(a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;

(b) Compute the value of base milk received by such handler by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 966.71: *Provided,* That if such resulting value is greater than the amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for base milk of 4.0 percent butterfat content at a fluid milk plant located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana; and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content at a fluid milk plant, located not more than 50 miles from the nearer of the city halls in Minden or Monroe, Louisiana.

DETERMINATION OF BASE

§ 966.80 *Computation of daily average base for each producer.* The daily average base for each producer shall be an amount calculated by the market administrator as follows: Divide the total pounds of milk received by the handler(s) from such producer during the base-forming period by the number of day's production a producer delivered during the base-forming period, but not less than 90.

§ 966.81 *Computation of base.* The base of each producer to be applied during the base-operating period shall be a quantity of milk calculated by multiplying the daily base of such producer by the number of days for which such producer's milk was received by such handler during the month.

§ 966.82 *Base rules.* The following rules shall apply for the establishment and transfer of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the base-forming period and to each person for whose account producer milk was delivered to a plant that did not qualify as a fluid milk plant during each month of the base-forming period but which qualifies as a fluid milk plant during any of the months of February through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant was a fluid milk plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the baseholder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base-forming period and dividing the total by the number of days from the first day of delivery by either the transferee or transferor during the base-forming period to the last day of December inclusive but not less than 90 days.

§ 966.83 *Announcement of established bases.* On or before the 25th day after the end of the base-forming period, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 966.90 *Payments to producers.* Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month which is not in the base-operating period for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 966.72 subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively, plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 966.93 and (3) proper deductions authorized by such producer;

(c) On or before the 15th day after the end of each of the months of the base-operating period for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 966.93 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 966.73 for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively; and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 966.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively;

(d) On or before the 11th and 25th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to § 966.72 or § 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

§ 966.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 966.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 966.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 966.92 *Location differentials.* In making payment to producers and cooperative association pursuant to § 966.90 a handler may deduct, with respect to producer and associated producer milk received at or assigned to a fluid milk plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the nearer of the city halls in Minden or Monroe, Louisiana, the amount per hundredweight applicable to such plant pursuant to § 966.53.

§ 966.93 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 966.90 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 966.31.

§ 966.94 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 966.46 (a) (2) and (b); (b) producer milk including such handler's own production; (c) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant other than a plant as defined under § 966.61; and (d) associated producer milk.

§ 966.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 966.96 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler and said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 966.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 966.101.

§ 966.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 966.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 966.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 966.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 966.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of July 1958, to be effective on and after the 1st day of August 1958.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F. R. Doc. 58-5822; Filed, July 29, 1958; 8:54 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

TREATMENT OR DISPOSAL BY INCINERATION

The following amendment is designed to remove an ambiguity in the current regulation and to assure that no licensee shall treat or dispose of any licensed material by incineration without prior Commission approval of his proposed procedures.

Inasmuch as this amendment is designed to clarify an existing regulation and not to effect any change in the Commission's procedures and requirements, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary. The Commission will, however, give consideration to any comments or suggestions concerning the amendment. All interested persons who desire to submit written comments and suggestions relating to the following amendment should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing and Regulation.

Effective thirty days after publication in the FEDERAL REGISTER, a new § 20.305 is added to Title 10, Chapter I, Part 20—

Standards for Protection Against Radiation, to read as follows:

§ 20.305 *Treatment or disposal by incineration.* No licensee shall treat or dispose of licensed material by incineration except as specifically approved by the Commission, pursuant to §§ 20.103 (a) and 20.302.

(Sec. 161, 68 Stat. 948, as amended; 42 U. S. C. 2201)

Dated at Germantown, Md., this 7th day of July 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-5775; Filed, July 29, 1958; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter B—Food and Food Products

[Docket No. FDC-63]

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

HONEY DESIGNATED AS OPTIONAL INGREDIENT OF CANNED PRUNE JUICE

In the matter of establishing a definition and standard of identity for canned prune juice, a water extract of dried prunes:

In the FEDERAL REGISTER of May 30, 1958 (23 F. R. 3779), the Commissioner of Food and Drugs, pursuant to the authority of section 701 (e) (3) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371), which authority was delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045), published findings of fact and a proposed order based upon the evidence submitted at the public hearing held in the above-identified matter. No objections were filed to the proposed order within the time limit specified therein.

Now, therefore, in accordance with the authority vested in me by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) the following findings of fact and order are hereby promulgated:

Findings of fact.[1] 1. On May 25, 1955, the National Canners Association submitted a proposal requesting that there be established a definition and standard of identity for canned prune juice, a water extract of dried prunes. As relevant to this proceeding, the request of the National Canners Association proposed that honey, along with other designated sweetening ingredients, should be provided for in the standard as optional ingredients. Subsequently, the National Canners Association modified their proposal by deleting the provisions that had listed sweetening ingredients, including honey, as optional ingredients of the food to be standardized. The proposal, modified as requested, was published in the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8125). (R. 4-5, 145-6, 294-5; Ex. 1, 2, 3)

2. W. F. Straub and Company, Chicago, Illinois, a canner of prune juice who had for many years added a small amount of honey to the article, protested the failure of the proposed standard to list honey as a permitted optional ingredient. The order ruling on the proposal was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094), and it did not list honey as a permitted optional ingredient in the definition and standard of identity for the food. To this order W. F. Straub and Company filed a formal objection and requested a public hearing on the issue of providing for the optional use of honey in prune juice. (R. 6-8, 84-6, 89, 268, 304; Ex. 2, 4, 5, 12)

3. At the hearing held upon the Straub Company's objections, the evidence established that a significant number of consumers and persons participating in the taste tests were able to detect the difference between prune juice with 2 percent to 3 percent honey added and prune juice without honey. Many of those participating in the taste tests expressed a preference for prune juice with honey. It appears that honey adds flavoring other than sweetness and makes prune juice more palatable to some consumers. Because of the variation in the dried prunes used, particularly variations in tartness, it is advisable to allow a variation in the amount of honey added. The minimum amount of honey that should be used is 2 percent by weight and the maximum is 3 percent by weight. (R. 57, 84, 88-9, 90-122, 150-1, 204-7, 211, 225, 292, 320-36; Ex. 7, 9, 14, 16, 17, 21, 25, 26, 27-30)

4. The witnesses testifying at the hearing in support of the use of honey as an optional ingredient advocated that the article with honey should have not less than 18.5 percent prune solids, which is the same minimum value for prune solids in the article without honey. With this provision in the standard, it would not be cheaper to add honey to the prune juice. (R. 58, 84, 115-6, 122-9, 208-10; Ex. 4, 14, 18)

5. While many of those participating in the taste tests expressed a preference for prune juice with honey, others expressed a preference for unsweetened prune juice and for prune juice without honey. The evidence of record supports the use of honey in the range of 2 percent to 3 percent. This is a relatively small proportion of the food. It will promote fair dealing for the standard to require that the prune juice with added honey be labeled to show the percent of honey that it contains. A reasonable label statement is "with ________ honey" or "________ honey added," the blank being filled in with the percent by weight of honey in the finished food, or with the statement "between 2 and 3 percent." (R. 57, 84, 90-111, 144, 150-2, 204-7, 221, 225, 259-60, 278-84, 288, 295, 307-8; Ex. 16, 17, 21, 26-30)

Conclusion. Upon consideration of the entire record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to modify the definition and standard of identity for canned prune juice, a water extract of dried prunes, by listing honey, in a quantity not less than 2 percent and not more than 3 percent by weight, as a permitted optional ingredient and by designating such optional ingredient for label declaration by a statement informative as to the relatively small proportion of honey in the finished food.

Wherefore: *It is ordered,* That § 27.60 (21 CFR, 1957 Supp., 27.60) be amended to read as follows:

§ 27.60 *Canned prune juice; identity; label statement of optional ingredients.* (a) Canned prune juice is the food prepared from a water extract of dried prunes and contains not less than 18.5 percent by weight of water-soluble solids extracted from dried prunes. The quantity of prune solids may be adjusted by the concentration, dilution, or both, of the water extract or extracts made. Such food may contain one or more of the optional acidifying ingredients specified in paragraph (b) (1) of this section, in a quantity sufficient to render the food slightly tart, and it may contain honey added within the quantitative limits prescribed by paragraph (b) (2) of this section. Such food is sealed in a container and so processed by heat, before or after sealing, as to prevent spoilage.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any combination of two or more of the following acidifying ingredients:

(i) Lemon juice.

(ii) Lime juice.

(iii) Citric acid.

(2) Honey, in a quantity not less than 2 percent and not more than 3 percent by weight of the finished food.

(c) (1) The name of the food is "Prune juice—A water extract of dried prunes." For the purposes of the Federal Food, Drug, and Cosmetic Act concerning the label declaration of the name of the food, the explanatory statement "A water extract of dried prunes" may appear immediately below the words "prune juice," but there shall be no intervening written, printed, or graphic matter, and the type used for the words "A water extract of dried prunes" shall be of the same style and not less than half the point size of the type used for the words "prune juice."

(2) (i) When one or more of the acidifying ingredients specified in paragraph (b) (1) of this section are used, the label shall bear the statement "________ added" or "with ________," the blank being filled in with the name or names of the optional ingredients used.

(ii) When honey, as specified in paragraph (b) (2) of this section, is used the label shall bear the statement "with ________ honey" or "________ honey added," the blank to be filled in with

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

the percent by weight of the honey in the finished food or with the statement "between 2 and 3%."

(iii) When one or more of the ingredients designated in paragraph (b) (1) of this section and the ingredient designated in paragraph (b) (2) of this section are used, the statements specified in subdivisions (i) and (ii) of this subparagraph may be combined, as for example, "with lemon juice and between 2 and 3% honey added."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this paragraph, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919. Interprets or applies sec. 401, 52 Stat. 1046, as amended 70 Stat. 919; 21 U. S. C. 341)

Dated: July 24, 1958.

[SEAL] M. B. FOLSOM, *Secretary.*

[F. R. Doc. 58-5802; Filed, July 29, 1958; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

RELOCATION PAYMENTS; MISCELLANEOUS AMENDMENTS

The rules and regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U. S. C. 1456, to individuals, families, and business concerns displaced by an urban renewal project, prescribed on behalf of the Housing and Home Finance Administrator by the Acting Urban Renewal Commissioner, as of October 8, 1956 (21 F. R. 9991, 12-15-56), as amended (22 F. R. 1980, 3-26-57; 22 F. R. 9937, 12-12-57; 23 F. R. 750, 2-5-58; and 23 F. R. 1723, 3-13-58), are hereby further amended in the following respects:

1. In § 3.101 (j) (1), by deleting before the period at the end thereof the phrase "following the allocation of Federal funds"; and

2. In § 3.108 (a), by deleting the phrase "covered by a grant contract".

(Sec. 502, 62 Stat. 1283, as amended, sec. 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100, sec. 304, 71 Stat. 300-301; 12 U. S. C. 1701c, 42 U. S. C. 1456)

Issued as of the 30th day of July 1958.

R. L. STEINER, *Urban Renewal Commissioner.*

[F. R. Doc. 58-5817; Filed, July 29, 1958; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 723—BOARD FOR THE CORRECTION OF NAVAL RECORDS

STAFF ACTION

1. Section 723.8 (e) is revised to read as follows:

(e) After the Secretary of the Navy has taken action on the record, the applicant or his counsel is entitled upon request:

(1) To inspect the record of proceedings; and

(2) To receive a copy of the Board's findings, decisions, and recommendations;

Unless the Chairman considers that granting the request would be detrimental to the public interest.

(Sec. 6011, 70A Stat. 375; 10 U. S. C. 6011. Interprets or applies sec. 1552, 70A Stat. 116; 10 U. S. C. 1552)

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD, *Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.*

JULY 22, 1958.

[F. R. Doc. 58-5781; Filed, July 29, 1958; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

CLAIMS ARISING OUTSIDE THE UNITED STATES

In Part 836, §§ 836.61 to 836.83 are rescinded and the following substituted therefor:

AUTHORITY: §§ 836.61 to 836.77 issued under sec. 1, 70A Stat. 488; 10 U. S. C. 8012. Interpret or apply sec. 1, 70A Stat. 154, 155; 10 U. S. C. 2734, 2735.

DERIVATION: AFR 112-6, February 6, 1958.

§ 836.61 *Purpose.* Sections 836.61 to 836.77 state the procedures for settling and paying claims made against the United States by inhabitants of foreign countries because of death, personal injury, or damage to or loss of public or private property, real or personal. Sections 836.61 to 836.77 apply only in those cases where such claims arise outside the United States, its Territories and possessions, and are caused by military personnel or civilian employees of the Air Force.

§ 836.62 *Definitions*—(a) *Claims.* Demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, states, territories, and other political subdivisions of such countries, other than demands for payment that arise under ordinary obligations incurred in procuring regular services or supplies (contract claims).

(b) *Civilian employees.* Civilian employees of the Air Force, prisoners of war and interned enemy aliens engaged in labor for pay, and volunteer workers and others serving as employees of the Air Force without compensation.

(c) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country. Neither citizenship nor domicile is required. A foreign country includes any place under the jurisdiction of the United States in a foreign country. A person includes a corporation or other business association. A corporation or other business association is not necessarily excluded as an inhabitant because organized under United States law.

(d) *Military personnel.* Forces or individual members of the Air Force.

(e) *Noncombat activities.* Authorized activities which are peculiarly Air Force activities that have little parallel in civilian pursuits or which historically have been considered as furnishing proper basis for paying claims—such as maneuvers, special field exercises, using explosives, firing guns or other weapons, practice bombings, operating aircraft and missiles, using balloons, using animals, using equipment or devices having latent mechanical defects, moving combat or other vehicles designed especially for military use, and using and occupying real estate.

(f) *Settle.* Consider, ascertain, adjust, determine, and dispose of a claim, whether by approval or disapproval in whole or in part.

§ 836.63 *Claims payable.* Unless otherwise prescribed, claims for death, personal injury, or damage to or loss of property, real or personal, may be settled under §§ 836.61 to 836.77.

(a) *Death.* Only one claim arises for all beneficiaries. The amount allowed, to the extent found practicable, will be apportioned among the beneficiaries as prescribed by the law or custom of the situs where the accident or incident resulting in death occurred.

(b) *Property.* Included in the property for which damage claims may be settled are real property used and occupied under lease (express or implied) or otherwise, and personal property loaned, rented, or otherwise bailed to the United States under an agreement (express or implied), unless the owner has expressly assumed the risk of damage or loss. Claims for damage or loss enforceable under a lease or other contract may be settled under §§ 836.61 to 836.77, or under contractual procedures, as deemed in the best interest of the United States. Claims for rent, as such, may not be settled under §§ 836.61 to 836.77, but allowances may be made for the use of property arising out of trespass or other tort, even though claimed as rent.

§ 836.64 *Claims not payable.* A claim will not be settled under §§ 836.61 to 836.77 if it:

(a) Results directly or indirectly from combat activities;

(b) Involves personal injury or death and arises out of any working accident covered by any workmen's compensation law or regulation, whether Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742, as amended; 5 U. S. C. 751), Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C. 901); or law or custom of the situs which provides compensation or social security benefits; or when similar benefits are provided by insurance under applicable regulations, or pursuant to United States contract: *Provided*, That this provision has no application to claims for property damage, or where there is a mandatory provision in the law of the situs requiring the claimant to reimburse the foreign government agency out of any recovery;

(c) Is waived or assumed by a foreign country under a treaty or international agreement, or is cognizable under a treaty or agreement which requires settlement by a foreign country;

(d) Is purely contractual in character;

(e) Is based on the negligence of a United States concessionnaire or other independent contractor or his employees;

(f) Arises from private contractual or domestic obligations;

(g) Arises out of the activities of dependents of military personnel, or their servants;

(h) Is based solely on compassionate grounds;

(i) Is a bastardy claim;

(j) Is for patent or copyright infringement;

(k) Arose before July 29, 1956 and the incident occurred outside a foreign country, its Territories, possessions, or territorial waters (open seas) or the claimant was an inhabitant of a foreign country other than the one in which the accident occurred; or

(l) Arose in an "occupied country" before a treaty or international agreement relating to claims. (Such claims usually are paid out of funds chargeable to the economy of the occupied country concerned under an agreement.)

§ 836.65 *Claims under other laws and regulations*—(a) *Sections 836.11 to 836.24 (AFR 112-3).* Claims will be settled under §§ 836.61 to 836.77, if applicable, although they might otherwise be settled under §§ 836.11 to 836.24.

(b) *Sections 836.51 to 836.56 (AFR 112-5).* Claims which are within the scope of §§ 836.61 to 836.77 and also within the scope of §§ 836.51 to 836.56 may be processed under the provisions of §§ 836.51 to 836.56 or §§ 836.61 to 836.77, or under both, as the facts and circumstances may warrant: *Provided*, That such settlement can be accomplished without defeating the purpose of the Foreign Claims Act and §§ 836.61 to 836.77.

(c) *Sections 836.90 to 836.99 and and 836.116 to 836.120 (AFR's 112-7 and 176-8).* Claims which may be settled under §§ 836.90 to 836.99 or §§ 836.116 to 836.120 will not be settled under §§ 836.61 to 836.77.

(d) *Sections 836.141 to 836.148 (AFR 112-12).* Claims which may be settled under §§ 836.141 to 836.148 may be settled under §§ 836.61 to 836.77 only when specifically authorized by The Judge Advocate General in each case. Authority may be requested by communication containing a summary of the facts, without forwarding the claim file.

§ 836.66 *Claims under treaties and agreements.* When a foreign government is responsible for settling claims against the United States under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty; under Article XVIII of the Japanese Administrative Agreement; or under a similar treaty or international agreement:

(a) Air Force authorities generally will be required to obtain and furnish foreign countries relevant evidence from United States sources, except as limited by Air Force security regulations. Reasonable requests for other assistance in investigating claims may also be complied with.

(b) Where claims are processed under a treaty or other international agreement and the Air Force has been assigned claims responsibility, the United States Sending State Office, or comparable office for claims in foreign countries, will send a copy of each voucher for reimbursement (68 Stat. 1006; 31 U. S. C. 224i-2) with a copy of the bill submitted by the foreign government. These copies will be forwarded by a letter of transmittal indicating the number and total amount of claims disapproved by the foreign government to:

The Judge Advocate General
Headquarters USAF
Attn: Chief, Claims Division
Washington 25, D. C.

§ 836.67 *Conditions of payment.* (a) Acts or omissions that create a condition without which the accident or incident could not have occurred but are not its proximate cause, will not constitute a proper basis for payment, even though they violate the law of the situs or military regulation. A claim may be approved under §§ 836.61 to 836.77 when the act or omission (except for so-called "other noncombat activities") that caused the injury, death, or damage to or loss of property was negligent, wrongful, or otherwise involved fault and was caused by:

(1) Military personnel;

(2) Civilian employees who are citizens of the United States;

(3) Civilian employees who are not citizens of the United States and were hired in one country for employment in another; or

(4) Civilian employees who are not citizens of the United States, other than those in subparagraph (3) of this paragraph, acting within the scope of their employment.

(b) The law or custom of the situs pertaining to contributory or comparative negligence, and to joint tort-feasors, will be applied so far as practicable to determine liability.

(c) Scope of employment will be determined by United States law.

§ 836.68 *Damages allowed.* Generally, in determining the proper elements and amount of damages, the law and custom of the situs will be applied, but neither court costs, including attorney's fees, bail or the like, punitive or moral damages, nor interest is allowable. Items properly allowable in personal injury claims include actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering and disability, and loss of earning capacity, and, if death results, actual and reasonable burial expenses and compensation for loss of life. Property damage or loss is governed by §§ 836.1 to 836.6.

§ 836.69 *When claim must be presented.* A claim must be presented within 1 year after the accident or incident from which it arose to either the appropriate United States or foreign government officials. (See § 836.66)

§ 836.70 *Who presents claim*—(a) *Proper claimant.* Each claimant, and, in a claim based on death, the decedent, must have been an inhabitant of a foreign country at the time of the accident or incident and not otherwise barred from allowance of a claim. (For claims arising before July 29, 1956, the claimant must have been an inhabitant of the foreign country in which the accident or incident occurred; a transient is not a proper claimant. An inhabitant of any part or subdivision of a foreign country is considered to have been an inhabitant of the foreign country for any claim arising in any part of that country.)

(b) *Claimants excluded.* (1) A national, or a corporation controlled by a national, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, unless the foreign claims commission considering the claim or the local military commander determines that the claimant was at the time of the accident or incident, and is, friendly to the United States.

(2) Members and civilian employees of the Armed Forces of the United States and their dependents who are inhabitants of the United States and in a foreign country primarily because of their sponsor's or their own Armed Forces orders.

(3) United States citizens not inhabitants of a foreign country.

(4) Persons whose injuries are caused under circumstances where compensation or similar benefits are provided under law, regulation, or custom. (See § 836.64 (b).)

(c) *Insurers and other subrogees.* An insurer or other subrogee may not present a claim in his own name. A claim for the entire amount of damage or injury suffered will be presented by, and settlement made solely with, the insured, without regard to the insurance; not with the insurer or with both the insured and the insurer. This leaves undisturbed, as between the parties, the rights of the insured and of the insurer or another who has become subrogated to the rights of the owners of the property lost or damaged, or of the person who is injured or whose death results. This permits the United States to settle with a single claimant, and no inquiry into or determination of the relative rights of the parties will be made.

§ 836.71 *Form of claim.* A claim may be presented orally but, before approval, must be presented in writing and signed by the claimant or his authorized agent or attorney. Written claims should be presented on Standard Form 95, "Claim for Damage or Injury," but any written claim will be considered if it gives a reasonably definite indication of the time, place, and nature of an accident or incident and an estimate or statement of the amount claimed. The amount claimed will be expressed in terms of the currency of the situs and, if allowed, will be paid in the currency of the country either in which the accident or incident occurred or in which the claimant was or is an inhabitant.

§ 836.72 *How claims are settled.* (a) Claims will be settled or forwarded as herein directed, or in accordance with regulations and statutes described in §§ 836.65 and 836.66. Claims under §§ 836.61 to 836.77 and 836.11 to 836.24 will be settled by Air Force foreign claims commissions if within their monetary jurisdiction.

(b) To permit the prompt settlement of claims within reasonable proximity to the places where accidents or incidents occur, The Judge Advocate General may authorize the appointment of one or more commissions in each foreign country where Air Force personnel are stationed or claims may arise.

§ 836.73 *Monetary jurisdiction.* Unless specifically limited in the appointing orders, a commission of one member has authority to settle claims not over $1,000. A commission of three members has authority to settle claims presented in amounts not over $15,000, and claims presented in amounts over $15,000 determined by the Secretary of the Air Force or his designee to be meritorious in an amount not over $15,000. When the commission was appointed by the United States Air Forces in Europe or the Pacific Air Forces, any settlement allowance for over $5,000 will be subject also to the approval of the appointing authority, or his Director of Claims. When the commission was otherwise appointed, such settlement allowances will be subject to the approval of the Chief or Assistant Chief, Claims Division, Office of The Judge Advocate General. When such a claim is settled by disapproval, no approval action is required and the commission need only forward one complete claim file. (See § 836.75.) When a commission settles a claim by an allowance of over $5,000, the approving authority may:

(a) Approve the whole allowance or any lesser amount over $5,000 (approval authorizes payment); or

(b) Disapprove the allowance in any amount over $5,000 and return the claim file, with the necessary comment and recommendation, to the commission for its consideration and action.

§ 836.74 *How claims are processed.* When a commission receives a claim and allied documents, it will consider the claim and determine how it should be processed for settlement. (See §§ 836.1 to 836.6.) If the claim was not presented within 1 year, the claimant will be advised by the commission that the claim is barred. A claim otherwise within §§ 836.61 to 836.77 but not presented within 1 year will not be settled under §§ 836.11 to 836.24. If necessary, the commission will conduct a further investigation or refer the claim to appropriate authorities for investigation. It may confer with the claimant to resolve or determine facts and, if deemed in the best interest of the Government and permitted by the situation, conduct a hearing and take testimony. Claims under other laws, treaties, agreements or regulations, or claims in excess of monetary limits, will be forwarded promptly to the proper authorities.

§ 836.75 *What actions commissions take.* The action of a commission on a claim under §§ 836.61 to 836.77 and §§ 836.11 to 836.24 will be included in a standard seven-paragraph memorandum or certificate opinion, as appropriate. Memorandum opinions will include findings on all pertinent factual and legal questions. The opinion will clearly state the reasons when a claim is disapproved; and, when a claim is approved in whole or in part, the opinion will include the amount allowed for each item, calculations or explanations of the differences between amounts claimed and amounts approved, and citations of local law or custom, when applicable. For budget and record purposes, all awards and settlement agreements will be expressed in the currency of the situs with an approximate dollar amount in parentheses immediately following. They will also include the rate of exchange.

(a) *Effect.* The settlement action of a commission upon claims within its jurisdiction is final and conclusive.

(b) *Notice.* The claimant will be notified by letter of the commission's settlement action and the reasons therefor on a claim within its jurisdiction, where the claim is disapproved or the amount approved is less than the amount claimed. Copies of the opinion or action will not be furnished the claimant.

(c) *Reconsideration.* A commission may reconsider its settlement at any time before payment. When the commission is composed of different personnel than at the time of the original action, settlement may be reconsidered only upon presentation of new and material evidence, or to correct fraud, collusion, errors in calculation, or other mistakes. The opinion of a commission on reconsideration will state the reason for the reconsideration.

§ 836.76 *Claims over $1,000 and $15,000.* Claims over the $1,000 limit of a one-man commission that are not amended to an amount within its jurisdiction will be referred to any Air Force three-man commission within that area, or to The Judge Advocate General. (See §§ 836.11 to 836.24.) Claims over $15,000 under §§ 836.61 to 836.77 that are not amended to an amount within the jurisdiction of a commission will nevertheless be considered by a three-man commission and forwarded promptly, through appropriate claims channels, to the Chief, Claims Division, Office of The Judge Advocate General, with supporting papers, findings of fact, recommendations, and opinion as to the action to be taken by the Secretary of the Air Force.

§ 836.77 *Cross servicing claims.* Any claim, whether arising from activities of the Army, Navy, Air Force, Marine Corps, or Coast Guard (when operating as a service in the Navy) may, upon request by the service concerned, be settled by a commission appointed by the Secretary of the Air Force or his designee, in accordance with §§ 836.61 to 836.77. Claims arising after July 28, 1956 from accidents or incidents caused by a civilian employee of the Department of Defense, other than a civilian employee of the Department of the Army, Navy, or Air Force, may be settled and paid under §§ 836.61 to 836.77 by Air Force commissions. The cross servicing of claims is mandatory when the Air Force has been assigned sole responsibility for the settlement of claims in a designated foreign country or oversea area. A claim arising from Air Force activities in a foreign country where another service has been assigned responsibility for its settlement will be sent to the appropriate claims office of that service for settlement.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-5799; Filed, July 29, 1958; 8:50 a. m.]

PART 836—CLAIMS AGAINST THE UNITED STATES

PERSONNEL CLAIMS; MISCELLANEOUS AMENDMENTS

In Part 836, § 836.99 *Notice to claimant* is revised and §§ 836.100 and 836.101 are added:

§ 836.99 *Replacement in kind.* (a) The commander of the organization with which the claimant is serving or to which he belongs, may direct that personal property damaged or lost be replaced in kind from available Air Force stocks. However, this applies only if the items claimed are not Government property, including property furnished through the Clothing Monetary Allowance System or through issue (see paragraph (d) of § 836.92).

(b) A claim that may be settled under this paragraph will be processed in accordance with other pertinent provisions of §§ 836.90 to 836.101. However, it will not be forwarded to higher authority for approval action. The action by or for the commander directing replacement in kind, and the replacement made to comply with such action, will be for all purposes a final and conclusive settlement of the claim.

§ 836.100 *Approval and payment or disapproval* — (a) *Approving authorities*—(1) *General*. When claims submitted under §§ 836.90 to 836.101 cannot be disposed of under § 836.99, they will be considered, ascertained, adjusted, determined, and settled, when substantiated in accordance with other pertinent provisions of §§ 836.90 to 836.101. Such claims will be approved and paid or disapproved only by the officer or officers designated by the Secretary of the Air Force for that pupose.

(2) *Settlement authority*. Claims filed for not more than $1,000 may be settled and paid by the approving authorities in the field, in accordance with the delegation of such authority by the Secretary of the Air Force. Claims filed for more than $1,000 will be forwarded for action and permanent filing through the appropriate Air Materiel area, oversea command, and/or foreign claims commission to:

The Judge Advocate General
Headquarters USAF
Attn: Claims Division
Washington 25, D. C.

(3) *Disapproval*. Where the circumstances of the loss warrant total disapproval, the file will be forwarded by the action authority in the field direct to The Judge Advocate General, USAF, regardless of the amount claimed.

(b) *Payment*. When a claim is approved in whole or in part, the approving authority will transmit the claim, and its related file, to the appropriate disbursing officer for payment.

NOTE: If the claimant dies before or after the approval of the claim filed in his name under paragraph (a) of § 836.98, and no demand is presented by a duly appointed legal representative of the estate, finance procedures will govern the method of paying the amount due the deceased claimant.

(c) *Notice to claimant*. When the authorized designee of the Secretary of the Air Force disapproves a claim, the claimant will be notified in writing of the action taken and the reasons therefor.

§ 836.101 *Reconsideration of action*. The action of the approving authority in disapproving a claim in whole or in part will be final and conclusive for all purposes, as such settlements are not subject to appeal to the Secretary of the Air Force or any other agency of the Government. However, the approving authority may reconsider any claim when the claimant submits evidence showing errors or irregularities in the submission or settlement of the claim. Requests for such reconsideration or review will be in writing and will be submitted to the approving authority within 60 days after the claimant receives notice of disapproval or partial approval of his claim. If, upon reconsideration, it is determined that a further amount is due the claimant, a supplemental voucher will be prepared.

(Sec. 8012, 70A Stat. 488; 10 U. S. C. 8012) [AFR 112-7, June 6, 1957 and AFR 112-7A, June 12, 1958]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force, Deputy Director of Administrative Services.

[F. R. Doc. 58-5800; Filed, July 29, 1958; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

RURAL BOXES

The proposed amendment to § 46.5, paragraph (c), published in the FEDERAL REGISTER of February 27, 1958, at page 1217 (23 F. R. 1217) is hereby amended and adopted as a regulation of the Post Office Department, as set forth below.

In § 46.5 *Rural boxes* amend paragraph (c) to read as follows:

(c) *Posts and supports*—(1) *Construction*. Posts or other supports for rural mail boxes must be neat and of adequate strength and size. They may not be designed to represent effigies or caricatures that would tend to disparage or ridicule any person. The box may be attached to a fixed or movable arm.

(2) *Newspaper receptacles*. A receptacle for newspapers, not restricted to any one paper, may be placed above or below the mail box or on the post or support, provided it will not interfere with the delivery of the mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle. The receptacle must not extend beyond the front of the mail box when the box door is closed. No advertising shall be displayed on the outside of the receptacle except that the name of a publication may be shown.

NOTE: The corresponding Postal Manual section is 156.53.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F. R. Doc. 58-5789; Filed, July 29, 1958; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1691]

MONTANA AND ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE FOR EXPERIMENTAL PURPOSES, ADDING LANDS TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 1583 OF FEBRUARY 5, 1958 AS A ROADSIDE ZONE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, 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 within the national forests indicated, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as indicated:

[Montana 024037]

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

Lick Creek Experimental Area

T. 4 N., R. 21 W.,
Sec. 19, S½NW¼ (unsurveyed);
Sec. 19, S½, unsurveyed;
Sec. 20, S½N½ and S½;
Sec. 29, N½ and N½S½;
Sec. 30, SE¼;
Sec. 30, N½ and SW¼, unsurveyed;
Sec. 31, N½NW¼, unsurveyed.
T. 4 N., R. 22 W. (unsurveyed),
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 24, E½W½ and E½;
Sec. 25, NE¼, NE¼NE¼NW¼ and N½SE¼.

The areas described aggregate approximately 2,930 acres.

[Arizona 09295]
(Public Land Order 1583)

GILA AND SALT RIVER MERIDIAN

GILA NATIONAL FOREST

Roadside Zone

A strip of land 300 feet on each side of the center line of United States Highway 666 where it traverses national forest land through the following legal subdivision:
T. 1 N., R. 29 E. (unsurveyed),
Sec. 8, SW¼.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

[SEAL] ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1958.

[F. R. Doc. 58-5777; Filed, July 29, 1958; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Appendix A—Delegations of Authority

GENERAL DELEGATION OF AUTHORITY TO HEADS OF SERVICES

STAFF OFFICERS AND REGIONAL COMMISSIONERS

Organization of General Services Administration. The Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377; 40 U. S. C. 471), vests the functions of the General Services Administration in the head of the agency, the "Administrator of General Services". These functions are performed by the Administrator, or, subject to his direction and control, by such officers or divisions of the agency as he may designate.

There are two organizational levels within the agency: The Central Office and the "Regional Office". Within the Central Office there are the Office of the Administrator, five "Service" organizations and three Staff Offices. The Office of the Administrator consists of the Immediate Office of the Administrator, Office of the Deputy Administrator, the Office of the Special Assistant to the Administrator—Congressional and Public Affairs, and the Board of Review. The Service organizations are: Federal Supply Service, Public Buildings Service, Transportation and Public Utilities Service, Defense Materials Service, and National Archives and Records Service; the Staff Offices are: The Office of the Administrative Assistant to the Administrator, Office of the General Counsel and Office of the Comptroller. The Services are responsible for the direction and coordination of their programs in the ten regional offices. Staff Offices provide assistance and advice throughout the General Services Administration. On policy and major operational matters, the Services maintain direct communication with the "Regional Commissioners". On professional, technical and routine matters, they communicate directly with their counterpart "Regional Directors". The Regional Offices, headed by Commissioners, are completely integrated and parallel the organizational pattern of the Central Office.

A more detailed description of the organizational structure of the General Services Administration may be found in the "United States Government Organization Manual" published annually as a special edition of the FEDERAL REGISTER, by the Federal Register Division, National Archives and Records Service, General Services Administration.

NOTE: The numbering of Delegations of Authority Nos. 320 to 328 inclusive, dated February 17, 1958, upon which this publication is based, is followed in designating sections herein; sections of the applicable Delegations of Authority are similarly designated herein as subsections except for such as are reserved or do not have direct application to the public. Successive redelegations of authority are numbered as hyphenated sections for each echelon of organization, e. g., sec. 320-1 will state the redelegation of authority from the Service to the Regional Commissioner, and sec. 320-1-1 will state the redelegation of authority from a Regional Commissioner to a subordinate division of his office.

Extent of delegation. Pursuant to the authority vested in the Administrator of General Services by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and other applicable statutes, Executive orders, regulations, and delegations, the following legal authority is hereby delegated to the designated officers and employees as set forth below.

The Administrator of General Services, as necessary, may direct that certain actions or categories of actions be submitted to him for review and approval prior to the exercise of the authority delegated herein.

Any authority delegated herein shall be exercised in accordance with such applicable laws and regulations as are in effect on the date of the exercise of such authority.

Except as otherwise provided by law or in this delegation, the recipient may redelegate and authorize successive redelegation of authorities to his subordinates as he determines to be appropriate to the full and expeditious performance of their assigned responsibilities: *Provided*, That any authority delegated to the Head of a staff office may not be redelegated by him to a Regional Director or other officer or employee of a Regional Office.

Execution and delivery of instruments. Any authority delegated herein shall include the authority to take any action incidental to the exercise of such authority, such as, but not limited to, the following:

(a) To execute, acknowledge and deliver appropriate written documents and instruments, including deeds, leases, permits, contracts, receipts, and bills of sale;

(b) To accept any notes, bonds, mortgages, deeds of trust, or other security instruments taken in consideration, in whole or in part, in connection with the disposal of property;

(c) To perform all acts necessary or proper to release and discharge any security instrument or any lien created thereby or otherwise; and

(d) To perform any other acts necessary to effectuate the transfer of title to property.

Newspaper advertising. Any authority delegated herein to advertise, give public notice, or determine the manner of advertising shall include the authority to publish advertisements or notices in newspapers. 60 Stat. 809 (1946) (5 U. S. C. 22a; Rev. Stat. 3828 44 U. S. C. 324).

Authorities superseded. This delegation of authority supersedes all previous delegations of authority to officers and employees of the General Services Administration specified herein.

320. *Administrative Assistant to the Administrator.* The Administrative Assistant to the Administrator is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title II.* (3) To withdraw surplus General Services Administration personal property. Sec. 202 (b) (2) (40 U.S.C. 483 (b) (2)).

(6) To authorize abandonment, destruction, or donation of General Services Administration personal property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U.S.C. 483 (h)).

(7) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed personal property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(8) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided*, That such authority shall not include the authority to procure stenographic reporting services. Sec. 209 (b), 63 Stat. 391 (1949) (5 U.S.C. 630h (b)).

Title III. (1) To negotiate contracts without advertising for any service to be rendered by any university, college, or other educational institution. Sec. 320 (c) (5).

2. *Other applicable statutes, regulations, and Executive orders:*

d. *Purchases.* (1) To make purchases of office supplies, equipment, nonpersonal services, not available from General Services Administration stores stock, or through the use of supply and service contracts executed by the Federal Supply Service, Region 3.

321. *Comptroller.* The Comptroller is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title I.* (1) To perform liquidation functions relating to the disposal of surplus aircraft, aircraft components, and electronics property, except for the making of administrative determinations arising out of Industry Agents' contracts. Sec. 105.

b. *Title II.* (1) To approve credit in connection with the disposal of surplus property and the establishment of credit terms and conditions. Sec. 203 (c).

(2) To administer and manage any credit, lease or permit, and any security therefor, and to adjust and settle any right of the Government with respect thereto, and to collect all moneys due the Government on account thereof: *Provided*, That such authority shall not apply to any legal action to adjust, enforce, and settle any right of the Government with respect thereof. Sec. 204 (g).

(3) To enter into contracts with recognized public accounting firms and certified public accountants for the performance by said firms or individuals of audits of the accounts of General Services Administration and those of its agents and prime contractors and subcontractors. Sec. 208 (b).

(8) To approve certificates of essentiality in connection with loans made by the Treasury Department (Reconstruction Finance Corporation and Export-Import Bank of Washington) under the Defense Production Act of 1950, as amended.

322. *General Counsel.* The General Counsel is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Title II.* (1) To represent executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies. Sec. 201 (a) (4).

(2) To consider, ascertain, determine, adjust, and settle the following claims:

(a) Claims in connection with abandoned or unclaimed property. Sec. 203 (m).

(b) Claims or adjustments. Sec. 204 (d).

(c) Enforcements, adjustments, or settlements. Sec. 204 (g).

2. *Other applicable statutes, regulations, and Executive orders:*

a. *Claims.* (1) To consider, ascertain, determine, adjust, and settle the following claims:

(a) Any claim, demand, or request for adjustment in the nature of a claim, other than those described in paragraph 1. a. (2) above, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, construction, or otherwise, or disposal of personal property, real property, and services: *Provided*, That this authority shall not impair or affect authority otherwise vested in contracting officers to decide questions of fact under disputes clauses of contracts, or any responsibility vested in the Board of Review.

(b) Any claim under the Federal Tort Claims Act, as amended, 60 Stat. 843 (1946) (28 U. S. C. 2672), and any claim in tort by General Services Administration on behalf of the Government.

b. *Forfeitures.*

(1) To apply for a court order for delivery of property subject to forfeiture proceedings under section 304 of the act of August 27, 1935, as amended, 49 Stat. 880 (40 U. S. C. 304l).

c. *Certification.* (1) To certify true copies of delegations of authority by the Administrator and redelegations of authority by other General Services Administration officials, and to provide such further certification as may be necessary to effectuate the intent of such delegations in form for recording in any jurisdiction, as may be required.

(2) To authenticate and attest copies of records created by General Services Administration, to furnish authenticated copies of such records, and to charge fees therefor.

(3) To determine whether the release of authenticated copies of any records in the custody of the Administrator is legal and not prejudicial to the national interest or security of the United States and to furnish properly authenticated copies of such records in response to subpoenas duces tecum in appropriate cases.

d. *Notices relating to debarment of bidders.* (1) To execute and issue appropriate notices relating to debarments and proposed debarments of bidders.

323. *Commissioner, Defense Materials Service.* The Commissioner, Defense Materials Service, is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as Amended.*

a. *Title I.* (1) To exercise authority relating to conducting tests, making charges and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630g (g)).

b. *Title II.* (1) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(2) To accept strategic or critical materials in lieu of cash in connection with the lease, sale, or other disposition of surplus property. Sec. 204 (f) (40 U. S. C. 485 (f)).

(3) To procure the temporary (not to exceed one year) or intermittent services of experts or consultants, or organizations thereof: Provided, that such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

c. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Defense Materials Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III:

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and the purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12), the authority to make the determinations and decisions specified in section 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test section 302 (c) (1), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. 41 U. S. C. 302 (c).

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

d. *Title IV.* (1) to dispose of foreign excess property under the abaca program (Abaca Production Act of 1950, 64 Stat. 435, 50 U. S. C. 541 et seq., Executive Orders 10539 and 10533), in accordance with Title IV of the Act, and to make any determinations under said Title IV with respect to such disposals.

2. *Other applicable statutes, Executive orders, regulations and delegations;* a. *Strategic and Critical Materials Stock Piling Act.* (Covers authority under the Strategic and Critical Materials Stock Piling Act, 60 Stat. 590 (1946), 50 U. S. C. 98–98h; the authority given is to be exercised in accordance with applicable directives of the Director of the Office of Defense Mobilization.)

(1) To purchase strategic and critical materials. Sec. 3 (a) (50 U. S. C. 98b (a)).

(2) To provide for the storage, security, and maintenance of strategic and critical materials for stockpiling purposes. Sec. 3 (b) (50 U. S. C. 98b (b)).

(3) To provide for the refining or processing of stockpile materials. Sec. 3 (c) (50 U. S. C. 98b (c)).

(4) To provide for the rotation of strategic and critical materials constituting a part of the stockpile when necessary to prevent deterioration. Sec. 3 (d) (50 U. S. C. 98b (d)).

(5) To dispose of any stockpile materials which are no longer needed because of revised determinations by the Office of Defense Mobilization. Sec. 3 (e) (50 U. S. C. 98b (e)).

(6) To sell or otherwise dispose of materials released from the stockpile for use, sale or other disposition for the purposes of common defense; or in time of war or during a national emergency. Sec. 5 (50 U. S. C. 98d).

b. *Defense production.* (Covers authority under the Defense Production Act of 1950, as amended, 50 U. S. C. App. 2061, et seq., Executive Order 10480 dated August 14, 1953, as amended, and any other applicable Executive Orders and delegations of authority covering Defense Production Act functions.)

(1) In accordance with programs certified by the Director of the Office of Defense Mobilization:

(a) To purchase and make commitments to purchase metals, minerals, and other materials for Government use or resale pursuant to section 303 (a) of the Defense Production Act. (50 U. S. C. App. 2093 (a).)

(b) To determine the quantities, terms and conditions, including advance payments, and periods of such purchases, commitments to purchase, and sales pursuant to section 303 (b) of the Defense Production Act. (50 U. S. C. App. 2093 (b).)

(c) To make provision for subsidy payments, to determine the amounts, manner, terms, and conditions thereof, and to make findings pursuant to section 303 (c) of the Defense Production Act. (50 U. S. C. App. 2093 (c).)

(d) To store and have processed and refined any materials procured under section 303 of the Defense Production Act, as provided in section 303 (d) thereof. (50 U. S. C. App. 2093 (d).)

(3) In accordance with the policy directives issued by the Director of the Office of Defense Mobilization, to encourage the exploration, development, and mining of strategic and critical metals and minerals pursuant to Sec. 303 of the Defense Production Act. (50 U. S. C. App. 2093.)

(a) In connection with foreign projects which were under the jurisdiction of the Administrator on November 12, 1954; and

(b) In carrying out any program certified to the Administrator by the Director of the Office of Defense Mobilization.

Interior Defense Delegation 1, dated December 22, 1954 (19 F. R. 9357).

c. *Supplemental stockpile.* (1) In accordance with programs certified by the Office of Defense Mobilization, to purchase or contract for the purchase of materials for the supplemental stockpile pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U. S. C. 1691 et. seq., Executive Order 10560, dated September 9, 1954, and Delegation of Authority from the Director of the Office of Defense Mobilization dated November 17, 1954 (DMO Order V-4, 32A CFR Ch. 1).

d. *Abaca program.* (1) To provide for the production and sale of Western Hemisphere abaca pursuant to the Abaca Production Act of 1950, 64 Stat. 435, 50 U. S. C. 541, and Executive Order 10539, as amended by Executive Order 10553, to issue rules and regulations and to make determinations pursuant to said act and executive orders, to enter into contracts and to acquire property for the purposes of said act, and to dispose of property held for the purposes of said act when such property is no longer needed.

f. *"Buy American Act."* (1) To determine whether articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U. S. C. 10a and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (47 Stat. 1530 (1933), 41 U. S. C. 10a, b.)

g. *First War Powers Act, 1941.* (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress, and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 839, 50 U. S. C. App. 611 and Executive Orders 10227 of March 26, 1951, and 10210 of February 2, 1951.)

h. *Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956.* (1) Pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956, Public Law 733, 84th Congress, 70 Stat. 579, and Delegation of Authority issued pursuant thereto by the Secretary of the Interior, dated July 31, 1956. (21 F. R. 5872.)

(a) To accept offers and perform all necessary services, including the making of contracts, incident to the purchase, handling, and storage of the ores and concentrates specified in the act and in accordance with the programs established for the administration of said act; and

(b) To hold and dispose of such ores and concentrates procured under the authority of said act in accordance with the provisions of said act.

i. *National Industrial Reserve.* (1) As directed by the Secretary of Defense, to accept the transfer of and to provide for the handling, care, storage, protection, maintenance, utilization, repair, restoration, renovation, lending, leasing, and disposition of excess machine tools and industrial manufacturing equipment, except such tools and equipment as are part of an industrial plant. National Industrial Reserve Act of 1948. (62 Stat. 1225, 50 U. S. C. 451-462.)

j. *Service Agreement with Commodity Credit Corporation.* (1) To exercise all functions to be performed by GSA pursuant to agreement between Commodity Credit Corporation and General Services Administration relating to the inspection, handling, importation, storage, etc., of strategic materials acquired by the Commodity Credit Corporation through barter of surplus agricultural commodities.

3. *General authorities.* c. *Drawback documentation.* (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries pursuant to Customs Regulations, to endorse export bills of lading, and to execute certificates of exportation. (19 CFR 22.37.)

324. *Commissioner, Federal Supply Service.* The Commissioner, Federal Supply Service, is hereby delegated under authority of:

1. *Federal Property and Administrative Services Act of 1949, as amended.*

a. *Section* 3. (1) To determine property surplus. Sec. 3 (g) (40 U. S. C. 472 (g)).

(2) To designate contractual services, other than personal and professional services, as nonpersonal services. Sec. 3 (j) (40 U. S. C. 472 (j)).

b. *Title I.* (1) To make administrative determinations in connection with the disposal of surplus aircraft, aircraft components, and electronic property. Sec. 105 (5 U. S. C. 630 (c)).

(6) To exercise authority relating to conducting tests, making charges, and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630 g (g)).

c. *Title II.* (2) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(3) To exchange or sell similar items and apply to the exchange allowance or proceeds of sale in whole or part payment for the property acquired. Sec. 201 (c) (40 U. S. C. 481 (c)).

(8) To withdraw surplus property. 203 (a) (40 U. S. C. 484 (a)).

(13) To authorize abandonment, destruction, or donation of property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(14) To direct agencies to delay or discontinue the disposal of any item of surplus property and to determine that such action is in the interest of the Government. Sec. 203 (a) (40 U. S. C. 484 (a)).

(15) To dispose of surplus property. Secs. 203 (a), (c) (40 U. S. C. 484 (a), (c)).

(16) To assume custody and accountability of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(17) To perform, or provide for the performance of, the care and handling of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(18) To grant credit and take security in connection with any disposal of surplus property authorized. Sec. 203 (c) (40 U. S. C. 484 (c)).

(19) To prescribe and utilize appropriate terms and conditions for disposals of surplus property by General Services Administration. Sec. 203 (c) (40 U. S. C. 484 (c)).

(20) To execute certificates covering transfers of title to motor vehicles and motorcycles. Secs. 201 (c), 203 (c) (40 U. S. C. 481 (c), 484 (c)).

(21) To dispose of surplus property by negotiation and to determine that disposal by advertising in a given case will not better protect the public interest. Sec. 203 (e) (40 U. S. C. 484 (e)).

(23) To donate surplus property for purposes of education, public health, or civil defense, or for research for any such purpose. Sec. 203 (j) (40 U. S. C. 484 (j)).

(24) To disapprove, or notify that General Services Administration will interpose no objection to actions proposed to be taken by any agency to enforce compliance; reform, correct, or amend instruments; and grant releases from terms and conditions thereof. Sec. 203 (k) (2) (40 U. S. C. 484 (k) (2)).

(25) To donate certain surplus property to the American National Red Cross. Sec. 203 (l) (40 U. S. C. 484 (l)).

(26) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(27) To administer and manage leases and permits where disposal has been by lease or permit: Provided, that such authority shall not include the authority to enforce, adjust, and settle any claim arising thereunder. Sec. 204 (g) (40 U. S. C. 485 (g)).

(32) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof, including stenographic reporting services. Sec. 203 (b) (5 U. S. C. 630 (h) (b)).

(35) To determine whether motor vehicle and related services will be furnished through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned vehicles of combinations thereof. Sec. 211 (b) (2) (40 U. S. C. 491 (b) (2)).

(38) To fix prices payable by requisitioning agencies for motor vehicle and related services. Sec. 211 (d) (40 U. S. C. 491 (d)).

d. *Title III*. Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Federal Supply Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III:

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12), the authority to make the determinations and decisions specified in section 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for manufacture or furnishing of property for experimentation, development, research, or test section 302 (c) (10), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. (41 U. S. C. 302 (c).)

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

2. *Other applicable statutes, regulations, and Executive orders*. a. *Disaster relief*. (1) To exercise the following authorities of the Administrator as prescribed by Federal Civil Defense Administration Disaster Orders issued from time to time pursuant to Public Law 875, 81st Congress (64 Stat. 1109 (1950)), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953:

(a) The authority to enter into and execute memoranda of understanding with duly authorized officials of any State within a major disaster area which has been designated by the President and with duly authorized representatives of the Federal Civil Defense Administration, to the end that General Services Administration may appropriately assist in providing surplus supplies and equipment for the relief of small businesses whose places of business have been damaged or destroyed by major disaster; and

(b) The authority to carry out and fulfill all commitments properly made and obligations properly undertaken by GSA by virtue of such memoranda of understanding.

(2) To exercise the following functions assigned to the Administrator in any major disaster pursuant to Public Law 875, 81st Congress (64 Stat. 1109), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953.

(a) The utilization, or lending to States and local Governments of General Services Administration equipment, supplies, facilities, personnel, and other resources (other than the extension of credit);

(b) The distribution of medicine, food and other consumable supplies; and

(c) The donation or lending of surplus equipment and supplies to States for use or distribution by them.

b. *Abandoned, forfeited, and seized property*. (1) To exercise authority of the Administrator covering abandoned, forfeited, or seized property, under the Act of August 27, 1935, as amended (49 Stat. 879; 40 U. S. C. 304f-m), and sections 5862 (b) and 5688 (a) of the Internal Revenue Code of 1954 (26 U. S. C. 5862 (b), 5688 (a)): *Provided*, That such authority shall not include the authority to make rules and regulations, and to apply for a court order.

d. *Conditional gifts for defense purposes*. (1) To perform the functions vested in the Administrator by Public Law 537, 83d Congress, approved July 27, 1954, as they pertain to tangible personal property. (68 Stat. 566, 50 U. S. C. 1151, 1152.)

e. *Renegotiation Board regulations*. (1) To determine that a contract has a direct and immediate connection with the national defense pursuant to the Renegotiation Board Regulations. This authority is not redelegable. (32 CFR 1453.5 (c).)

f. *"Buy American Act."* (1) To determine whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin for public use within the United States, that the price of like materials of domestic origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 47 Stat. 1520 (1933), 41 U. S. C. 10a, and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (41 U. S. C. 10a, 10b.)

g. *First War Powers Act, 1941*. (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress, and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 838, 50 U. S. C. App. 611, and Executive Orders 10210 of February 2, 1951, and 10227 of March 26, 1951.)

i. *Civil Defense*. (1) To perform civil defense responsibilities delegated by the Federal Civil Defense Administrator and to cooperate with the Federal Civil Defense Administrator pursuant to the Federal Civil Defense Act of 1950, approved January 12, 1951, as amended. (64 Stat. 1246) (50 U. S. C. App. 2251–2297.)

(2) During the period of any civil defense emergency, to provide General Services Administration personnel, materials, and facilities to the Federal Civil Defense Administrator for the aid of the States, and to prepare civil defense emergency plans, in consultation with the Federal Civil Defense Administration, pursuant to the Federal Civil Defense Act of 1950, as amended, and Executive Order 10346, dated April 18, 1952, as amended.

j. *Economy Act*. (1) To make determinations and to place orders with any other department, establishment, bureau, or office for materials, supplies, equipment, work, or services, and to make agreements as to cost adjustments in connection therewith. (41 Stat. 613 (1920), as amended, 31 U. S. C. 686.)

3. *General authorities*. c. *Drawback documentation*. (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries,

pursuant to Customs Regulations, to endorse export bills of lading and to execute certificates of exportation. (19 CFR 22.37.)

325. *The Archivist of the United States.* The Archivist of the United States is hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended:* a. *Title II.* (1) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided,* That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* (1) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Sec. 302 (c) (1), (4), (5), (14) (41 U. S. C. 252 (c) (1), (4), (5), (14)).

(2) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(3) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

c. *Title V.* (4) To provide centralized microfilming services for Federal agencies. Sec. 505 (d) (44 U. S. C. 395 (d)).

(5) To establish, maintain, and operate records centers. Sec. 505 (d) (44 U. S. C. 395 (d)).

(9) To transfer, with the approval of the head of the originating agency (or his successor in functions, if any), records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations. Sec. 507 (a) (2) (44 U. S. C. 397 (a) (2)).

(10) To impose, relax, or remove restrictions on the use of records transferred to General Services Administration, subject to the limitations prescribed in the act, Executive orders, or regulations. Sec. 507 (b), (e), (f) (44 U. S. C. 397 (b), (e), (f)).

(12) To accept for deposit and to direct and effect the transfer of:

(a) Personal papers and other historical materials of any President or former President of the United States, or any other official or former official of the Government, and other papers relating to and contemporary with any President or former President of the United States. 69 Stat. 695 (1955); and

(b) Documents, including motion picture films, still pictures, and sound recordings that are appropriate for preservation by the United States Government. Secs. 507 (a) (3), (e), (i) (44 U. S. C. 397 (a) (3), (e) (1), (2)).

(13) To maintain, operate, and protect Presidential archival depositories as a part of the National Archives system; to charge and collect reasonable fees for the privilege of visiting and reviewing any exhibit room or museum space in any Presidential archival depository; to accept bequests of money or other property; and to expend, under the provisions of section 5 of the act of July 9, 1941, as amended, funds paid into the National Archives Trust Fund, for the benefit of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses. Sec. 507 (f) (57 Stat. 381 (1943) 44 U. S. C. 397 (f)).

(15) To make and preserve appropriate motion picture films, still pictures, and sound recordings, pertaining to and illustrative of the United States Government and its activities; and to release for nonprofit educational purposes motion picture films, still pictures, and sound recordings in the National Archives. Sec. 507 (h) (44 U. S. C. 397 (h)).

(17) To furnish authenticated or unauthenticated copies of materials deposited with the National Archives of the United States in a Federal Records Center, or a Presidential archival depository, the use of which is not restricted. Secs. 509 (c), 511 (c) (44 U. S. C. 399 (c), 401 (c) (2), (e); 5 U. S. C. 140).

2. *Other applicable statutes, regulations, and Executive orders:* a. *Presidential libraries.* (1) To exercise, in accordance with the provisions of the Joint Resolution, approved August 12, 1955, the authority to acquire historical material for the United States archival depositories of a President or former President of the United States, to remove such material temporarily and dispose of duplicates and any other material having no permanent value or historical interest, to collect admission fees, sell publications and disburse funds. (Pub. Law 373, 84th Cong.; 69 Stat. 695 (1955)).

b. *National Archives Trust Fund Board.* (1) To exercise any authority vested in the Administrator relating to the execution of certified vouchers or the sale of publications under section 5 of the National Archives Trust Fund Board Act, approved July 9, 1941, as amended. (55 Stat. 581 (1941) 44 U. S. C. 300ee.)

c. *Records Disposal Acts.* (2) To exercise, in accordance with the provisions of sections 7 and 8 of the aforesaid act, the authority to empower the head of an agency to dispose of records. (44 U. S. C. 371.)

d. *Federal Register Act.* (1) To exercise, in accordance with the provisions of the Federal Register Act, as amended, and the regulations of the Administrative Committee of the Federal Register, any authority of the Administrator relating to the custody, filing for public inspection, and publication of documents in the FEDERAL REGISTER and publication of the U. S. Government Organization Manual and the Code of Federal Regulations. (49 Stat. 500 (1935), 44 U. S. C. 301-313.)

e. *Acts of Congress.* (1) To exercise any authority of the Administrator relating to the receipt, custody and publication of the acts of Congress: (1 U. S. C. 106a, 112; 44 U. S. C. 191a, 192, 197.)

f. *Amendments to the Constitution.* (1) To exercise any authority of the Administrator relating to publication, certification, and adoption of amendments to the Constitution of the United States. (65 Stat. 710 (1951), 1 U. S. C. 106b.)

g. *Electoral votes.* (1) To exercise, in accordance with the provisions of the Act of June 25, 1948, as amended, any authority of the Administrator relating to the receipt, custody, filing for public inspection and verification of the Presidential electoral vote of the several States, and any authority of the Administrator relating to receipt, custody, and filing for public inspection of credentials of electors of President or Vice President. (24 Stat. 373 (1887), 3 U. S. C. 6.)

326. *Commissioner, Public Buildings Service.* The Commissioner, Public Buildings Service, is hereby delegated under authority of:

1. *Federal Property and Administrative Services Act of 1949, as amended.* a. *Section 3.* (2) To determine property surplus. Sec. 3 (g) (40 U. S. C. 472 (g)).

b. *Title I.* (1) To exercise authority relating to conducting tests, making charges, and fixing fees therefor. Sec. 109 (g) (5 U. S. C. 630g (g)).

(1) To procure and supply personal property and nonpersonal services for the use of executive agencies and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3), 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(5) To withdraw surplus property. Sec. 203 (a) (40 U. S. C. 484 (a)).

(11) To authorize abandonment, destruction, or donation of property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(12) To direct agencies to delay or discontinue the disposal of any item of surplus property and to determine that such action is in the interest of the Government. Sec. 203 (a) (40 U. S. C. 484 (a)).

(13) To dispose of surplus property. Secs. 203 (a) and (c); Secs. 13 (d), 13 (g), and 13 (h) of the Surplus Property Act of 1944, as amended. (40 U. S. C. 484 (a), (c); 50 U. S. C. 1622 (d), (g), and (h).)

(14) To assume custody and accountability of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(15) To perform, or provide for the performance of, the care and handling of surplus property. Sec. 203 (b) (40 U. S. C. 484 (b)).

(16) To prescribe and utilize appropriate terms and conditions for disposals of surplus property by General Services Administration. Sec. 203 (c) (40 U. S. C. 484 (c)).

(17) To grant interim rights for use and occupancy of surplus property and to disapprove or notify that no objection will be interposed to holding agencies granting such rights. Sec. 203 (c) (40 U. S. C. 484 (c)).

(18) To grant credit and take security in connection with any disposal authorized. Sec. 203 (c) (40 U. S. C. 484 (c)).

(19) To dispose of surplus property by negotiation and to determine that disposal by advertising in a given case will not better protect the public interest. Sec. 203 (e) (40 U. S. C. 484 (e)).

(20) To disapprove, or notify that General Services Administration will interpose no objection to actions proposed to be taken by any agency to enforce compliance; reform, correct, or amend instruments; and grant releases from terms and conditions thereof. Sec. 203 (k) (2) (40 U. S. C. 484 (k) (2)).

(21) To take possession of, utilize, transfer, or dispose of, abandoned and unclaimed property and determine the fair value and the costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(23) To administer and manage leases and permits where disposal has been by lease or permit: *Provided*, That such authority shall not include the authority to enforce, adjust, and settle any claim arising thereunder. Sec. 204 (g) (40 U. S. C. 485 (g)).

(25) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: Provided, that such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

(28) To approve payment of ground rent for buildings owned by the United States or occupied by Federal agencies, and to approve payment of such rent in advance when required by law or to determine such to be in the public interest. Sec. 210 (a) (3) (40 U. S. C. 490 (a) (3)).

(29) To approve payment of rent and make repairs, alteration, and improvements under any lease entered into by or transferred to General Services Administration for housing any Federal agency exempted by law, as of June 30, 1950, from the 25 percent limitation of the Act of June 30, 1932.* Sec. 210 (a) (5) (40 U. S. C. (a) (5)).

(30) To obtain payments through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished on a reimbursable basis to any other Federal agency, or any mixed-ownership corporation, or the District of Columbia. Sec. 210 (a) (6) (40 U. S. C. 490 (a) (6)).

(31) To make changes in, maintain and repair the New York pneumatic tube system. Sec. 210 (a) (7) (40 U. S. C. 490 (a) (7)).

(32) To repair, alter, and improve rented premises without regard to the 25 percent limitation of Section 322 of the Act of June 30, 1932, and to make the determination required in connection therewith. This authority is not redelegable. Sec. 210 (a) (8) (40 U. S. C. 490 (a) (8)).

(33) To furnish utilities and other services to occupants or users of National Industrial Reserve plants and surplus property installations. Sec. 210 (a) (10) (40 U. S. C. 490 (a) (10)).

(35) To acquire by purchase, condemnation, or otherwise, real property or interests therein. Sec. 210 (a) (12) (40 U. S. C. 490 (a) (12)).

(38) At the request of any Federal agency or any mixed-ownership corporation, or the District of Columbia, to acquire lands for buildings and projects authorized by the Congress, make surveys and test borings, prepare plans and specifications, and contract for and supervise the construction and development, and the equipping of such buildings or projects; and determine sums necessary to be transferred to General Services Administration by such agency in advance for such purposes. Sec. 219 (c) (40 U. S. C. 490 (c)).

(39) To make the determinations required by sec. 210 (g) in connection with the moving or supplying of furniture and furnishings to agencies moving between General Services Administration controlled locations. Sec. 210 (g) (40 U. S. C. 490 (g)).

d. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Public Buildings Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a)), the Commissioner may exercise the following authority provided in Title III:

(1) In connection with contracts or purchases in excess of $10,000 negotiated under paragraph (7) or (8) of section 302 (c), to make determinations and give the publicity required by section 302 (b) (41 U. S. C. 252 (b)).

(2) To negotiate purchases and contracts for property and services without advertising and to make any determinations and decisions required in connection therewith. Section 302 (c) (1) through (14) (41 U. S. C. 252 (c) (1) through (14)). In connection with the negotiation of purchases or contracts which should not be publicly disclosed, section 302 (c) (11), and purchases or contracts which are to be negotiated in order to assure standardization of equipment and interchangeability of parts, section 302 (c) (12) the authority to make the determinations and decisions specified in sections 302 (c) (11) and (12) is not redelegable. In connection with the negotiation of purchases or contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test, section 302 (c) (10), the authority to make the determinations or decisions specified in section 302 (c) (10) is redelegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. (41 U. S. C. 302 (c).)

(3) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(4) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(5) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(6) To make the determinations required in connection with cost, cost-plus-a-fixed fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

(7) To approve advance payments and to make the determinations and decisions required in connection therewith. This authority is not redelegable. Sec. 305 (a) (41 U. S. C. 255 (a)).

f. *Title VII.* (1) To approve payments of sums in lieu of taxes. Secs. 703, 704 (40 U. S. C. 523, 524).

2. *Other applicable statutes, regulations, and Executive orders.* a. *Project selection, site acquisition, design and construction.* (3) To acquire sites in accordance with applicable law, including the acceptance of donations. (40 U. S. C. 257, 258a, c, e, 298a, 341, 350, 352, 490 (c); 50 U. S. C. 1151, 1152.)

(4) To authorize the closing and vacating of streets and alleys in the District of Columbia. (40 U. S. C. 341.)

(5) To prepare and approve plans, drawings, designs, specifications, and estimates and to enter into professional service contracts incidental thereto. (40 U. S. C. 128, 267, 268, 298, 341, 342, 350, 350a, 352.)

(6) To construct, extend, remodel, alter, repair, preserve, improve and renovate buildings, and to administer and supervise the performance of such work. (40 U. S. C. 297, 341, 342.)

(8) To contract for the seeding, planting, or landscaping the grounds of any public building in an amount not exceeding $1,800 without regard to section 3709 of the Revised Statutes. (40 U. S. C. 298c.)

(9) To determine whether articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured, or mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, and to determine, as a condition precedent to the purchase of materials of foreign origin is unreasonable, or that the purchase of like materials of domestic origin is inconsistent with the public interest, under the provisions of 41 U. S. C. 10a and Executive Order 10582, dated December 17, 1954, and to make the findings pursuant to 41 U. S. C. 10b. (41 U. S. C. 10a, 10b.)

(10) To make the determinations, enter into purchase contracts and other agreements, and to exercise the other powers and authorities granted in sections 411 and 412 of the Public Buildings Act of 1949, as amended, added by the Public Buildings Purchase Contract Act of 1954, and by the Act approved July 12, 1955. (40 U. S. C. 356, 356a.)

b. *Leasing.* (1) To procure space for GSA and other agencies by lease, administer the same, and to obtain, when appropriate, reimbursement therefor. Sec. 1, Reorganization Plan No. 18 of 1950 (40 U. S. C. 36, 37a, 304c).

(3) To issue permits and licenses, revocable at will, for the use of General Services Administration lands and buildings, and to make the determination that the Government's interest will be subserved thereby.

(4) To authorize deviations in U. S. Standard Form No. 2 (Revised). (40 U. S. C. 487 (a) (4).)

c. *Operation of Buildings.* (1) To assign, reassign, and allot space in leased and Government-owned buildings. Sec. 1, Reorganization Plan No. 18 of 1950 (40 U. S. C. 1, 37a, 42, 285, 304c, 346).

(2) To exercise authority in connection with the operation, maintenance, repair, improvement, and protection of Government-owned and rented buildings. Sec. 2, Reorg. Plan No. 18 of 1950 (40 U. S. C. 19, 285, 343).

(3) To prescribe rules and regulations governing General Services Administration buildings and grounds; utilize facilities and services of State and local law enforcement agencies. (40 U. S. C. 318a, b, c.)

d. *National industrial reserve.* (1) To accept the transfer of, and to utilize, maintain, protect, repair, restore, renovate, lease transfer, or dispose of industrial plants and related personal property in the national industrial reserve as authorized or directed by the Secretary of Defense. (50 U. S. C. 455.)

e. *District of Columbia hospital program.* (1) To exercise the authority contained in Public Law 648, 79th Congress, 60 Stat. 896, approved August 7, 1946, as amended by Public Law 221, 82d Congress, 65 Stat. 657, approved October 25, 1951, to acquire land, construct buildings, make grants to private agencies, and take any and all other and further action in exercise of the powers and in discharge of the duties assigned to the Administrator of General Services pursuant to the aforesaid Public Law 648, as amended, and as modified by said Federal Property and Administrative Services Act of 1949, as amended. (60 Stat. 896, 65 Stat. 657; 40 U. S. C. 471.)

f. *Wildlife conservation transfer orders.* (1) To make determinations as to availability of and to transfer property for wildlife conservation purposes under Public Law 537, 80th Congress, approved May 19, 1948; and to make and have published in the FEDERAL REGISTER an appropriate order whenever any such transfer is made. (62 Stat. 240, 16 U. S. C. 667c.)

g. *Conditional gifts for defense purposes.* (1) To perform the functions vested in the Administrator by Public Law 537, 83d Congress, approved July 27, 1954, as they pertain to real property and related personal property. (68 Stat. 566, 50 U. S. C. 1151, 1152.)

h. *Renegotiation Board regulations.* (1) To determine that a contract has a direct and immediate connection with the national defense pursuant to Renegotiation Board Regulations. This authority is not redelegable. (32 CFR 1453.5 (c).)

i. *First War Powers Act, 1941.* (1) To enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to approve advance progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, including authority to modify or amend or settle, by agreement, claims under contracts heretofore or hereafter made; to approve advance, progress and other payments upon such contracts and to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, and to determine that any such action would facilitate the national defense. Title II of the First War Powers Act, 1941, as amended. (55 Stat. 838, 50 U. S. C. App. 611, and Executive Orders 10227 of March 26, 1951, and 10210 of February 2, 1951.)

j. *Transfers of property for highway purposes.* (1) To exercise the authority of the Administrator under the Federal Highway Act to transfer to State Highway Departments property determined to be necessary for highway purposes. (23 U. S. C. 18.)

k. *Transfers under Federal Airport Act.* (1) To transfer property pursuant to section 16 of the Federal Airport Act, and make determinations incident thereto. (49 U. S. C. 1115.)

l. *Transfers for street widening purposes.* (1) To transfer portions of Federal building sites for street widening purposes. (40 U. S. C. 345b.)

m. *Disaster relief.* (1) To exercise the following functions assigned to the Administrator in any major disaster pursuant to Public Law 875, 81st Congress (64 Stat. 1109), as amended, 42 U. S. C. 1855–1855g, and Executive Order 10427, dated January 16, 1953:

(a) The performance on public or private lands of protective and other work essential for the preservation of life and property, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed.

327. *Commissioner, Transportation and Public Utilities Service.* The Commissioner, Transportation and Public Utilities Service, is hereby delegated authority under the:

1. *Federal Propery and Administrative Services Act of 1949, as amended.* a. *Title II.* (1) To procure and supply personal property and nonpersonal services, in connection with transportation or related services, for the use of executive agencies (including General Services Administration) and perform functions related to such procurement and supply; and, upon its request, provide these services to any Federal agency, mixed-ownership corporation, or the District of Columbia. Secs. 201 (a) (3) and 201 (b) (40 U. S. C. 481 (a) (3), 481 (b)).

(2) To represent executive agencies (including General Services Administration) in negotiations with carriers and other public utilities involving transportation and other public utilities services for use of such agencies. Sec. 201 (a) (4) (40 U. S. C. 481 (a) (4)).

(3) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided,* That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* Pursuant to section 309 (a) (41 U. S. C. 259 (a)), the Commissioner, Transportation and Public Utilities Service, is designated as an "agency head" for the purposes of Title III; and, except for the making of delegations or determinations specified in section 302 (a) (41 U. S. C. 252 (a), the Commissioner may exercise the following authority provided in Title III:

(1) To negotiate purchases and contracts for property and services without advertising, and to make any determinations and decisions required in connection therewith. Secs. 302 (c) (1) through (6), (9), (11), (13), (14) (41 U. S. C. 252 (c) (1) through (6), (9), (11), (13), (14)). In connection with the negotiation of purchases and contracts which should not be publicly disclosed, section 302 (c) (11), the authority to make determinations and decisions specified in section 302 (c) (11) is not redelegable.

(2) To make purchases and contracts for property and services by advertising. Sec. 302 (c) (41 U. S. C. 252 (c)).

(3) To determine that the rejection of all bids is in the public interest. Sec. 303 (b) (41 U. S. C. 253 (b)).

(4) To determine the type of negotiated contract which will promote the best interests of the Government. Sec. 304 (a) (41 U. S. C. 254 (a)).

(5) To make the determinations required in connection with cost, cost-plus-a-fixed-fee, and incentive-type contracts. Sec. 304 (b) (41 U. S. C. 254 (b)).

2. *Other applicable statutes, regulations, and Executive orders:* a. *Strategic and Critical Materials Stockpiling and Defense Production Acts.* (1) To negotiate and execute all contracts for transportation or related services arising under:

(a) The Strategic and Critical Materials Stockpiling Act (60 Stat. 596 (1946), 50 U. S. C. 98) or the Defense Production Act of 1950, as amended.

(b) The supplemental stockpile, pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended (68 Stat. 454, 7 U. S. C. 1691), Executive Order 10560, dated September 9, 1954, and Delegation of Authority from the Director of the Office of Defense Mobilization, dated November 17, 1954 (DMO V-4, 32A CFR Ch. 1).

(c) The Abaca Production Act of 1950 (64 Stat. 435, 50 U. S. C. 541) and Executive Order 10539 of June 22, 1954, as amended by Executive Order 10552 of August 18, 1954.

(d) The Domestic Tungsten, Asbestos, Fluorspar and Columbium-Tantalum Production and Purchase Act of 1956 (70 Stat. 579, 50 U. S. C. App. 2191–2195), and Delegation of Authority issued pursuant thereto by the Secretary of the Interior, dated July 31, 1956 (21 F. R. 5872).

(e) The agreement between Commodity Credit Corporation and General Services Administration relating to services to be furnished by General Services Administration with respect to strategic materials acquired by Commodity Credit Corporation through barter of surplus agricultural commodities.

3. *General authorities.* c. *Drawback documentation.* (1) Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries pursuant to Customs Regulations, to endorse export bills of lading, and to execute certificates of exportation. (19 CFR 22.37.)

328. *Regional Commissioners.* The Regional Commissioners are hereby delegated authority under the:

1. *Federal Property and Administrative Services Act of 1949, as amended.* a. *Title II.* (1) To represent executive agencies in proceedings involving carriers and other public utilities before Federal and State regulatory bodies, with respect to transportation and other public utility services for the use of such agencies. Sec. 201 (a) (4).

(2) To consider, ascertain, determine, adjust and settle the following claims:

(a) Claims in connections with abandoned or unclaimed property. Sec. 203 (m).

(b) Claims or adjustments. Sec. 204 (d).

(c) Enforcements, adjustments, or settlements. Sec. 204 (g).

(5) To withdraw surplus General Services Administration personal property. Sec. 202 (b) (2) (40 U. S. C. 483 (b) (2)).

(8) To authorize abandonment, destruction, or donation of General Services Administration personal property to public bodies, and to make any determinations and findings incidental thereto. Sec. 202 (h) (40 U. S. C. 483 (h)).

(9) To approve credit in connection with the disposal of surplus property and the establishment of credit terms and conditions. Sec. 203 (c).

(10) To take possession of, utilize, transfer or dispose of abandoned and unclaimed personal property and determine the fair value and costs of care and handling thereof. Sec. 203 (m) (40 U. S. C. 484 (m)).

(12) To administer and manage any credit, lease or permit, and any security therefor, and to collect all moneys due the Government on account thereof: *Provided*, That such authority shall not apply to any legal action to adjust, enforce, and settle any right of the Government with respect thereto. Sec. 204 (g).

(13) To procure the temporary (not in excess of one year) or intermittent services of experts or consultants, or organizations thereof: *Provided*, That such authority shall not include the authority to procure stenographic reporting services. Sec. 208 (b) (5 U. S. C. 630h (b)).

b. *Title III.* (1) To negotiate contracts without advertising for any service to be rendered by any university, college, or other educational institution. Sec. 302 (c) (5).

2. *Other applicable statutes, regulations, and Executive orders:* c. *Illustrations in field printing.* (1) To make the certifications as to the use of illustrations in the General Services Administration field printing prescribed by the Government Printing and Binding Regulations, published by the Joint Committee on Printing, Congress of the United States: *Provided*, That the additional cost of the illustrations in such printing in any case shall not exceed $500. This authority may not be redelegated.

d. *Legal activities.* (1) To consider, ascertain, determine, adjust and settle the following claims:

(a) Any claim, demand, or request for adjustment in the nature of a claim, other than those described in paragraph 1. a. (2) above, arising out of or incident to any contract, agreement, lease, or permit executed pursuant to competent authority covering the procurement by purchase, construction, or otherwise, or disposal of personal property, real property, and services: *Provided, however*, That this authority shall not impair or affect authority otherwise vested in contracting officers to decide questions of fact under disputes clauses of contracts, or any responsibility vested in the Board of Review.

(b) Any claim under the Federal Tort Claims Act, as amended (60 Stat. 843 (1946), 28 U. S. C. 267), and any claim in tort by General Services Administration on behalf of the Government.

(2) To apply for a court order for delivery of property subject to forfeiture proceedings under Section 304 of the Act of August 27, 1935, as amended. This authority may be redelegated to the Regional Counsel only. (49 Stat. 880, 40 U. S. C. 304l.)

(3) To certify true copies of delegations of authority by the Administrator and redelegations by other General Services Administration officials, and to provide such further certification as may be necessary to effectuate the intent of such delegations and redelegations in form for recording in any jurisdiction, as may be required.

(4) To authenticate and attest copies of records created by General Services Administration, to furnish authenticated copies of such records, and to charge fees therefor.

(5) To determine whether the release of authenticated copies of any records in the custody of the Administrator is legal and not prejudicial to the national interest or security of the United States and to furnish properly authenticated copies of such records in response to subpoenas duces tecum in appropriate cases.

f. *Purchases.* (1) To make purchases of office supplies, equipment, and nonpersonal services, not available from General Services Administration stores stock, or through the use of supply and service contracts executed by the Federal Supply Service.

Effective date. This delegation of authority shall become effective immediately.

FRANKLIN FLOETE,
Administrator.

JULY 24, 1958.

[F. R. Doc. 58-5801; Filed, July 29, 1958; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Ch. II]

(—) 3-HYDROXYMORPHINAN AND OTHER DRUGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U. S. C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F. R. 1480), that a determination is proposed to be made that each of the following named new drugs has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

(—) 3-Hydroxymorphinan
2'-Hydroxy-2,5,9-trimethyl - 6,7-benzmorphan
3 - Allyl-1-methyl-4-phenyl - 4 - propionoxypiperidine
Dimethylaminoethyl diphenyl-α-ethoxyacetate

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drugs, which are received by the Commissioner of Narcotics prior to September 2, 1958. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drugs will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D. C., at 10:00 o'clock a. m., September 2, 1958, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the act of March 8, 1946.

(60 Stat. 38; 26 U. S. C. 4731)

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

[F. R. Doc. 58-5812; Filed, July 29, 1958; 8:52 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 46]

RURAL PATRONS, AFFIXING OF STAMPS DURING MONTH OF DECEMBER

NOTICE OF PROPOSED RULEMAKING

It is proposed to amend the Department's regulations to require patrons on rural routes to affix stamps to all greeting cards and letter mail during the month of December each year. The amendment to Title 39, Chapter I, Code of Federal Regulations, which follows will achieve the desired purpose.

The proposed change relates to a proprietary function of Government, and is therefore exempt from the rulemaking requirements of 5 U. S. C. 1003. However, the Postmaster General desires to voluntarily observe the requirements in this case so that postal patrons may have an opportunity to present written views concerning the proposed regulation. Consideration will be given the regulation in the light of such comments as may be received. Such written views may be submitted to Mr. P. R. Gallagher, Director, Delivery Services Branch, Bureau of Operations, Post Office Department, Washington 25, D. C., at any time prior to August 30, 1958.

In § 46.4 *Payment of postage*, insert the following as the second sentence of paragraph (a): "During the month of December, however, patrons are required to affix stamps to all greeting cards and letter mail."

NOTE: The corresponding Postal Manual section is 156.41.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191)

[SEAL] LEO G. KNOLL, *Acting General Counsel.*

[F. R. Doc. 58-5788; Filed, July 29, 1958; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181, et seq.), as amended and supplemented, it is proposed to amend 43 CFR 192.3, 192.4 and 192.42 hereinafter set forth. The proposed amendment of § 192.3 (a) would include within the accountable acreage limitations the acreage included in applications or offers to lease. The acreage limitations have been construed consistently to apply to lease applications and offers as well as to leases almost since the enactment of the Mineral Leasing Act. (Circular 1036, October 16, 1925, 51 L. D. 239; Circular 1073, June 18, 1926, 51 L. D. 475.)

Interested parties may submit in triplicate written comments and suggestions with respect to the proposed amendments to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication hereof in the FEDERAL REGISTER.

Dated: July 24, 1958.

FRED A. SEATON, *Secretary of the Interior.*

1. Paragraphs (a) and (c) of § 192.3 are amended to read as follows, and new paragraphs (d) and (e) are added thereto:

§ 192.3 *Acreage limitations.* (a) No person, association, or corporation, except as in the act provided, may hold more than 46,080 acres in any one State, or more than 100,000 acres in the Territory of Alaska, whether directly through the ownership of leases or interests in leases and applications or offers therefor or indirectly as a member of an association or associations, or as a stockholder of a corporation or corporations, holding leases or interests therein and applications or offers therefor. Leases or offers or applications for leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall not be included in computing accountable acreage. Leases or offers or applications for leases subject to an operating, drilling, or development contract approved by the Secretary of the Interior pursuant to section 17 (b) of the act, other than communitization agreements, shall be excepted in determining the accountable acreage of the lessees or operators.

* * * * *

(c) No lease will be issued and no transfer or operating agreement will be approved until it has been shown that the offeror, transferee, or operator is entitled to hold the acreage or obtain the operating rights.

(d) At any time upon request by the authorized officer of the Bureau of Land Management, the record title holder of any lease or a lease operator or a lease offeror may be required to file in the appropriate land office duplicate statements under oath, showing (1) the serial number and the date of each lease of which he is the record holder, or under which he holds operating rights, and each application or offer for lease held or filed by him in the particular State or Territory setting forth the acreage covered thereby, and (2) the nature, extent and acreage interests, including royalty interests held by him in any oil and gas lease of which the reporting party is not the lessee of record, whether by corporate stock ownership, interest in unincorporated associations and partnerships, or in any other manner.

(e) (1) If any person holding or controlling only leases or interests in leases is found to hold accountable acreage in violation of the provisions of this section and of the act, the last lease or leases or interest or interests acquired by him which created the excess acreage holding may be cancelled or forfeited or the person holding or controlling such leases or interests may be compelled to dispose of them. The entire lease or interest causing the excess holding will be cancelled or forfeited or required to be disposed of even though only part of the acreage in the lease or interest constitutes excess holding.

(2) If any person holding or controlling leases or interests in leases only, or applications or offers for leases only, or both leases or interest in leases and applications or offers, below the acreage limitation provided in this section, files an application or offer, or a group of applications or offers (filed simultaneously), which causes him to exceed the acreage limitation, the application or offer, or group of applications or offers, causing the excess holding, will be rejected in its entirety.

(3) If any person holding or controlling both leases or interests in leases and applications or offers for leases, or only applications or offers for leases, below the acreage limitation provided in this section, acquires a lease or leases, or interests therein, which cause him to exceed the acreage limitation, his most recently filed application or offer, or applications or offers, then containing acreage in excess of the limitation provided in this section will be rejected in its or their entirety. For the purpose of this subparagraph, time of filing shall be determined by the time of filing marked on the application or offer or, if the same time is marked on two or more applications or offers, by the serial number of the applications or offers.

(4) The provisions of this paragraph shall not limit any action which the Department may take with respect to excess acreage holdings in cases not otherwise covered by this paragraph.

2. Paragraph (a) of § 192.4 is amended to read as follows:

(a) Acreage held under a nonrenewable option, valid only for three years or such longer period as may be authorized by the Secretary, shall not be chargeable under § 192.3, but no optionee may hold options on leases or offers to lease at any one time for more than 200,000 acres in any one State, or in the Territory of Alaska.

3. Paragraph (e) of § 192.4 is amended to read as follows:

(e) Each optionee must file in the appropriate land office within 90 days after June 30 and December 31 of each year duplicate statements under oath, showing as of the prior June 30 and December 31, respectively (1) name of optioner and serial number of lease, application or offer for lease subject to option; (2) date and expiration date of each option; (3) number of acres covered by each option, and (4) aggregate number of options held in each State, and total acreage thereof. Option statements covering lands in the State of California shall be filed in the land office at Sacramento, California, and statements covering lands in Alaska shall be filed in the land office at Anchorage, Alaska.

4. Subparagraph (3) of paragraph (e) of § 192.42 is amended and subdivided to read as follows:

(e) Each offer, when first filed, shall be accompanied by: * * *

(3) (i) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (f) of this section), evidence of the authority of the attorney in fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror.

(ii) If such offeror is an individual, a statement over the offeror's signature setting forth the offeror's citizenship and whether the offeror's direct and indirect interests in oil and gas leases, applications, and offers therefor, exceed 46,080 chargeable acres in the same State, or exceed 100,000 acres in the Territory of Alaska.

(iii) A signed statement by the offeror that he is the sole party in interest in the offer and the lease, if issued; if not he shall set forth the names and the nature and extent of the interest therein of the other interested parties, the nature of the agreement between them, if oral, and a copy of such agreement, if written. Such statement must be signed by all of the interested parties including the offeror, and all interested parties must furnish evidence of their qualifications to hold such lease interest.

5. Paragraph (g) (1) of § 192.42 is supplemented by adding a new subdivision thereto as follows:

(viii) The offer is required to be rejected pursuant to § 192.3 (e).

[F. R. Doc. 58-5776; Filed, July 29, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO REVISION OF ADMINISTRATIVE RULES AND REGULATIONS

Notice is hereby given that the Secretary is considering the revision of § 984.463 and the addition of a new section, § 984.479, in the administrative rules and regulations (7 CFR 984.401–984.488) pertaining to operating procedures of the Walnut Control Board applicable to walnut handlers pursuant to Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

It is proposed that § 984.463 *Disposition of substandard walnuts* be revised to set forth specific control procedures applicable to the disposal of substandard walnuts by handlers and thereby enable the Walnut Control Board to more effectively carry out its functions.

Proposed new § 984.479 would specify the records to be maintained by handlers pursuant to § 984.79 of the marketing agreement and order.

Consideration will be given to data, views, or arguments pertaining to these proposals which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Proposed § 984.463 as revised and proposed new § 984.479 are as follows:

§ 984.463 *Disposition of substandard walnuts.* (a) (1) No handler may dispose of substandard walnuts which he holds except:

(i) By crushing them into oil, feeding them to livestock or destroying them; or

(ii) To a crusher approved by the Control Board to receive them for crushing into oil at a location where oil crushing facilities are available, or to a livestock feeder approved by the Control Board to receive them for feeding to livestock at a location where the walnuts are to be fed.

(2) During each marketing year the Control Board shall maintain an approved list of crushers and livestock feeders and of the locations within the area of production to which substandard walnuts may be shipped. The Board may deny approval to any applicant or remove any crusher or feeder from the approved list when such denial or removal is deemed necessary to insure control of substandard walnut disposition.

(3) Applications for approval to crush or feed substandard walnuts should be submitted to the Board annually on a form prescribed by the Board and which includes the location and a description of the crushing or feeding facilities to be used and a certification to the Control Board and the Secretary of Agriculture that the applicant will:

(i) Crush or feed such walnuts at the approved location.

(ii) Use such walnuts for no other purpose than for crushing into oil or livestock feeding.

(iii) Permit such inspection of his premises and of walnuts received and held by him, and such examination of his books and records covering walnut transactions as the Control Board may require.

(iv) Keep written records of his receipts, holdings and use of substandard walnuts available for examination by authorized representatives of the Control Board and the U. S. Department of Agriculture for a period of two years after the end of the marketing year in which the recorded transactions are completed.

(b) Each handler who uses substandard walnuts for oil production or livestock feeding or destroys them shall report the quantity and use of such substandard walnuts on WCB Form No. 20a not later than the 10th day of each month with respect to the substandard walnuts used or destroyed during the preceding month.

(c) Each handler who disposes of substandard walnuts to a crusher or livestock feeder approved by the Control Board, for oil production or livestock feeding, shall upon shipment furnish to the Control Board on a form specified by the Board a report giving the date, name and address of the handler and of the buyer, the quantity of substandard walnuts shipped, the intended use, the location to which shipped, and such other information as the Control Board may require.

§ 984.479 *Books and other records.* (a) Pursuant to § 984.79, each handler shall maintain true and complete records of all shelled and unshelled walnuts or walnut material, by categories, received, held, or disposed of by him. Such records shall include the following:

(1) The name and addresses of the persons from whom received, and the quantities received from each such person.

(2) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person.

(3) The quantities used by a handler for manufacturing, production of oil, and livestock feeding, or in other outlets.

(4) The quantities held on August 1, and January 1 of each marketing year.

(b) The records shall be maintained and in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Walnut Control Board or the Secretary of Agriculture.

Dated: July 24, 1958.

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

[F. R. Doc. 58-5792; Filed, July 29, 1958; 8:48 a. m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES FOR PRUNE ADMINISTRATIVE COMMITTEE FOR 1958–59 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH CROP YEAR

Notice is hereby given that the Secretary is considering the approval of a budget of expenses for the Prune Administrative Committee for the 1958–59 crop year and the fixing of a rate of assessment for that year, as hereinafter set forth. The amount of the budget and rate of assessment were unanimously recommended by the aforesaid committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event that the said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

The proposed budget of expenses and rate of assessment are as follows:

§ 993.309 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1958–59 crop year*—(a) *Budget of expenses.* Expenses in the amount of $88,660 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1958 and ending July 31, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative

Committee, in accordance with the provisions of § 993.50 (e), an assessment of 65 cents for each ton of dried prunes received by him as the first handler thereof during the crop year beginning August 1, 1958 and ending July 31, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

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

Dated: July 25, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5824; Filed, July 29, 1958; 8:55 a. m.]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SPECIAL REGULATION OF PRUNES FOR 1958-59 CROP YEAR

Notice is hereby given that the Secretary is considering the making of a finding and determination that the estimated season average price for prunes for the crop year which begins August 1, 1958, would be in excess of the price level contemplated by the provisions of section 2 (1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), if the below-parity regulatory provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 22 F. R. 8254), regulating the handling of dried prunes produced in California, effective under the act, were made operative for the 1958-59 crop year.

In conjunction with the proposed finding and determination, it is intended that the Secretary will order that the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 of said marketing agreement and order shall apply to all handling of prunes, and that pack regulations (7 CFR 993.501-993.518; 23 F. R. 3373) be suspended, during the remaining portion of the 1958-59 crop year beginning with the effective time of this proposed regulation. The invoking of such provisions would tend to effectuate the declared policy of the act for such crop year and would be in accordance with the authorization contained in § 993.50 (a).

In its meeting of June 17, 1958, the Prune Administrative Committee (established pursuant to the marketing agreement and order) considered data relevant to the formulation of a marketing policy for the 1958-59 crop year and unanimously recommended that the provisions of § 993.50 be made effective for that year. The 1958 production of prunes is indicated to be much below average. Moreover, it is definitely indicated that the total available supply of prunes in 1958-59 will be considerably less than the normal requirements for domestic and export markets and for carryout. The prospective supply and demand situation indicates that the estimated season average price to producers for prunes for 1958-59 would exceed parity if the handling of prunes were regulated pursuant to the below-parity regulatory provisions of this marketing program. However, the act authorizes no action which has for its purpose the maintenance of prices to farmers above parity.

Salable and surplus percentages of 90 and 10 percent, respectively, were established (22 F. R. 6645) for the 1957-58 crop year which ends July 31, 1958. The last sentence of § 993.59 (a) (1) provides that the salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year. However, it is proposed that there be no volume percentages established for the 1958-59 crop year. Therefore, if the provisions of § 993.50 are made effective after July 31, 1958, it is proposed to terminate the applicability of the volume percentages established in the 1957-58 crop year to handlers' acquisitions of prunes in the 1958-59 crop year and to order that any and all surplus tonnage prunes held by handlers and referable to their acquisitions of prunes during the crop year which begins on August 1, 1958, shall, as soon as practicable after the effective time of the proposed special regulation of prunes, be released to the respective handlers for disposition in accordance with the provisions of § 993.50 (c).

Consideration will be given to any data, views, or arguments pertaining to this notice which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER. In the event that the eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submissions must be received by the Director not later than the close of business on the next following business day.

Dated: July 25, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-5823; Filed, July 29, 1958; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSAL TO AMEND DEFINITION AND STANDARD OF IDENTITY FOR BREAD TO ADD WHEAT GLUTEN TO THE LIST OF OPTIONAL INGREDIENTS

Notice is hereby given that Hercules Powder Company, Wilmington, Delaware, has filed a petition proposing that the definition and standard of identity for bread be amended to provide for adding wheat gluten, meeting specified functional tests, as an optional ingredient. The petition sets out that the purpose to be served by the added wheat gluten is to make a stronger dough with improved gas-retaining properties capable of yielding better finished baked products; for example, hamburger buns with a stronger hinge, which do not break easily when opened.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F. R. 1045), all interested persons are hereby invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The petitioner proposes that paragraph (a) of the definition and standard of identity for bread (21 CFR 17.1) be amended by adding thereto a new subparagraph, as follows:

(15) Wheat gluten derived from wheat flour from which starch has been removed by washing with water until the gluten contains not less than 75 percent protein on a moisture-free basis (not less than 13.16 percent nitrogen using the factor 5.7); provided that the gluten is not denatured during drying as determined by the test hereinafter set forth; and provided further that the term "wheat flour" shall mean the food whose standard of identity is prescribed by § 15.1 of this chapter, except that the percent of ash therein, calculated to a moisture-free basis, is not more than 2.3. To determine whether the wheat gluten is denatured use a laboratory sigma mixer of 1 pint capacity (Carl Heinrich Company, Boston, Massachusetts). Place 100 cubic centimeters of water at 25° C. in the mixer and start the mixer. Add 30 grams of wheat gluten gradually so as to aid dispersion. Time of addition is noted and the sample observed continuously until such time as the approach of dough formation is marked by a visual change in consistency of the slurry. When the gluten begins to agglomerate and separate from the water, the mixer is stopped. If the resulting pieces of agglomerated gluten can be combined into one large dough mass showing the homogeneity, elasticity, and film-forming properties of an undenatured gluten, the dough-forming point has been reached. If not, mixing is resumed until the material does show the above properties. The mixing time required for the formation of the dough is noted. If a sample of gluten forms a dough within 60 minutes the gluten has not been denatured during drying. If the gluten does not form a dough after mixing for 1

hour under the above-controlled conditions the gluten is deemed to have been denatured during drying.

Dated: July 23, 1958.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 58-5790; Filed, July 29, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NORTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 22, 1958.

The United States Army Corps of Engineers has filed an application, Serial No. M-021926 (ND) for the withdrawal of the lands described below, from all forms af appropriation including the mining but not the mineral leasing laws. The applicant desires the land for use in connection with the Garrison Dam and Reservoir Project as provided for by the Flood Control Act of December 22, 1944 (58 Stat. 887, 897).

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

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:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 103 W.,
Sec. 3: Lots 13, 14;
Sec. 9: Lot 5;
Sec. 10: Lots 1, 3, 5;
Sec. 14: Lot 2.
T. 153 N., R. 100 W.,
Sec. 6: Lot 4 and unsurveyed accretion thereto.
T. 153 N., R. 101 W.,
Sec. 6: That portion of Lot 9 lying southerly of the Great Northern Railway right-of-way;
Sec. 7: Lot 2;
Sec. 19: Lots 4, 5, 8 and unsurveyed accretions thereto.
T. 153 N., R. 102 W.,
Sec. 20:
Lot 2,
Lot 3, less Great Northern Railway right-of-way;
Sec. 22: Lots 2, 3;
Sec. 25:
Lot 7,
Lot 8 and unsurveyed accretion thereto;
Sec. 26: Lots 7, 8;
Sec. 29: Lot 3;
Sec. 34: Lot 7.
T. 154 N., R. 100 W.,
Sec. 31:
Lot 2,
Lot 3,
Lot 4 and unsurveyed accretion thereto.
T. 154 N., R. 101 W.,
Sec. 25: Lots 5, 8;
Sec. 29: That portion of the SW¼SE¼ lying southerly of the Great Northern Railway right-of-way;
Sec. 33: Lots 1, 2, 3, 4;
Sec. 34: Lots 1, 2, 3;
Sec. 35: Lots 3, 4, 5.

Total—approximately 939.96 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 58-5778; Filed, July 29, 1958; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

JULY 23, 1958.

Notice is hereby given that the Office of Territories, Department of Interior, has made application, Anchorage 043764, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands for a public works project AAA 50-A-315, Unit 2, for construction of the Tustumena School, near the Town of Kasilof, Alaska;

T. 3 N., R. 11 W., S. M.,
Sec. 31, SW¼SE¼NW¼;
Containing 10 acres more or less.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Anchorage Land Office, Alaska, a protest within thirty days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

IRVING W. ANDERSON,
Manager.

[F. R. Doc. 58-5779; Filed, July 29, 1958; 8:46 a. m]

ARKANSAS

NOTICE OF PROPOSED WITHDRAWAL

JULY 24, 1958.

The Department of the Army, Corps of Engineers, has filed an application for the withdrawal from all forms of appropriation under public land laws, including the United States Mining and Mineral Leasing Laws, subject to valid existing rights, the lands hereafter described.

The land is required for use in conjunction with the construction, operation and maintenance of the Dardanelle Lock and Dam Project, Arkansas, and will be subject to inundation by the Dardanelle Lock and Dam Project.

For a period of 30 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, Washington 25, D. C.

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

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 8 N., R. 23 W.,
Sec. 27, E½SE¼SW¼.

The area described contains 20 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-5780; Filed, July 29, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CHAIRMAN, ALASKA ASC COMMITTEE

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

In order to provide for the execution of certain documents in connection with Commodity Credit Corporation transactions in the Territory of Alaska, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

Definitions. The term "CCC" shall mean Commodity Credit Corporation.

The term "ASC" shall mean Agricultural Stabilization and Conservation.

The term "committee member" shall mean any member of an ASC county committee within the Territory of Alaska.

Delegation. The Chairman, Alaska ASC Committee or, upon written designation by him, any county committee member may sign or countersign CCC sight drafts properly issued pursuant to any ASC-administered program in which the use of CCC sight drafts is prescribed.

Issued this 17th day of July 1958.

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

[F. R. Doc. 58-5793; Filed, July 29, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A. KIRSTEN AND SARTORI AND BERGER

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7822-1, between A. Kirsten and Sartori and Berger, modifies approved joint service Agreement No. 7822, covering the establishment and maintenance of a joint cargo service in the trade between Great Lakes ports of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland, on the one hand, and Continental ports of Europe within the Bordeaux/Hamburg Range and the port of London. The purpose of the modification is to provide that notice required to cancel the agreement on November 1st of any year shall be given by September 1st of that year instead of by July 1st as presently provided.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5813; Filed, July 29, 1958; 8:52 a. m.]

CITY OF OAKLAND, CALIFORNIA AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8085-C, between the City of Oakland, California, and Howard Terminal, provides for the cancellation of approved Agreement No. 8085, as amended and extended by Agreements Nos. 8085-A and 8085-A-1, covering the lease by the City of Oakland of its Grove Street Pier, Market Street Pier and certain area adjacent thereto, the lease of which is now covered by Agreement No. 8305, approved May 26, 1958.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5814; Filed, July 29, 1958; 8:52 a. m.]

ASSOCIATED-BANNING CO. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S C. 814):

Agreement No. 7576-2, between Associated-Banning Company, Indies Terminal Company, Marine Terminals Corporation (of Los Angeles), et al., modifies the basic agreement of the Master Contracting Stevedores Association of Southern California, No. 7576, the objects and purposes of which are to promote fair and honorable business practices among the parties thereto in the performance of car loading, car unloading and accessorial services in connection therewith at docks and terminals at Southern California ports. The purpose of the modification is (1) to change the present name of the Association to "Southern California Carloading Tariff Bureau," and (2) to substitute "Federal Maritime Board" for "U. S. Maritime Commission" or "Maritime Commission", wherever such latter designations appear in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5815; Filed, July 29, 1958; 8:53 a. m.]

AMERICAN MAIL LINE LTD., AND AMERICAN PRESIDENT LINES, LTD.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8318, between American Mail Line Ltd., and American President Lines, Ltd., provides for the appointment of American President as agent of American Mail for the performance of services in connection with the business of the principal in the midwestern part of the United States as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-5816; Filed, July 29, 1958; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 23, 1958.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Washington, of Ephrata, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for waterpower Project No. 2114, located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington, to include therein two 230-kilovolt, three-phase, single-circuit, steel-tower transmission lines, designated as Priest Rapids-Midway 230 kv Lines Nos. 1 and 2, and extending closely parallel to each other in an easterly direction from Priest Rapids Powerhouse of Project No. 2114 to a point about one mile north of the existing Midway Substation of the Bonneville Power Administration, thence by separate routes across the Columbia River to Midway Substation. The total length of No. 1 line is approximately 7.0 miles and that of No. 2 line is about 7.5 miles. The transmission lines are to be located in Grant and Benton Counties, Washington.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 27, 1958. The application is on file with the Commission for inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5782; Filed, July 29, 1958; 8:46 a. m.]

[Docket No. IT-5762]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JULY 23, 1958.

Take notice that El Paso Electric Company (Company), incorporated under the laws of the State of Texas, with its principal place of business at El Paso, Texas, on July 14, 1958, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, to increase the amount and rate of electric energy which the Company may transmit from the United States to Mexico.

By order issued August 31, 1949, in the above docket, the Company was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 30,000,000 kilowatt-hours per year at a rate not to exceed 7,500 kilowatts over facilities covered by a Presidential Permit to the Company, signed by the President of the United States on May 21, 1946, in the above docket, for sale to Compania Mexicana Productora de Luz y Fuerza, S. A. (Mexican Co.) for use and resale in Juarez, Mexico, and vicinity. Upon expiration of the Company's contract with Mexican Co., the aforementioned order was modified, by order issued May 23, 1951, in the above docket, to the extent and only to the extent of authorizing the Company to transmit electric energy from the United States to Mexico for sale to Comision Federal de Electricidad, an agency of the Republic of Mexico, in place of Mexican Co. The Company now seeks to increase to 158,000,000 kwh the maximum amount and to 30,000 kva the maximum rate of electric energy which may be exported annually to Comision Federal de Electricidad, Division Norte, over the Company's existing facilities specified in the aforementioned Permit and over certain proposed facilities for which the Company, in its above-mentioned application, seeks an amendment of said Permit.

Information on file with the Commission indicates that the Company's present authorization to export electric energy is inadequate to supply the needs of Comision Federal de Electricidad, Division Norte.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 14, 1958, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-5783; Filed, July 29, 1958; 8:46 a. m.]

[Docket No. G-14740]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JULY 24, 1958.

Take notice that on March 24, 1958, as supplemented on June 30, 1958, Southern Natural Gas Company (Applicant) filed in Docket No. G-14740 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to serve natural gas from Applicant's Vicksburg lateral pipeline on an interruptible basis to Mississippi Valley Portland Cement Company (Cement Company) for use in a new plant presently being constructed near Redwood, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 4.5 miles of 6⅝-inch loop pipeline on Applicant's Vicksburg lateral from a point some 2.85 miles south of its Onward compressor station in a southerly direction to the northern terminus of the proposed loop line which is the subject of an application in Docket No. G-14587. Also proposed is a tap and meter station at milepost 17.95 on Applicant's existing Vicksburg lateral, south of the Yazoo River crossing, for service to the cement plant.

The total estimated cost of the proposed facilities is $154,640, which will be defrayed by Applicant from funds on hand.

Cement Company will construct its own 3.5 mile service line from the proposed meter station to the new cement plant. The estimated daily fuel requirement of Cement Company is 3,500 Mcf.

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 August 18, 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 August 14, 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. 58-5787; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15505]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 23, 1958.

Magnolia Petroleum Company (Magnolia) on June 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Shell Oil Company.
Rate schedule designation: Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146. Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149. Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151.
Effective date: July 25, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation increase Magnolia states that: The sales are installment sales, the contracts resulted from arm's length bargaining, long-term contracts would not have been entered into had Magnolia not been contractually assured that the price adjustments would be included as a part of the sale price, the sale is of a commodity rather than a service such as rendered by a pipe line company, the prices were determined under a "supply and demand" formula, the proposed prices do not exceed the current market prices in the area where produced and the increases are necessary because of increasing costs. Shell resells the gas to Texas Eastern Transmission Corporation under a rate now in effect subject to refund.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146; Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149, and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 146; Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 149, and Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 151.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 26, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5785; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15506]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 23, 1958.

Pan American Petroleum Corporation (Pan American) on June 27, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Comission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, dated June 23, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 58. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59. Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66. Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86.

Effective date: July 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Pan American submits copies of letters from Texas Eastern (executed by both parties) in which it is agreed that the redetermined rate for the five-year period commencing February 5, 1958 is 13.8733 cents per Mcf. (The redetermined rate is the average of the three highest prices paid by three different transporters for substantially similar volumes of similar gas produced in a portion of Texas Railroad Commission District No. 2.) In support of the proposed increases Pan American states that the price is a matter of contractual obligation arising from a contract resulting from arm's length negotiation in a competitive market, it would be inequitable and confiscatory for the Commission not to approve the increases as fair and reasonable, lack of approval would deprive Pan American of property without due process, the appropriate regulatory standard for judging the justness and reasonableness of an independent producer price is the current market price and recently negotiated contracts in the area having higher average base prices.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 13 to Pan American's FPC Gas Rate Schedule No 58; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59; Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66, and Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, contained in Supplement No. 13 to Pan American's FPC Gas Rate Schedule No. 58; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 59; Supplement No. 14 to Pan American's FPC Gas Rate Schedule No. 63; Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 66, and Supplement No. 12 to Pan American's FPC Gas Rate Schedule No. 86.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby each suspended and the use thereof deferred until December 28, 1958, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE *Secretary.*

[F. R. Doc. 58-5784; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15507]

PAN AMERICAN PETROLEUM CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 23, 1958.

Pan American Petroleum Corporation (Operator) et al. (Pan American), on June 27, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated June 23, 1958.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87.

Effective date: July 28, 1958 (effective date is the first day after expiration of the required thirty days' notice).

Pan American submits copies of letters from Texas Eastern (executed by both parties) in which it is agreed that the redetermined rate for the five-year period commencing February 5, 1958 is 13.8733 cents per Mcf. (The redetermined rate is the average of the three highest prices paid by three different transporters for substantially similar volumes of similar gas produced in a portion of Texas Railroad Commision District No. 2.) In support of the proposed increase Pan American states that the price is a matter of contractual obligation arising from a contract resulting from arm's length negotiation in a competitive market, it would be inequitable and confiscatory for the Commission not to approve the increase as fair and reasonable, lack of approval would deprive Pan American of property without due process, the appropriate regulatory standard for judging the justness and reasonableness of an independent producer price is the current market price and recently negotiated contracts in the area having higher average base prices.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 15 to Pan American's FPC Gas Rate Schedule No. 87.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 28, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor supplement hereby suspended shall be changed until this proceeding has been disposed or until the periods of suspension have expired, unless otherwise ordered by the Commission.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5786; Filed, July 29, 1958; 8:47 a. m.]

[Docket No. G-15508]

MIDSTATES OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JULY 24, 1958.

Midstates Oil Corporation (Midstates) on June 25, 1958, tendered for filing a proposed change in the rate schedule covering the sale of its natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filings:

Description:

(1) Instrument of Ratification and Adoption, dated June 6, 1956.

(2) Contract, dated July 16, 1956.

(3) Letter, dated July 16, 1956.

(4) Letter, dated July 24, 1957.

Buyer: Texas Eastern Transmission Corporation.

Rate schedule designation:

(1) Midstate's FPC Gas Rate Schedule No. 64.

(2) Supplement No. 1 to Midstate's FPC Gas Rate Schedule No. 64.

(3) Supplement No. 2 to Midstate's FPC Gas Rate Schedule No. 64.

(4) Supplement No. 3 to Midstate's FPC Gas Rate Schedule No. 64.

Effective date: August 1, 1958 (effective date is the date proposed by Midstates).

Midstates submitted, as an initial rate schedule, the ratification and adoption of the contract comprising Bert Fields et al., FPC Gas Rate Schedule No. 9 covering the sale of gas from the Williams Unit No. 1, Waskom Field, Harrison County, Texas, to Texas Eastern Transmission Corporation. The latter rate schedule is involved in a suspension proceeding in Docket No. G-13404. Heretofore, Midstates' gas produced from the Williams Unit has been sold for Midstates' account by Fields under Fields' Rate Schedule No. 9, pursuant to the terms and provisions of an operating agreement between the two parties.

Accompanying the ratification was a sample billing statement for the first month (August 1958) on sales by Midstates for its own account, reflecting a price of 14.4 cents per Mcf at 14.65 psia. This is the same rate that is effective subject to refund in Docket No. G-13403. The effective price under Fields' Rate Schedule No. 9 prior to the favored-nation increase to 14.4 cents per Mcf was 13.44896 cents per Mcf.

The changed schedule so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Midstates Oil Corporation's FPC Gas Rate Schedule No. 64 and Supplement Nos. 1, 2 and 3 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Midstates Oil Corporation's FPC Gas Rate Schedule No. 64 and Supplement Nos. 1, 2, and 3 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until August 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The rate schedule and the supplements thereto hereby suspended shall not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5807; Filed, July 29, 1958; 8:51 a. m.]

[Docket No. G-15525]

B. B. ORR

ORDER ACCEPTING FOR FILING CERTAIN RATE SCHEDULES, SUBJECT TO CERTAIN SPECIFIED CONDITIONS, AND PROVIDING FOR HEARING

JULY 23, 1958.

B. B. Orr (Orr), on May 5, 1958, filed certificate applications in Docket Nos. G-15048 and G-15049 covering proposed sales of gas from two wells located in the Smith Lindsey Unit, Waskom Field, Harrison County, Texas, to Mississippi River Fuel Corporation (Mississippi River). In support of his application in Docket No. G-15049, Orr submitted the gas sales contract theretofore filed as Bayview Oil Corporation (Operator), et al.'s FPC Gas Rate Schedule No. 7, the basic contract having been executed April 23, 1951, and sales thereunder to Mississippi River having commenced October 26, 1951. The contract dedicates gas produced from certain leased acreage in Waskom Field. By the Commission's letter of May 26, 1958, Orr was notified that his filing of the Bayview contract was rejected as incomplete on his own behalf. On June 10, 1958, Orr resubmitted the contract of April 23, 1951, and amendments thereto for filing as his FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4; and on June 23, 1958, Orr purported to complete such rate filing by submitting the related assignments, Supplements Nos. 5 through 7, by which he acquired [1] the lease interests of certain of the acreage dedicated to the basic contract, and from which acreage Orr proposes to sell gas to Mississippi River.

In response to Orr's request for temporary authorization to commence the two proposed sales in both Docket Nos. G-15048 and G-15049, the Commission's letter of May 26, 1958, authorized the sales in the former docket. The letter of May 26, 1958, on the other hand, did not grant the requested temporary authorization in Docket No. G-15049, because, as stated above, the related rate filing was incomplete. Following Orr's submittal on June 10, 1958, of the 1951 Bayview contract as his Rate Schedule No. 3, as aforesaid, the Commission, by letter on June 17, 1958, granted Orr temporary authorization to make sales under the Bayview contract as assigned in part to him; subject, however, to the conditions of the hearing and refund orders and the orders making rate changes effective, subject to refund, in Docket Nos. G-9417 and G-13421, involving Supplements Nos. 4 and 6 to Bayview's said Rate Schedule No. 7. The temporary authorization was also conditioned upon the submittal by Orr of a complete rate schedule for the proposed sales, and thereafter Orr submitted the three assignments as aforesaid.

The 1951 Bayview contract provides for a June 7, 1954 rate of 13.0 cents per Mcf (plus ¼ cent per Mcf for dehydration and an amount for partial reimbursement of the Texas Occupation Tax) and a schedule of periodic escalations of ½ cent per Mcf. The escalations to 13.5 and 14.0 cents contractually due October 26, 1955, and October 26, 1957, as filed by Bayview as proposed changes in rates, were made subject to hearing, suspended, and thereafter made effective subject to refund by orders issued in Docket Nos. G-9417 and G-13421, respectively. Thus, under Bayview's Rate Schedule No. 7, the presently effective rate, subject to refund, is 14 cents per Mcf commencing March 26, 1958.

In submitting his Rate Schedule No. 3 Orr included a billing statement indicating that the escalated rate of 14 cents per Mcf (plus the aforesaid dehydration and tax adjustments) would be applied upon commencement of sales by him. However, the 14 cents per Mcf rate is subject to the rate conditions contained in the certificate authorization, as aforementioned.

We will, therefore, permit Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 to become effective upon commencement of deliveries by Orr subject to hearing and refund as provided herein.

The increased rate and charge of 14 cents per Mcf plus the afore-mentioned adjustments has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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[1] Assignments dated April 12, 1954, November 29, 1954, and March 3, 1955.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes in rates and charges contained in Orr's FPC Gase Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto.

The Commission orders:

(A) Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1-7, are hereby accepted for filing, effective as of the date of initial delivery thereunder by Orr, subject to the conditions imposed by paragraphs (B) through (H) herein.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 15 thereof, the Commission's rules of practice and procedure, and the regulations thereunder (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge of 14 cents per Mcf (plus the aforementioned adjustments) contained in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto.

(C) Upon execution by Orr of a surety bond described in paragraph (G) below and acceptance thereof, evidenced by a letter addressed to Orr by the Secretary, the 14 cents per Mcf (plus the aforementioned adjustments) rate, charge and classification set forth in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, shall be effective upon commencement of delivery pursuant to temporary authority granted in Docket No. G-15049, as aforesaid.

(D) Nothing contained herein shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, or of section 157 of the Commission's rules and regulations thereunder, requiring applications for certificates of public convenience and necessity; and this order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against either B. B. Orr, or Bayview Oil Corporation.

(E) Orr shall refund to those entitled thereto the portion of the increased rates and charges hereby made effective found by the Commission in this proceeding not justified, with interest at the rate of six percent per annum from the date of payment to Orr until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies), in writing and under oath, to the Commission monthly, or quarterly if Orr so elects and so notifies the Commission within 30 days from the issuance of this order, for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate of 13 cents per Mcf (plus ¼ cent for dehydration and an amount for partial reimbursement of the Texas Occupation Tax) and under the rates allowed by this order to become effective, together with the difference in the revenues so computed.

(F) As a condition of this order, within 15 days from the date of issuance thereof, Orr shall execute and file with the Secretary of this Commission a surety bond in the amount and conditioned as set out in paragraph (G) hereof, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved.

(G) By said surety bond, Orr, his surety, and his heirs, executors, administrators, and assigns, jointly and severally, shall be held and firmly bound unto the Federal Power Commission for the use and benefit of those entitled thereto in the sum of $900, and said bond shall contain the following provisions:

The condition of this obligation is such that:

Whereas, B. B. Orr (herein called Orr), on June 10, 1958, filed with the Federal Power Commission (herein called the Commission) his FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, proposing to increase rates and charges over which the Commission has exercised jurisdiction; and

Whereas, by order issued July 23, 1958, the Commission ordered a hearing to be held concerning the lawfulness of the proposed rates, charges, and classifications, subject to the Commission's jurisdiction, as therein set forth; and

Whereas, the Commission, on July 23, 1958, issued its order making the rates, charges, and classifications set forth in Orr's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 through 7 thereto, effective upon commencement of deliveries thereunder, subject to Orr's furnishing a bond in the sum of $900 satisfactory to the Commission, and required that Orr refund any portion of the increased rates and charges made effective upon commencement of deliveries thereunder, found by the Commission in Docket No. G-15525 not justified;

Now, therefore, if Orr, his surety, and his heirs, executors, administrators, and assigns, in conformity with the terms and conditions of the order issued July 23, 1958, by the Federal Power Commission, In the Matter of B. B. Orr, Docket No. G-15525, shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rates and charges collected by Orr after commencement of deliveries, as such final order may find not justified, together with interest thereon at the rate of six (6) percent per annum from the date of payment thereof to Orr until refunded; and

(2) Comply otherwise with the terms and conditions of said order issued

, and with the provisions of the Natural Gas Act relating thereto, then this obligation shall be terminated, otherwise to remain in full force and effect.

(H) If Orr, in conformity with the terms and conditions of paragraph (E) of this order, make the refunds as may be required by order of the Commission, the bond shall be discharged, otherwise it shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5806; Filed, July 29, 1958; 8:51 a. m.]

[Docket No. G-15526]

MAGNOLIA PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JULY 24, 1958.

Magnolia Petroleum Company (Magnolia), on June 24, 1958, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Hassie Hunt Trust.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150. Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152.
Effective date: July 25, 1958 (effective date is the first day after expiration of the required thirty days notice).

In support of the proposed periodic increases Magnolia states that: The sales are installment sales, the contracts resulted from arm's-length bargaining, long-term contracts would not have been executed had Magnolia not been contractually assured that the price adjustments would be included as a part of the schedule of prices, the sale is of a commodity rather than a service, the prices were determined under a "supply and demand" formula, the proposed prices do not exceed the current market prices in the areas where produced, and the increases are necessary because of increasing costs.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 150 and Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 152.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 25, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-5808; Filed, July 29, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 45]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 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 Special 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 operations 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 126 (Deviation No. 1), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed July 3, 1958. Attorney for said carrier, Robert H. Kinker, seventh floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Louisville, Ky., and Milton, Ky., as follows: From junction U. S. Highways 42 and 31E in Louisville over U. S. Highway 31E to junction Indiana Highway 62, thence over Indiana Highway 62 to junction U. S. Highway 421, thence over U. S. Highway 421 to junction Kentucky Highway 36 in Milton 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 Louisville, Ky., and Milton, Ky., over the following pertinent route: From junction U. S. Highways 42 and 31E in Louisville over U. S. Highway 42 to junction U. S. Highway 421 near Bedford, Ky., thence over U. S. Highway 421 to junction Kentucky Highway 36 in Milton.

No. MC 126 (Deviation No. 2), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed July 14, 1958. Attorney for said carrier, Robert H. Kinker, seventh floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Milton, Ky., and Cincinnati, Ohio, as follows: From junction Kentucky Highway 36 and U. S. Highway 421 in Milton over U. S. Highway 421 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 42 in Cincinnati 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 Milton, Ky., and Cincinnati, Ohio, over the following pertinent route: From Milton over Kentucky Highway 36 to junction U. S. Highway 42 near Carrollton, Ky., thence over U. S. Highway 42 to Cincinnati.

No. MC 200 (Deviation No. 8), RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo., filed July 7, 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 Tiffin, Ohio, and Strongsville, Ohio, as follows: From Tiffin over Ohio Highway 18 to junction U. S. Highway 20 at Bellevue, Ohio, thence over U. S. Highway 20 to junction Ohio Highway 82 at a point south of Elyria, Ohio, thence over Ohio Highway 82 to junction U. S. Highway 42 at Strongsville 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 Tiffin, Ohio, and Strongsville, Ohio, over the following pertinent route: From Tiffin over U. S. Highway 224 to junction U. S. Highway 42 at Lodi, Ohio, thence over U. S. Highway 42 to Strongsville.

No. MC 200 (Deviation No. 9), RISS & COMPANY, INC., 15 West 10th Street, Kansas City 5, Mo., filed July 7, 1958. Attorney for said carrier, Ivan E. Moody, 15 West 10th Street, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Schenectady, N. Y., and Boston, Mass., as follows: From Schenectady over New York Highway 7 to Troy, N. Y., thence over New York Highway 2 to the New York-Massachusetts State line, thence over Massachusetts Highway 2 to Boston 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 Schenectady, N. Y., and Boston, Mass., over the following pertinent route: From Schenectady over New York Highway 5 to junction U. S. Highway 20 at Albany, N. Y., thence over U. S. Highway 20 to Boston.

No. MC 665 (Deviation No. 2), MISSOURI - ARKANSAS TRANSPORTATION COMPANY, 15th and Maiden Lane, Box 1167, Joplin, Mo., filed June 18, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route between Wichita, Kans., and Fort Smith, Ark., as follows: From Wichita over Kansas Highway 96 to junction Kansas Highway 47, to junction U. S. Highway 75, thence over U. S. Highway 75 to junction U. S. Highway 160, thence over U. S. Highway 160 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction U. S. Highway 69, thence over U. S. Highway 69 to Muskogee, Okla., thence over U. S. Highway 64 to Fort Smith 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 Wichita, Kans., and Fort Smith, Ark., over the following pertinent route: From Wichita over Kansas Highway 96 to Fredonia, Kans., thence over Kansas Highway 47 to junction U. S. Highway 75, thence over U. S. Highway 75 to junction Kansas Highway 37, thence over Kansas Highway 37 to junction U. S. Highway 169, thence over U. S. Highway 169 to junction U. S. Highway 160, thence over U. S. Highway 160 to Parsons, Kans., thence over U. S. Highway 59 to junction Kansas Highway 96, thence over Kansas Highway 96 to the Missouri-Kansas State line, thence over Missouri Highway 96 to junction unnumbered highway near Carl Junction, Mo., thence over unnumbered highway to junction U. S. Highway 57, thence over U. S. Highway 57 to Joplin, Mo., thence over U. S. Highway 71 to Fort Smith.

No. MC 2309 (Deviation No. 2), GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas 19, Tex., filed July 11, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Tulsa, Okla., and Miami, Okla., as follows: From Tulsa over the Will Rogers Turnpike and access routes to Miami and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Tulsa, Okla., and Miami, Okla., over U. S. Highway 66.

No. MC 14421 (Deviation No. 2), CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, 51 Shield Street, P. O. Box 388, Dubuque, Iowa, filed July 3, 1958. Attorney for said carrier, Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge, near Lansing, Iowa, and La Crescent, Minn., as follows: From junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge over the Wisconsin-Lansing Bridge to Lansing, Iowa, thence over Iowa Highway 182 to the Minnesota-Iowa State line, thence over Minnesota Highway 26 to La Crescent 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 junction Wisconsin Highway 35 and the bridge commonly known as the Wisconsin-Lansing Bridge, near Lansing, Iowa, and La Crescent, Minn., over the following pertinent route: From juction Wisconsin Highway 35 and the said bridge, over Wisconsin Highway 35 to junction combined U. S. Highways 14 and 61, thence over U. S. Highway 61 to La Crescent.

No. MC 29938 (Deviation No. 2), WRIGHT TRUCKING, INC., 16 Main Street, Lowell, Mass., filed July 14, 1958. Carrier proposes to operate as a *common carier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Connecticut Turnpike at East Lyme, Conn., and the Connecticut-New York State line, as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Connecticut-New York State line 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 over the following pertinent route: Between Lowell, Mass., and Newark, N. J., as follows: From Lowell over Massachusetts Highway 3A (formerly U. S. Highway 3) to junction U. S. Highway 3, thence over U. S. Highway 3 to Boston, Mass., thence over U. S. Highway 1 via Dedham and North Attleboro, Mass., and Wakefield and Westerly, R. I., to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Stonington, Conn., thence over Alternate U. S. Highway 1 via Stonington to junction U. S. Highway 1, thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) near Poquonoc Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1), thence over Alternate U. S. Highway 1 via New London, Conn., to junction U. S. Highway 1 near East Lyme, Conn., thence over unnumbered highway (formerly U. S. Highway 1) via Laysville, Conn., to junction U. S. Highway 1 near Old Lyme, Conn., thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) near Old Saybrook, Conn., thence over unnumbered highway via Old Saybrook to junction U. S. Highway 1, thence over U. S. Highway 1 to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Branford, Conn., thence over Alternate U. S. Highway 1 via Branford to junction U. S. Highway 1, thence over U. S. Highway 1 to junction unnumbered highway (formerly U. S. Highway 1) thence over unnumbered highway via East Haven, Conn., to junction U. S. Highway 1, thence over U. S. Highway 1 via New Haven, Conn., to junction Alternate U. S. Highway 1 (formerly U. S. Highway 1) near Milford, Conn., thence over Alternate U. S. Highway 1 via Milford to junction U. S. Highway 1, thence over U. S. Highway 1 via Fairfield, Conn., to junction unnumbered highway (formerly U. S. Highway 1) near Darien, Conn., thence over unnumbered highway via Darien to junction U. S. Highway 1, thence over U. S. Highway 1 to Newark.

No. MC 61471 (Deviation No. 1), BENJAMIN MOTOR EXPRESS, INC., 2-32 Vine Street, Everett 49, Mass., filed July 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Lyme, Conn., and the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line, as follows: From East Lyme over the Connecticut Turnpike and access routes to the Western Terminus of the 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 Boston, Mass., and New York, N. Y., over U. S. Highway 1.

No. MC 69281 (Deviation No. 1), THE DAVIDSON TRANSFER & STORAGE CO., 6201 Pulaski Highway, Baltimore 3, Md., filed July 21, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, between Baltimore, Md., and Lancaster, Pa., as follows: (A) From Baltimore over U. S. Highway 1 to Conowingo, Md., thence over U. S. Highway 222 (Pennsylvania Highway 22) to Lancaster; and (B) from Baltimore over U. S. Highway 40 to Perryville, Md., thence over U. S. Highway 222 (Pennsylvania Highway 22) to Lancaster; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Baltimore, Md., and Lancaster, Pa., over the following pertinent route: From Baltimore over U. S. Highway 111 to York, Pa., thence over U. S. Highway 30 to Lancaster.

No. MC 72300 (Deviation No. 2), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 7, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Aurora, Ill., as follows: From St. Louis over U. S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U. S. Highway 34, thence over U. S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presentely authorized to transport the same commodities over the following pertinent routes: From St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; and from Aurora, Ill., over Illinois Highway 65 to junction U. S. Highway 34, thence over U. S. Highway 34 to Chicago, Ill.; and return over the same routes.

No. MC 72300 (Deviation No. 3), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 14, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and South Bend, Ind., as follows: From St. Louis over U. S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction Illinois Highway 17, thence over Illinois Highway 17 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, 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 over the following pertinent routes: From St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; from Joliet, Ill., over U. S. Highway 6 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and thence over U. S. Highway 33 to Elkhart, Ind.; and from Joliet, Ill., over Illinois Highway 4A to junction Illinois Highway 7, thence over Illinois Highway 7 to Chicago, Ill.; and return over the same routes.

No. MC 72300 (Deviation No. 4), AMERICAN CARLOADING CORPORATION, 111 North Fourth Street, St. Louis 2, Mo., filed July 10, 1958. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between St. Louis, Mo., and Rockford, Ill., as follows: From St. Louis over U. S. Highway 67 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction Illinois Highway 72, thence over Illinois Highway 72 to junction Illinois Highway 26, thence over Illinois Highway 26 to junction U. S. Highway 20, thence over U. S. Highway 20 to Rockford 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 over the following pertinent routes: From St. Louis, Mo., over U. S. Highway 66 to Chicago, Ill.; from Chicago, Ill., over U. S. Highway 330 via DeKalb, Ill., to junction U. S. Highway 51, thence over U. S. Highway 51 to Rochelle, Ill., thence return over U. S. Highway 51 to Rockford, Ill., and thence over Illinois Highway 2 to South Beloit, Ill.; from Chicago, Ill., over U. S. Highway 20 to Starks, Ill., thence over Illinois Highway 72 to junction U. S. Highway 51, and thence to South Beloit, Ill., as specified above; and from Chicago, Ill., over the above specified route to DeKalb, Ill., thence over Illinois Highway 23 to Marengo, Ill., thence over U. S. Highway 20 to Rockford, Ill., and thence to South Beloit, Ill., as specified above; and return over the same routes.

No. MC 75981 (Deviation No. 1), WATT BROS., INC., P. O. Box 267, Central Falls, R. I., filed July 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Waterford, Conn., and the Western Terminus of the Connecticut Turnpike at the Connecticut-New York State line, as follows: From Waterford over the Connecticut Turnpike and access routes to the Western Terminus of the 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 over the following pertinent route: Between Boston, Mass., and Newark, N. J., as follows: From Boston over U. S. Highway 1 via Pawtucket, R. I., to Providence, R. I., thence over Rhode Island Highway 3 to junction Alternate Rhode Island Highway 3, thence over Alternate Rhode Island Highway 3 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 to Hopkinton, R. I., thence over Rhode Island Highway 84 to junction Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to New London, Conn., thence over U. S. Highway 1 to New York, N. Y., thence via the Holland Tunnel to Jersey City, N. J., and thence over U. S. Highway 9 to Newark.

No. MC 108473 (Deviation No. 2), ST. JOHNSBURY TRUCKING CO., INC., 38 Main Street, St. Johnsbury, Vt., filed July 7, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Connecticut Turnpike at Killingly, Conn., and the Western Terminus of the said Turnpike at the Connecticut-New York State line, as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Western Terminus of the 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 Boston, Mass., and New York, N. Y., over the following pertinent routes: From Boston over U. S. Highway 1 via Providence, R. I. to Westerly, R. I. (also from Providence over Rhode Island Highway 3 to junction Alternate Rhode Island Highway 3, thence over Alternate Rhode Island Highway 3 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 via Hopkinton, R. I., to Westerly), thence over U. S. Highway 1 to Groton, Conn. (also from Hopkinton over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to junction U. S. Highway 1 near Groton), and thence over U. S. Highway 1 via New Haven, Conn., to New York; from Boston to Providence as specified above, thence over U. S. Highway 6 via Willimantic, Conn., to junction Alternate U. S. Highway 6, thence over Alternate U. S. Highway 6 to junction Connecticut Highway 17 (formerly Connecticut Highway 15) thence over Connecticut Highway 17 to New Haven, Conn., and thence to New York as specified above; from Boston to Providence as specified above, thence over U. S. Highway 44 via Putnam and East Hartford, Conn., to Hartford, Conn., thence over U. S. Highway 5 to New Haven, and thence to New York as specified above; and from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U. S. Highway 20, thence over U. S. Highway 20 to Springfield, Mass., thence over U. S. Highway 5 to East Hartford, Conn., and thence to New York as specified above.

No. MC 111625 (Deviation No. 1), BERMAN'S MOTOR EXPRESS, INC., P. O. Box 288, Binghamton, N. Y., filed July 3, 1958. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Eastern Terminus of the Massachusetts Turnpike and the Western Terminus of the said Turnpike at the Massachusetts-New York State line, as follows: From the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to the Western Terminus of the 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 over the following pertinent routes: From Binghamton, N. Y., over New York Highway 7 to Duanesburg, N. Y., thence over U. S. Highway 20 to junction Massachusetts Highway 9, and thence over Massachusetts Highway 9 to Boston, Mass. (also from junction U. S. Highway 20 and Massachusetts Highway 9, over U. S. Highway 20 to Boston); and from New Lebanon, N. Y., over New York Highway 22 south approximately ten miles to junction unnumbered highway, thence over unnumbered highway to the New York-Massachusetts State line, thence over unnumbered highway to junction Massachusetts Highway 41, thence over Massachusetts Highway 41 to West Stockbridge, Mass., and thence over Massachusetts Highway 102 to East Lee, Mass.; and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 14), THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 31, Ill., filed July 7, 1958. Attorney for said carrier, Raymond H. Warns, 5600 Jarvis Avenue, Chicago 31, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over two deviation routes, (A) between Chicago, Ill., and Rockford, Ill., as follows: From the point of access to the Northern Illinois Toll Highway in Chicago over the Northern Illinois Toll Highway to a point immediately north of Cherry Valley, Ill. (junction Illinois Highway 5), thence over Illinois Highway 5 to Rockford; and (B) between Chicago, Ill., and Beloit, Wis., as follows: From the point of access to the Northern Illinois Toll Highway in Chicago over the Northern Illinois Toll Highway to the Rockton Road connection with U. S. Highway 51 immediately south of South Beloit, Ill., thence over U. S. Highway 51 to Beloit; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Chicago, Ill., and Beloit, Wis., over the following pertinent route: From Chicago over U. S. Highway 20 to junction Illinois Highway 5 at Belvidere, Ill., thence over Illinois Highway 5 to junction U. S. Highway 51 at Rockford, and thence over U. S. Highway 51 to Beloit.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 58-5795; Filed, July 29, 1958; 8:49 a. m.]

[Notice 227]

MOTOR CARRIER APPLICATIONS

JULY 25, 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 1124 (Sub No. 148), filed May 20, 1958. Applicant: HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A and B explosives*, (1) Between New Orleans, La., and Crestview, Fla., from New Orleans over U. S. Highway 90 to junction U. S. Highway 90-A, thence over U. S. Highway 90-A to junction U. S. Highway 90, thence over U. S. Highway 90 to Crestview, and return over the same route, serving no intermediate points; and (2) between Baton Rouge, La., to

Crestview, Fla., from Baton Rouge over U. S. Highway 190 to junction U. S. Highway 90 near Slidell, La., thence over U. S. Highways 90 and 90-A as specified above to Crestview, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Tennessee and Texas.

HEARING: September 25, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 2229 (Sub No. 89), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Center, Tex., and Timpson, Tex., over Texas Highway 87, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini, for joinder purposes only. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 29, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 2229 (Sub No. 90), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Pineland, Tex., and Hemphill, Tex., over Texas Farm-to-Market Highway 83, serving all intermediate points, and coordinating the above-proposed service with service being rendered under applicant's present authority. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

HEARING: September 29, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 2229 (Sub No. 91), filed May 26, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points between Beaumont, Tex., and Lufkin, Tex., over U. S. Highway 69. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant is presently authorized to operate over U. S. Highway 69 between Beaumont, Tex., and Lufkin, Tex., without service at intermediate points. Applicant states that the purpose of the instant application is to authorize intermediate service between the termini.

HEARING: September 30, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 9895 (Sub No. 100), filed June 13, 1958. Applicant: R. B. "DICK" WILSON, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft fuels*, in bulk, in tank vehicles, from Nebraska City, Nebr., and points within 10 miles thereof to points in Oklahoma, Iowa, Missouri, Kansas, South Dakota, North Dakota, and Wyoming. Applicant is authorized to conduct operations in Wyoming, Colorado, Kansas, Nebraska, South Dakota, Utah, and Idaho.

HEARING: September 26, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 11207 (Sub No. 193), filed May 21, 1958. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, P. O. Box 1271, Birmingham, Ala. Applicant's attorney: John W. Cooper, 818-821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition pipe, and connections, fittings, and accessories therefor*, from Marrero, La., to points in Mississippi on and south of U. S. Highway 80. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: September 30, 1958, in the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 17481 (Sub No. 17), filed May 22, 1958. Applicant: MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul 14, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carrier Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. 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 the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Chaska, Minn. Applicant is authorized to conduct regular route operations in Illinois, Minnesota, and Wisconsin, and irregular route operations in Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 12, 1958, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 26739 (Sub No. 23), filed July 8, 1958. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Kansas, Missouri, and Oklahoma. RESTRICTION: The service requested herein to points in Kansas west of U. S. Highway 75 can be subjected to the condition that all traffic transported thereunder shall move through St. Joseph, Mo. Applicant is authorized to conduct operations in Missouri, Kansas, Iowa, Illinois, Nebraska, Oklahoma, and Arkansas.

NOTE: Applicant is authorized to transport contractors' machinery and equipment, farm implements and machinery, agricultural machinery, and farm tractors from and to all of the above-described points, under which authorities applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Dubuque and Waterloo, Iowa. Applicant states the purposes of the application are as follows: (1) to clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through certain gateways on movements to points in Oklahoma and a portion of Missouri.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 28573 (Sub. No. 12), filed May 5, 1958. Applicant: GREAT NORTHERN RAILWAY COMPANY, a Corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: R. W. Cronon, 175 East Fourth Street, St. Paul 1, Minn. This BMC 78 application filed to change the wording to remove any and all restrictions in a part of applicant's authorized common carrier operations in Certificate No. MC 28573 and sub numbers 1, 5A, 5B and 9 authorizing applicant to transport *general* *commodities*, between Williston, N. Dak., and points in Montana, and between points in Montana, which restrict or confine service of applicant to that which is auxiliary to or supplemental of its rail service, which impose keypoints, through bill of lading, or prior or subsequent rail haul limitations, or in any way prohibit applicant from performing, as part of its transportation service, an all-motor service on motor-truck billing at motor-truck rates, either locally or in conjunction with other motor carriers, from, to and between the points heretofore authorized to be served in the certificates of public convenience and necessity referred to above. Applicant is authorized to transport general commodities in Minnesota, Montana, North Dakota, and Oregon.

HEARING: September 30, 1958, at the Montana Board of Railroad Commissioners, Helena, Mont., before Examiner Richard H. Roberts.

No. MC 29955 (Sub No. 13), filed June 16, 1958. Applicant: ENGLAND BROS. TRUCK LINES, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. 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 and commodities requiring special equipment, between Dallas, Tex., and Little Rock, Ark.: From Dallas over U. S. Highway 67 to Little Rock, and return over the same route, 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 Arkansas, Missouri, Tennessee, Oklahoma, and Texas.

HEARING: September 22, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 152, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 30837 (Sub No. 234), filed June 20, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crane carrier trucks and truck chassis*, in initial movements, in driveaway service, from Industry (City of Industry), Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 235), filed June 20, 1958. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer bodies*, (unmounted), from Riverside, Calif., to Birmingham, Ala., to Jacksonville, Tex., Portland, Oreg., and Tacoma and Seattle, Wash. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 4, 1958, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52657 (Sub No. 522), filed June 5, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Council Bluffs, Iowa, and points within ten miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (B) *Loading and unloading devices, hoists* and *tail or end gates; truck and trailer bodies*, from Council Bluffs, Iowa, and points within 10 miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (C) *Trailers*, other than those designed to be drawn by passenger automobiles, which at the time of transportation are loaded with shipments of truck or trailer bodies, in initial and secondary movements, in truckaway and driveaway service, from Council Bluffs, Iowa, and points within 10 miles of Council Bluffs to points in the United States, including all ports of entry on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. (D) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial and secondary driveaway service, as described in Paragraphs (A) and (C) above, from Council Bluffs, Iowa, and points within ten miles of Council Bluffs to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, all ports of entry located on the International Boundary Line between the United States and Canada, and to points in the Territory of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 52751 (Sub No. 14), filed June 12, 1958. Applicant: ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, and *farm machinery and parts thereof*, between points in South Dakota on the one hand, and, on the other, points in Illinois, Iowa, and Minnesota. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Iowa, and Illinois.

NOTE: Applicant states that it is authorized and now performs the proposed service by joinder of present rights through the gateway of Nassau, Minn., and points within 25 miles of Nassau. Elimination of the gateway restriction is proposed insofar as the stated traffic is concerned.

HEARING: September 17, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 59117 (Sub No. 9), filed July 1, 1958. Applicant: ELLIOTT TRUCK LINE, INC., P. O. Box 1, Vinita, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in specially equipped tank trailers, from Sterlington, La., to the plant site of the Grand River Chemical Division plant of Deere & Company near Pryor, Okla., and Atlas, Mo. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Arkansas, Texas, and Mississippi.

HEARING: October 10, 1958, in the Federal Building, Oklahoma City, Okla., before Examiner Lawrence A. Van Dyke.

No. MC 92983 (Sub No. 303), filed July 7, 1958. Applicant: ELDON MILLER, INC., 330 East Washington Street, P. O. Box 232, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Illinois, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 23, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 96025 (Sub No. 24), filed July 8, 1958. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS TRUCK SERVICE, P. O. Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines*, and *stationary engines*, (not including tractors with vehicle beds, bed frames, or fifth wheels, and those which because of size or weight require the use of specal equipment) and *attachments* and *parts therefor* when transported in the same vehicle, from

Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Arkansas and Louisiana, and *damaged or rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Arkansas, Tennessee, Oklahoma, Kansas, Missouri, and Iowa.

NOTE: Applicant states that it is now authorized to transport farm tractors from Waterloo and Dubuque, Iowa, to points in Arkansas and Louisiana. Under this authority applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company, located at Dubuque and Waterloo, Iowa. The purpose of the application is to clarify applicant's authority to perform this transportation, and if additional authority is required, to receive it as a result of the proceeding, through the presentation of evidence of public convenience and necessity.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 98749 (Sub No. 7), filed June 24, 1958. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kerosenes and gasolines*, in bulk, in tank vehicles, from the plant sites of the La Gloria Oil and Gas Company, at or near Tyler, Tex., the Premier Oil & Refining Company, at or near Greggton, Tex., the Skelly Oil Refinery, at or near Longview, Tex., the H. L. Hunt Refinery, at or near Harleton, Tex., the Waskom Natural Gas Refinery, at or near Waskom, Tex., and the American Petrofina Refinery at or near Mount Pleasant, Tex., to the plant site of the Texas Eastern Transmissions Company, at a point three and one-half miles northeast of Carthage, Tex., on U. S. Highway 79. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

HEARING: September 24, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 100449 (Sub No. 8), filed July 7, 1958. Applicant: FRANCIS MALLINGER, doing business as MALLINGER TRUCK LINES, 428 Avenue C, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, drain tile, flue lining, wall coping, mortar mix*, and *fire clay*, from Lehigh, Iowa, to points in the Upper Peninsula of Michigan and those in Lake and Porter Counties, Ind. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska, South Dakota, Wisconsin, and North Dakota.

HEARING: September 19, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald L. Colfer.

No. MC 105678 (Sub No. 13), filed June 27, 1958. Applicant: SECO TRUCKING CO., a Corporation, 219 North Jackson Avenue, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and explosive supplies*, except liquid nitroglycerin, from Atlas, Mo., and points within ten (10) miles thereof, to points in Illinois, North Dakota, and South Dakota; *blasting agents, ammonium nitrate*, and *nitro-carbo-nitrate*, from Atlas, Mo., and points within ten (10) miles thereof, to points in Iowa, Minnesota, Wisconsin, Illinois, Nebraska, North Dakota, and South Dakota; and *returned and rejected shipments* of the above-specified commodities, on return. Applicant is authorized to transport similar items, and fertilizer, in Pennsylvania, Illinois, Missouri, Iowa, Nebraska, South Dakota, Minnesota, Michigan, North Dakota, and Wisconsin.

HEARING: September 22, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 106398 (Sub No. 103), filed May 19, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outboard boats*, not exceeding 18 feet in length, in special designed boat trailers, from points in Oklahoma and Texas, except Denison, Texas, and points within 10 miles thereof to points in the United States, and *empty containers or other such incidental facilities* (not specified) and *damaged* or *refused* shipments of the above commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 15, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 106398 (Sub No. 106), filed June 23, 1958. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. MAIL: P. O. Box 8096, Dawson Station, Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable concrete batch mixers*, from Brownwood, Tex., and points within ten (10) miles thereof, to points in the United States, and *damaged or refused shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 17, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 106839 (Sub No. 3), filed May 16, 1958. Applicant: JURISICH & LARSEN MOTOR FREIGHT LINES, INC., 1155 Constance Street, New Orleans 13, La. 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 New Orleans, La., and Kreole, Miss., over U. S. Highway 90, serving all intermediate points, including Bay St. Louis, Pass Christian, Long Beach, Gulfport, Mississippi City, Biloxi, Ocean Springs, and Pascagoula, Miss., and the off-route points of Moss Point, Waveland, and Van Cleave, Miss. Applicant is authorized to conduct operations in Mississippi and Louisiana.

HEARING: September 29, 1958, in the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 107002 (Sub No. 126), filed July 11, 1958. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P. O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Texas, Louisiana, Arkansas, Oklahoma, Tennessee, Mississippi, Alabama, Georgia, and Florida. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, Oklahoma, North Carolina, South Carolina, Missouri, Pennsylvania, Illinois, Connecticut, Maine, Indiana, Maryland, Michigan, Massachusetts, Minnesota, New York, New Jersey, Ohio, Rhode Island, Wisconsin, and Virginia.

HEARING: October 3, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 108207 (Sub No. 58), filed May 26, 1958. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables, nursery stock* and *cut flowers* (to be transported in the same vehicle and at the same time as other regulated commodities which applicant is authorized to transport), between points in California, Arizona, New Mexico, Texas, and Oklahoma. Applicant is authorized to conduct operations in Texas, Louisiana, Illinois, Michigan, Missouri, Arkansas, Tennessee, Oklahoma, Mississippi, Wisconsin, Minnesota, California, Iowa, Kansas, Nebraska, Ohio, Pennsylvania, Kentucky, Indiana, Arizona, and New Mexico.

HEARING: September 11, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 108380 (Sub No. 50), filed January 21, 1958. Applicant: JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Mandan, N. Dak., to points in South Dakota east of a line beginning at the North Dakota-South Dakota State line and extending along U. S. Highway 83 to its junction with U. S. Highway 183, and thence along U. S. Highway 183 to the South Dakota-Nebraska State line. Applicant is authorized to transport similar commodities in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: September 25, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 109584 (Sub No. 42), (CORRECTION) filed June 10, 1958, published at page 5222, issue of July 9, 1958. 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: (1) *Sulphuric acid*, in bulk, in tank vehicles, from Chandler, Ariz., and points within five (5) miles thereof, including Chandler, to points in California, Colorado, New Mexico, Nevada, Texas, and Utah; and (2) *Rejected and contaminated shipments of sulphuric acid*, from the above-specified destination points to their respective origin points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE: The effect of this correction is to strike the return movement of rejected and contaminated shipments of turpentine.

HEARING: September 11, 1958, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 110042 (Sub No. 4), filed May 26, 1958. Applicant: RAY & NELSON TRANSPORTATION CO., a Corporation, 1103 East 25th Street, Kearney, Nebr. Applicant's attorney: Joseph C. Tye, Pratt Building, Kearney, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Automobiles and trucks* (without title), and *used automobiles and trucks*, in initial and secondary movements, in truckaway service, from South Bend and Dyer, Ind., to Kearney, Nebr. Applicant is authorized to transport new automobiles from Detroit, Mich., to North Platte and Kearney, Nebr., and farm tractors from Detroit to points in Nebraska.

HEARING: September 24, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 110505 (Sub No. 42), filed July 8, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque, County, Iowa, to points in Michigan, Indiana, Ohio, and Kentucky. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, the District of Columbia, Arkansas, Kansas, Minnesota, Louisiana, North Dakota, and South Dakota.

NOTE: Applicant is authorized to transport farm tractors from Waterloo, Iowa, to points in Michigan, Indiana, Ohio, and Kentucky; also from points in Iowa within 5 miles of Dubuque to points in Indiana, Ohio, and Kentucky; also agricultural machinery and parts from points in Iowa except Fort Dodge, and points within one (1) mile thereof, to points in Shelby County, Ill., and from Shelbyville, Ill., to points in Michigan. Applicant states the purposes of the application are: (1) To clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through the Shelbyville, Ill., gateway on movements from points in Iowa within five miles of Dubuque, Iowa, to points in Michigan.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 110700 (Sub No. 1), filed May 23, 1958. Applicant: DANIEL NERO, 816 Jackson Street, Easton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Baked goods*, (1) from Easton, Pa., to Brooklyn, N. Y., from Easton over U. S. Highway 22 to the Pennsylvania-New Jersey State line, thence over U. S. Highway 22 to the junction of Alternate U. S. Highways 1-9, thence over Alternate U. S. Highways 1-9 to the Holland Tunnel, thence through the Holland Tunnel to the junction of Canal Street in New York City, thence over Canal Street to Bowery Avenue, thence over Bowery Avenue to the junction of Delancey Street, thence over Delancey Street to the Williamsburg Bridge, thence across the Williamsburg Bridge to Brooklyn, serving no intermediate points; (2) *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, from Brooklyn, N. Y., to Easton, Pa., over the above specified route, serving no intermediate points. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

HEARING: September 8, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John P. McCarthy.

No. MC 110814 (Sub No. 8), filed May 15, 1958. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER, AND J. L. LINKENHOGER, doing business as WESTERN LINES, P. O. Box 2046, Corpus Christi, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products, including compounded oils and greases having a petroleum base*, in packages or containers; and *also including the following: brake fluids, compounds; compounds, anti-freeze; compounds, buffing or polishing; compounds, cleaning liquids; compounds, iron or steel rust preventive or removing liquid; compounds, tree or weed killing; gasoline additives; deodorants; insecticides, agricultural, liquid; insecticides, other than agricultural, liquid; paraffin wax*, in boxes, barrels or containers; *sprayers, containers* (cartons, boxes, cans or drums); from Beaumont, Tex., to points in New Mexico, Oklahoma, Arkansas, and Louisiana; and from West Port Arthur, Tex., to points in New Mexico and Oklahoma, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: September 9, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 111008 (Sub No. 10), filed May 2, 1958. Applicant: JESSE KIRK, JR., doing business as JESSE KIRK, JR. TRUCK LINE, North Travis Street, P. O. Box 461, Cameron, Tex. Applicant's attorney: Don G. Humble, P. O. Box 508, Cameron, Tex. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from Jefferson Island (Iberia County), La., to points in Texas west of U. S. Highway 81 from the Red River to Hillsboro, Tex., and thence west of U. S. Highway 77 to Brownsville, Tex., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to transport similar commodities in Arkansas, Louisiana, New Mexico, and Texas.

NOTE: A proceeding has been instituted under section 212 (c) in No. MC 1111008 (Sub No. 9), to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 111326 (Sub No. 6), filed July 8, 1958. Applicant: WARREN TRANSPORT, INC., 224 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which, because of size or weight require use of special equipment), and *attachments* and *parts* therefor when transported in the same vehicle, from Dubuque and Waterloo, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Illinois, Wisconsin, the Upper Peninsula of Michigan, and in Porter and Lake Counties, Ind.

NOTE: Applicant is authorized to transport farm tractors and related farm tractor parts from and to the above-described points, under which authority applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Dubuque and Waterloo, Iowa. Applicant states the purposes of the application are: (1) to clarify applicant's authority to perform the above transportation; and (2) to present proof of consistency with the public interest to receive, as a result of this proceeding, such additional authority as may be required.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 111472 (Sub No. 57), filed June 2, 1958. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mountable spreaders*, from Appleton, Wis., to points in New Jersey, North Carolina, Utah, Nevada, and California; (2) *agricultural machinery, implements and parts*, from Appleton, Wis., to points in New York, Vermont, New Jersey, Florida, Texas, and Idaho.

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 111472 (Sub No. 53). Applicant is authorized to conduct operations throughout the United States.

HEARING: September 10, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 111878 (Sub No. 1), filed June 9, 1958. Applicant: FRANK BABBITT, doing business as BABBITT BROS. TRANSFER CO., 623 17th Avenue, Bloomer, Wis. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Milk and milk products*, in bulk, in tank vehicles, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof, to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and West Virginia. (2) *Liquid cleaning compound*, in bulk, in tank vehicles, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. (3) *Wine, apple juice* and *grape juice*, in bulk, in tank vehicles, from points in New York to points in Illinois, Wisconsin, and Minnesota. (4) *Fruit juice*, in bulk, in tank vehicles, from points in Florida to points in Illinois, Minnesota, and Wisconsin.

NOTE: Applicant holds common carrier authority in Certificate No. MC 111878 to transport milk and milk products, in bulk, in tank vehicles, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof, to specified points and points within the Commercial Zones of each, as defined by the Commission in Texas, Nebraska, Oklahoma, Pennsylvania, Colorado, Kansas, Iowa, Minnesota, Illinois, and Missouri. Applicant states that no duplicate authority is sought and if the above described authority is issued as applied for, the existing authority may be cancelled.

HEARING: September 15, 1958, in Room 926, Metropolitan Building, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 112020 (Sub No. 46), filed June 16, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Tyler, Tex., and points within 10 miles thereof, to points in Louisiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma,, Kansas, Missouri, Nebraska, Illinois, Iowa, Colorado, Indiana, Mississippi, Michigan, Ohio, Wisconsin, New York, Tennessee, and Kentucky.

HEARING: September 9, 1958, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 112497 (Sub No. 112), filed June 13, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from McKamie, Ark., to Tulsa, Okla. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Florida, Georgia, Alabama, Tennessee, Texas, Missouri, South Carolina, Kentucky, North Carolina, Ohio, California, New York, Illinois, Indiana, New Jersey, Pennsylvania, Virginia, New Mexico, and Oklahoma.

HEARING: October 10, 1958, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 217, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 112497 (Sub No. 115), filed July 7, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals*, in bulk, in tank vehicles, from points in Ascension Parish, La., to points in Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New Mexico, and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: October 2, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lawrence A. Van Dyke.

No. MC 113514 (Sub No. 38), filed June 27, 1958. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, between points in Texas, on the one hand, and, on the other, points in Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is under common control with Chemical-Express, a contract carrier conducting operations under Permit No. MC 115135 Sub 1 dated January 28, 1957. Dual operations under Section 210 may be involved.

HEARING: September 19, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 68), filed June 6, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Dallas, Texas and points within 10 miles thereof to points in Arkansas, Louisiana, New Mexico, Mississippi, and Oklahoma and *contaminated* and *rejected* shipments of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Lousiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: September 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 69), filed June 9, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P. O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, from Texas City, Tex., and points within ten (10) miles thereof, to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma, and *contaminated and rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in all of the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 26, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 113779 (Sub No. 71), filed June 19, 1958. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway (P. O. Box 12385), Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycols*, in bulk, in tank vehicles, from Sugarland, Tex., and points within 10 miles thereof, to points in New Mexico; and *contaminated and rejected shipments* of glycols, on return. Applicant is authorized to conduct operations in all of the United States except Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 26, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 113855 (Sub No. 28), filed May 26, 1958. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood blocking, dolly poles, wooden skids and timbers, laminated rafters and beams, prefabricated timbers and trusses, wood posts, laminated wood, wood decking* and *used construction poles*, from points in Washington and Oregon, to points in North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 26, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Richard H. Roberts.

No. MC 113855 (Sub No. 29), filed July 8, 1958. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those which because of size or weight require the use of special equipment), and *attachments* and *parts therefor* when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Idaho, Washington, Wyoming, Oregon, California, Nevada, Utah, Arizona, New Mexico, Montana, that portion of Minnesota north of a line beginning at East Grand Forks, Minn., and extending in an easterly direction along U. S. Highway 2 to junction U. S. Highway 71, thence in a northeasterly direction along U. S. Highway 71 to the boundary of the United States and Canada near International Falls, Minn., including the points named and points on the indicated portions of the highways specified, and ports of entry on the international boundary line between the United States and Canada, located in Minnesota and North Dakota, with traffic destined to said ports of entry in North Dakota and Minnesota restricted to foreign commerce.

NOTE: Applicant states that under separate authorities, it is now authorized to transport agricultural machinery, and implements, other than hand, and farm tractors, from Waterloo and Dubuque, Iowa, to all points named above, except those in North Dakota and Minnesota. Applicant is authorized to transport heavy machinery, machine parts, farm implements, and road construction equipment to Minnesota, and farm tractors and farm machinery and parts to a portion of North Dakota. Under these authorities, applicant claims the right to transport all types of tractors manufactured at, or distributed from Waterloo and Dubuque, Iowa. The purposes of this application are (1) to clarify applicant's authority to perform the above transportation, (2) to present proof of public convenience and necessity for the service and to receive, as a result of this proceeding, such additional authority as may be required, and (3) to remove the necessity of operating through the East Grand Forks, Minn., gateway on movements to said ports of entry in North Dakota.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 113908 (Sub No. 38), filed June 25, 1958. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Illinois, Kansas, Nebraska, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Kentucky, South Dakota, Iowa, Missouri, Kansas, Minnesota, Nebraska, Texas, and Michigan.

HEARING: September 18, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 114004 (Sub No. 22), filed June 2, 1958. Applicant: ARKANSAS TRUCKING CO., INC., 8828 New Benton Highway, P. O. Box 1715, Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in truckaway and driveaway service, in secondary movements, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lawrence A. Van Dyke.

No. MC 114211 (Sub No. 11), filed July 8, 1958. Applicant: DONALDSON TRANSFER COMPANY, a Corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines*, and *stationary engines* (not including tractors with vehicle beds, bed frames or fifth wheels, and those, which because of size or weight require the use of special equipment), and *attachments* and *parts* therefor, when transported in the same vehicle, from Waterloo and Dubuque, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, restricted against transportation in foreign commerce. Applicant is authorized to conduct operations in Illinois, Iowa, Nebraska, Kansas, Colorado, Minnesota, South Dakota, Wisconsin, North Dakota, Missouri, and Indiana.

NOTE: Under separate authorities, applicant is authorized to transport tractors, road-making machinery, and contractors' equipment and supplies, and agricultural machinery, agricultural implements, and parts thereof, from and to all of the points described above, under which authorities applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at or near Waterloo and Dubuque, Iowa. Applicant states the purposes of the application are as follows: (1) to clarify applicant's authority to perform the above transportation; (2) to present proof of public convenience and necessity to receive, as a result of this proceeding, such additional authority as may be required; and (3) to remove the necessity of operating through the Fort Dodge, Iowa, gateway on movements to points in North Dakota.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald L. Colfer.

No. MC 114647 (Sub No. 4), filed June 16, 1958. Applicant: ROBERT E. FLETCHER, doing business as FLETCHER TRANSFER & STORAGE, 111 North Fourth Street, Forest City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway service, from Forest City, Iowa, to points in Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa and Minnesota.

HEARING: September 18, 1958, at the Federal Officer Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 115162 (Sub. No. 42), filed July 8, 1958. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 Fairview Avenue, Montgomery, Ala.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, traction engines* and *stationary engines*, (not including tractors with vehicle beds, bed frames or fifth wheels, and those which because of size or weight require the use of special equipment) and *attachments* and *parts therefor* when transported in the same vehicle, from Dubuque and Waterloo, Iowa, and points in Peru Township, Dubuque County, Iowa, to points in Mobile and Monroe Counties, Ala.

NOTE: Applicant states that it is now authorized to transport farm tractors from and to the points described above. Under this authority, applicant claims the right to transport all types of tractors manufactured at and distributed from the plants of Deere & Company located at Dubuque and Waterloo, Iowa. The purposes of the application are (1) to clarify applicant's authority to perform the above transportation, and (2) to present proof of public convenience and necessity to receive as a result of this proceeding, such additional authority as may be required.

HEARING: September 29, 1958, at the Rome Hotel, Omaha, Nebr., before Examiner Gerald F. Colfer.

No. MC 115733 (Sub No. 2), filed May 9, 1958. Applicant: SAM LATTNER DISTRIBUTING CO., a corporation, P. O. Box 351, Groesbeck, Tex. Applicant's attorney: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in crates, cartons and other containers, between Mexia, Tex., and points within 5 miles thereof, on the one hand, and, on the other, points in New Mexico, Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Texas, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Missouri, Illinois, Arkansas, Louisiana, Mississippi, and Tennessee.

HEARING: September 16, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 116073 (Sub No. 4), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile trailer homes*, in initial movements, from Ironwood and Chesaning, Mich., to points in the United States.

HEARING: September 12, 1958, in Room 926, Metropolitan Building, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Richard H. Roberts.

No. MC 116073 (Sub No. 5), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Mobile trailer homes*, in initial movements, from Britton, S. Dak., to points in the United States.

HEARING: September 22, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 116073 (Sub No. 6), filed June 30, 1958. Applicant: JOHN C. BARRETT, doing business as MOORHEAD PHILLIPS SERVICE, 1335 Center Avenue, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile trailer homes*, in secondary movements, between points in Minnesota and North Dakota, on the one hand, and, on the other, points in the United States.

HEARING: September 23, 1958, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Richard H. Roberts.

No. MC 116077 (Sub No. 43), filed May 12, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P. O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride*, in manifold cylinder trailers, from points in Tarrant County, Tex., to points in Louisiana, Arkansas, Oklahoma, Mississippi, Alabama, and Florida, and *empty shipper-owned vehicles* on return. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, and Texas.

HEARING: September 23, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 116077 (Sub No. 44), filed June 23, 1958. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex., Applicant's attorneys: Charles D. Mathews and Thomas E. James, P. O. Box 858, 1020 Brown Building, Austin, Tex.. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportin: *Clay, clay slurry* and *clay products*, in bulk, from points in Georgia to points in Mississippi, Louisiana, Arkansas, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington.

HEARING: September 24, 1958, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Mack Myers.

No. MC 117282 (Sub No. 1), filed June 2, 1958. Applicant: RAYMOND L. SCHOENBERGER, Talmage, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport Ground Limestone to farms in the above-named States.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117283 (Sub No. 1), filed June 2, 1958. Applicant: IRVIN L. MARTIN, Goodville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117284 (Sub No. 1), filed June 2, 1958. Applicant: RAYMOND M. WEBER, R. D. No. 1, East Earl, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport Agricultural Limestone to farms in the above-named states.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117285 (Sub No. 1), filed June 2, 1958. Applicant: THOMAS J. DEVINE, Intercourse, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117286 (Sub No. 1), filed June 2, 1958. Applicant: RICHARD L. MEYERS, Reamstown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

NOTE: Applicant states he proposes to transport agricultural limestone to farms in the above-named States.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117305 (Sub No. 1), filed June 2, 1958. Applicant: ROCKFORD LEED, JR., R. D. No. 1, Conestoga, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime-*

stone, from Blue Ball, Lancaster County, Pa., to points in Maryland and Delaware.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117385, filed May 8, 1958. Applicant: JOHN R. BEILER, JR., 120 North Custer Avenue, New Holland, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, in spreader type vehicles, from Blue Ball, Lancaster County, Pa., to points in New Castle, Kent, and Sussex Counties, Del., and points in Cecil, Kent, Caroline, and Queen Annes Counties, Md.

NOTE: Applicant states he will be delivering bulk limestone to farmers only.

HEARING: September 3, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner John P. McCarthy.

No. MC 117430 (Sub No. 1), filed June 30, 1958. Applicant: HOMER M. CONNEL, 1609 Pine Street, Abilene, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarried stone*, from points in Williamson, Burnet, and Travis Counties, Tex., to points in California.

HEARING: September 18, 1958, at the Baker Hotel, Dallas, Tex., before Examiner Mack Myers.

No. MC 117432, filed June 2, 1958. Applicant: ORVILLE M. BAKER, doing business as TRAILER TOWING SERVICE, 810 Litchfield, Wichita, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Kansas, Arizona, New Mexico, Oklahoma, and Texas.

HEARING: October 3, 1958, at the Hotel Lassen, Wichita, Kans., before Examiner Gerald F. Colfer.

No. MC 117433, filed June 2, 1958. Applicant: ISAAC SEGAL, MEYER SEGAL AND MORRIS SEGAL, doing business as SEGAL & SON, Riverhead (Long Island), N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags and in bulk, from Wilmington, Del., to points in Suffolk County, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting animal feed on return.

HEARING: September 8, 1958, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner John P. McCarthy.

No. MC 117439, filed June 5, 1958. Applicant: BULK TRANSPORT, INC., 1007 Louisiana National Bank Building, Baton Rouge, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, packages and bags, between points in Louisiana, on the one hand, and, on the other, points in Texas and Mississippi.

HEARING: October 1, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 246, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117440, filed June 5, 1958. Applicant: BEN E. OGLE, doing business as BEN E. OGLE TRUCKING, 702 North First, Indianola, Iowa. Applicant's attorney: P. F. Elgin, 106-8 East Salem, Indianola, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture* and *household goods*, and *empty containers or other such incidental facilities* (not specified) used in transporting such commodities, between points in Iowa, Missouri, Kansas, Nebraska, Colorado, Minnesota, Illinois, Wisconsin, Arkansas, and Oklahoma.

HEARING: September 16, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

No. MC 117449, filed June 12, 1958. Applicant: RAY BOOTS AND GRETA BOOTS, doing business as BOOTS PRODUCE, Elkader, Iowa. Applicant's attorney: Charles F. Neylan, Neylan Building, Elkader, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, (1) from Elkader, Iowa to Viroqua, Wis., from Elkader over Iowa Highway 13 to junction U. S. Highway 18, thence over U. S. Highway 18 to Prairie du Chien, Wis., thence over Wisconsin Highway 27 to junction of U. S. Highway 14-61, thence over U. S. Highway 14-61 to Viroqua; (2) from Elkader, Iowa to Viola, Wis., from Elkader over the above described route to Viroqua, Wis., thence over Wisconsin Highway 56 to Viola; (3) from Elkader, Iowa to Muscoda, Wis., from Elkader over Iowa Highway 13 to junction of U. S. Highway 18, thence over U. S. Highway 18 to Prairie du Chien, thence over U. S. Highway 18 to junction of Wisconsin Highway 60, thence over Wisconsin Highway 60 to Wisconsin Highway 80, thence over Wisconsin Highway 80 to Muscoda, serving no intermediate points.

HEARING: September 23, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 202, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 117458, filed June 16, 1958. Applicant: RUFFIN TRANSPORT, INC., P. O. Box 571, Shreveport, La. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or other containers, or in bulk, from points in Arkansas to points in Louisiana, Texas, Oklahoma, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

HEARING: September 23, 1958, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Lawrence A. Van Dyke.

No. MC 117465 (Sub No. 1), filed June 19, 1958. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1618 Texas Street, Woodward, Okla. Applicant's attorneys: W. A. Lybrand and Max G. Morgan, 450 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, excluding Class A and B explosives, moving in express service, (1) Between Woodward, Okla., and Guymon, Okla., as follows: (a) From Woodward over U. S. Highway 183 to junction U. S. Highway 64, thence over U. S. Highway 64 to junction U. S. Highway 54, thence over U. S. Highway 54 to Guymon; (b) From junction U. S. Highways 183 and 270, near Fort Supply, Okla., over U. S. Highway 270 to junction U. S. Highway 64, near Forgan, Okla.; and (c) From junction U. S. Highways 270 and 283, near May, Okla., over U. S. Highway 283 to junction U. S. Highway 64, and return over the above routes, serving all intermediate points; (2) Between Woodward, Okla., and Arnett, Okla., from Woodward over Oklahoma Highway 15 to junction U. S. Highway 283, near Shattuck, Okla., thence over U. S. Highway 283 to Arnett, and return over the same route, serving all intermediate points; and (3) Between junction U. S. Highways 283 and 60, approximately six (6) miles west of Arnett, Okla., and Shattuck, Okla., as follows: From junction U. S. Highways 283 and 60, approximately six (6) miles west of Arnett, over U. S. Highway 60 to Canadian, Tex., thence over U. S. Highway 83 to Perryton, Tex., thence over Texas Highway 15 to junction U. S. Highway 283, thence over U. S. Highway 283 to Shattuck, and return over the same route, serving all intermediate points.

HEARING: October 13, 1958, in the Federal Building, Oklahoma City, Okla., before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117489, filed June 30, 1958. Applicant: JOHN N. SHEPPARD AND RICHARD T. SHEPPARD, doing business as SHEPPARD TRUCKING, Route 4, Box 664, Oshkosh, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete products*, such as roof slabs, window sills, coping, mausoleum crypt slabs, perlite slabs, and forms, including the necessary accompanying clips, mastic, plaster, perlite, and other installation materials used in connection with the installation thereof, when shipped with the commodities specified above, from Oshkosh, Wis., to points in Iowa, Minnesota, the Upper Peninsula of Michigan, that part of Illinois on and west of U. S. Highway 51 from the Wisconsin-Illinois State line to junction U. S. Highway 36 at Decatur, Ill., and on and north of U. S. Highway 36 from

Decatur to the Illinois-Missouri State line, and points in Florence County, Wis., and *rejected and damaged shipments* of the above-specified commodities and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Applicant states he proposes to transport the above-specified commodities to job sites (for installation) in the above-specified States.

HEARING: September 11, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 117499, filed July 7, 1958. Applicant: EDGAR P. ROBERT, 652 Fremaux, Slidell, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile products*, from Slidell, La., to points in Hancock, Harrison, Jackson, Stone, Pearl River, Perry, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson Counties, Miss.

HEARING: September 30, 1958, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner Lawrence A. Van Dyke.

No. MC 117501, filed July 7, 1958. Applicant: HAROLD L. NELSON, 1215 Boone Street, Boone, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aeration equipment for grain elevators*, from Boone, Iowa to points in Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin; (2) *agricultural fans*, from Piqua, Ohio, to Boone, Iowa.

NOTE: Applicant states that the proposed operations are to be limited to a transportation service to be performed under continuing contract with Rolfes Grain Aeration Company, Boone, Iowa.

HEARING: September 19, 1958, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 28572 (Sub No. 7), filed May 5, 1958. Applicant: GREAT NORTHERN RAILWAY COMPANY, a Corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: H. V. Rhedin (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers, milk and cream*, and *baggage of passengers*, in same or separate vehicles, (1) between Williston, N. Dak., and Watford City, N. Dak., from Williston over U. S. Highway 2 to junction U. S. Highway 85, thence over U. S. Highway 85 to Watford City, and return over the same route; and (2) between junction of North Dakota Highway 23 and U. S. Highway 85, north of Alexander, N. Dak., and Richey, Mont., from the junction of North Dakota Highway 23 and U. S. Highway 85, over North Dakota Highway 23 to the Montana-North Dakota State line, thence over Montana Highway 23N to Sidney, Mont., thence over Montana Highway 23 to Richey, and return over the same route, serving all intermediate points on the above-described routes which are stations on the rail line of Great Northern Railway Company and off-route points (which are stations on the rail line of applicant) of Lambert, Mont., and Charbonneau and Rawson, N. Dak. Applicant is authorized to perform similar operations in Montana and North Dakota.

HEARING: September 29, 1958, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117414, filed May 23, 1958. Applicant: BALOGH COACH LINES, INC., 1607 10th Avenue North, Grand Forks, N. Dak. Applicant's representative: E. J. Hanson, Chamber of Commerce, Grand Forks, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Grand Forks, N. Dak., and Devils Lake, N. Dak., from Grand Forks over U. S. Highway 2 to Devils Lake, and return over the same route, serving all intermediate points; (2) between junction of North Dakota Highway 18 and U. S. Highway 2 and Larimore, N. Dak., over North Dakota Highway 18; (3) between junction of U. S. Highway 2 and Grand Forks County Road (generally referred to as the Mekineck Road) and Grand Forks Air Base, over Grand Forks County Road.

NOTE: The approach to the Air Base is one-fourth mile north of U. S. Highway 2 and thence west of U. S. Government property to the entrance to the Base.

HEARING: September 25, 1958, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117460, filed June 16, 1958. Applicant: JELCO, INC., Route No. 4, Sparta, Wis. Applicant's attorney: Leo J. Goodman, Sidney Hotel Building, Sparta, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Sparta, Monroe County, Viroqua, Vernon County, and Mauston, Juneau County, Wis., and extending to Minneapolis and St. Paul, Minn., and Chicago, Ill. Beginning and ending at Beloit, Rock County, Wis., and extending to Rockford and Chicago, Ill.

HEARING: September 11, 1958, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2512 (Sub No. 25), filed July 7, 1958. Applicant: WILSON TRANSFER, INC., Bay Center, Wash. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, high explosives, commodities in bulk, and those requiring special equipment, in less than truck load lots only, between Portland, Oreg., on the one hand, and, on the other, Illwaco, Wash., and points within twenty (20) miles thereof. Applicant is authorized to conduct operations in California, Oregon, and Washington.

NOTE: Applicant states that the purpose of the instant application is to modify and change its present authority in Certificate No. MC 2512, dated January 16, 1957, by eliminating therefrom the present restriction that the movement of General Commodities, between Portland, Oreg., and the above-mentioned points in Washington must be in truck load lots.

No. MC 6575 (Sub No. 2), filed July 15, 1958. Applicant: G. ARREDONDO TRANSFER CO., 1220 Santa Rita Street, Laredo, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities of unusual value, Class A, B and C explosives, household goods as defined by the Commission, commodities in bulk other than liquids and commodities which require special equipment because of size or weight*, between Laredo, Texas, and points within 5 miles thereof and the port of entry on the international boundary line between the United States and Mexico at or near Laredo, Tex. Applicant is authorized to transport General commodities, except those commodities listed above, between points in Texas within 5 miles of Laredo, including Laredo.

No. MC 66562 (Sub No. 1435), (AMENDMENT) filed June 26, 1958, published in the FEDERAL REGISTER of July 16, 1958, page 5411. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (Same address as applicant). In letter dated July 18, 1958, applicant's attorney requests that "covering in addition to the motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air." be deleted from the restriction.

NOTE: The subject application is being handled, at the present, at the request of applicant, under the "no hearing" procedure.

No. MC 66562 (Sub No. 1439), filed July 15, 1958. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y.

Applicant's attorney: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Greensboro, N. C., and Goldsboro, N. C., from Greensboro over North Carolina Highway 6 to junction U. S. Highway 70, thence over U. S. Highway 70 to Goldsboro (also from junction U. S. Highways 70 and 301 over U. S. Highway 301 to Selma, N. C., thence over U. S. Highway 70-A to junction U. S. Highway 70), and return over the same route, serving the intermediate points of Durham and Raleigh, N. C., and the off-route point of Selma, N. C. Applicant indicates the proposed service is subject to the following RESTRICTIONS: 1. The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or railway express service. 2. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor crarier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 88082 (Sub No. 3), filed July 17, 1958. Applicant: ST. MARYS TRUCKING CO., INC., P. O. Box 206, 400 South Webb Street, St. Marys, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844-5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated poultry houses*, from St. Marys, Ohio, to points in Indiana. Applicant is authorized to conduct operations in Indiana, Ohio, Illinois, and West Virginia.

No. MC 109451 (Sub No. 90), filed July 9, 1958. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl acetate and denatured alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212 (c) to determine whether applicant's status is that of a common or contract carrier, assigned Docket No. MC 109451 (Sub No. 82).

No. MC 112020 (Sub No. 47), filed July 16, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Dallas, Tex., to points in New Mexico. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Illinois, Iowa, Indiana, Colorado, Michigan, Mississippi, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

No. MC 117512, filed July 14, 1958. Applicant: LEE JOHNSON, 1027 Utah, West Plains, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron ore*, in bulk, in dump trucks, (A) from the mine site of Shook & Fletcher Supply Co. located approximately 4.6 miles south of Montier, Mo., to the loading dock of Shook & Fletcher Supply Co. on the St. Louis-San Francisco Ry. Co., at or near Montier, Mo., from the mine site of Shook & Fletcher Supply Co. over Shannon County Supplemental Route "T" to junction unnumbered county road, thence over unnumbered county road to the loading dock of Shook & Fletcher Supply Co. on the St. Louis-San Francisco Ry. Co., at or near Montier, serving no intermediate points. (B) From the mine site of Shook & Fletcher Supply Co. located approximately 12 miles south of West Plains, Mo., to West Plains, from the mine site of Shook & Fletcher Supply Co. over Howell County Supplemental Route "JJ" to junction U. S. Highway 160, thence over U. S. Highway 160 to West Plains, serving no intermediate points.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub No. 40), filed July 18, 1958. Applicant: MANHATTAN TRANSIT COMPANY, U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. 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 round-trip operations, during the racing seasons, (1) beginning and ending at Paterson, Clifton, and Passaic, N. J., and extending to Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Laurel Race Track, Laurel, Md., and Bowie Race Track, Bowie, Md.; (2) beginning and ending at Clifton and Passaic, N. J., and extending to Aqueduct Race Track, New York, N. Y., Belmont Race Track, Elmont, N. Y., Jamaica Race Track, New York, N. Y., Yonkers Race Track, Yonkers, N. Y., Roosevelt Raceway, Westbury, N. Y., Delaware Park Race Track, Stanton, Del., Laurel Race Track, Laurel, Md., Pemlico Race Track, Baltimore, Md., and Bowie Race Track, Bowie, Md. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Pennsylvania, District of Columbia, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Rhode Island, Tennessee, Vermont, and Virginia.

PETITION

No. MC 2892, PETITION dated July 8, 1958, FOR WAIVER OF RULE 1.101 (e) AND FOR REOPENING AND RECONSIDERATION OF "GRANDFATHER" APPLICATION IN DOCKET NO. MC 74628, ROLAND C. AMES MOTOR TRANSPORTATION, INC., Woodsville, N. H. Petitioner's attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Pursuant to appropriate transfer proceedings, Certificate MC 74628 dated July 31, 1941, issued to David Barcomb, doing business as Ideal Trucking Company, Hardwick, Vt., was merged with Certificate of petitioner, Roland C. Ames Motor Transportation, Inc. The Barcomb certificate authorized, among other things, the transportation of general commodities with exceptions "between points within 36 miles of Hardwick, Vt., including Hardwick, Vt." Holders of the authority in question, on the assumption that Burlington, Vt., and other points on the shore of Lake Champlain in the vicinity of Burlington, were embraced within the 36-mile radius of Hardwick, have continuously served such points in the belief they were authorized to do so. As the result of recent proceeding in No. MC-F 6786, Quinn Freight Lines, Inc.—Control and Merger—Roland C. Ames Motor Transportation, Inc., the question arose with respect to petitioner's right to serve Burlington, Vt., or to and from the Burlington, Vt., area. It is recited, among other things, that the "grandfather" rights granted to Barcomb resulted from informal conferences, with no uniformity with respect to maps or methods of computing distances in the determination of mileages and that it appears inconceivable that it was intended Barcomb should be granted authority to serve all points in northern Vermont except a limited area along the shore of Lake Champlain. Wherefore, petitioner seeks to waive the provisions of Rule 1.101 (3) of the Commission's general rules of practice and accept the instant petition for reopening and reconsideration of the Barcomb "grandfather" application with respect to authority to serve the Burlington, Vermont, area.

APPLICATIONS UNDER 212 (c) CONVERSION PROCEEDINGS

No. MC 102718 (Sub No. 4), SPENCER WADDELL (Columbus, Ga.); No. MC 106614 (Sub No. 1), THOMAS GUADAGNO (Teaneck, N. J.). The above-numbered proceedings were instituted under section 212 (c) on the Commission's own initiative, on February 17, 1958, to determine the carriers' status pertaining to their contract authority issued on or before August 22, 1957. Such proceedings were instituted because the carriers failed to file verified statements in response to a Questionnaire mailed September 20, 1957. Such statements have now been filed and the order entered February 17, 1958, instituting proceedings is hereby vacated and set aside as of September 2, 1958.

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 carriers of property or passengers under sections 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 6954 (correction) (UNION PACIFIC MOTOR FREIGHT CO.—PURCHASE (PORTION)—MASKELYNE TRANSFER AND STORAGE, INC.) published in the July 16, 1958, issue of the FEDERAL REGISTER on page 5414. The following restrictions were eliminated from the authority sought to be transferred: "The service performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Union Pacific Railroad Company, hereinafter called the railroad; no service shall be rendered to or from any point not a station on the rail lines of the railroad; shipments transported shall be limited to those which are received from, or delivered to, the railroad under a through bill of lading covering, in addition to a motor carrier movement by carrier, a prior or subsequent movement by rail; all contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangement shall be fair and equitable to the parties; and such further conditions as the Commission, in the future, may find it necessary to impose to restrict carrier's operation to service which is auxiliary to, or supplemental of, the rail service of the railroad."

No. MC-F 6961. Authority sought for purchase by INTERSTATE TRUCK SERVICE, INC., 605-611 South First Street, Martins Ferry, Ohio, of the operating rights of HILMER GARDE, doing business as GLENCOE TRANSFER, Glencoe, Ohio, and for acquisition by DAVID L. BENNETT, Bethlehem Boulevard, Wheeling, W. Va., and GEORGE L. HANNAN, JR., Warwood Terrace, Wheeling, W. Va., of control of such rights through the transfer. Applicants' attorney: Wilmer A. Hill, Transportation Building, Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over a regular route between Glencoe, Ohio, and Wheeling, W. Va., serving all intermediate points and the off-route points of Willow Grove and Warnock, Ohio; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, between Glencoe, Ohio, and points within five miles of Glencoe, on the one hand, and, on the other, Pittsburgh, Pa., and Parkersburg, W. Va. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Pennsylvania, Maryland, Indiana, Kentucky, New York, Delaware, Massachusetts, New Jersey, Tennessee, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6962. Authority sought for purchase by BRUCE JOHNSON TRUCKING COMPANY, INC., P. O. Box 5233 and/or Creosote Road, Charlotte 6, N. C., of the operating rights of GRIFFIN AND GRIST TRUCKING COMPANY, 125 Creosote Road, Charlotte 6, N. C. Applicants' attorney: Charles Basil Caudle, 718 Johnston Building, Charlotte, N. C. Operating rights sought to be transferred: *The commodities* listed in A and B of the appendix to the report in *Modification of Permits—Packing House Products*, 46 M. C. C. 23, as a *common carrier*, over irregular routes, from Charlotte, N. C., to points in South Carolina; *frozen foods*, from Charlotte, N. C., to points in South Carolina. Vendee is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Virginia, Tennessee, and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6963. Authority sought for control by SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., of SCHWERMAN TRUCKING CO. OF N. Y., INC., 620 South 29th Street, Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN and CARL SCHWERMAN, all of Milwaukee, of control of SCHWERMAN TRUCKING CO. OF N. Y., INC., through the acquisition by SCHWERMAN TRUCKING CO. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Operating rights sought to be transferred: Authority applied for by SCHWERMAN TRUCKING CO. OF N. Y., INC., in a pending application, covering the transportation of *cement*, as a *contract carrier*, over irregular routes, from two plant sites located in the vicinity of Hudson, N. Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. SCHWERMAN TRUCKING CO. is authorized to operate as a *contract carrier* in Indiana, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6964. Authority sought for purchase by SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, of a portion of the operating rights of SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, and CARL SCHWERMAN, all of Milwaukee, of control of such rights through the purchase. Applicants' attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Operating rights sought to be transferred: *Cement and mortar*, as a *contract carrier*, over irregular routes, from Buffington, Ind., to points in Illinois and Wisconsin within 160 miles of Buffington; *fly ash*, in bulk, in tank vehicles, from Chicago, Ill., to certain points in Wisconsin. Vendee is authorized to operate as a *contract carrier* in Indiana, Illinois, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6965. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of a portion of the operating rights of SQUARE DEAL CARTAGE COMPANY, 13401 Eldon Avenue, Detroit 34, Mich., and for acquisition by WALTER F. CAREY, 6125 Middlebelt Road, Birmingham, Mich., and BERT B. BEVERIDGE, 707 North Ocean Drive, Del Ray Beach, Fla., of control of such rights through the purchase. Applicants' attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *Freight trailers* and *trailer chassis*, restricted to initial movements, in truck-away, tow-away, and drive-away service, as a *common carrier* over irregular routes, from points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission, the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, Springfield, Mo., and Charlotte, N. C., to points in the United States including the District of Columbia; *new trailers and semi-trailers*, other than those designed to be drawn by passenger automobiles, and *chassis therefor*, in initial movements in truck-away service, from Elizabeth and Linden, N. J., Fort Smith, Ark., and points within ten miles of Fort Smith, to points in the United States; *truck bodies* and *trailer bodies* and *accessories and equipment therefor*, moving in connection therewith, knocked down and set up, from points in the Cincinnati, Ohio, Commercial Zone as defined by the Commission, to points in the United States. Vendee is authorized to operate as a *common carrier* in all States in the United States 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. 58-5796; Filed, July 29, 1958; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34836: *Petroleum oil from Pennsylvania points to Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7330) for interested rail carriers. Rates on petroleum oil tankcar loads from Clairton and West Elizabeth, Pa., to Houston, Tex.

Grounds for relief: Truck-water competition.

Tariff: Supplement 33 to Southwestern Lines tariff I. C. C. 4188.

FSA No. 34837: *Acid from Texas City and Houston, Tex., to Pawtucket, R. I.* Filed by Southwestern Freight Bureau, Agent (No. B-7341), for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads, from Texas City and Houston, Tex., to Pawtucket, R. I.

Grounds for relief: Short line distance formula.

Tariff: Supplement 494 to Southwestern Lines tariff I. C. C. 4139.

FSA No. 34838: *Fertilizer from Sterlington, La., to Mississippi.* Filed by Southwestern Freight Bureau, Agent (No. B-73337), for interested rail carriers. Rates on manufactured fertilizer and fertilizer material, dry, carloads, from Sterlington, La., to points in Mississippi on the Illinois Central Railroad.

Grounds for relief: Short line distance formula.

Tariff: Supplement 112 to Southwestern Lines Tariff I. C. C. 4000.

FSA No. 34839: *Fresh Vegetables between points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3701), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads, between points in southern territory.

Grounds for relief: Rate relationship basis formula and grouping.

Tariff: Supplement 31 to Southern Freight Tariff Bureau tariff I. C. C. 1558.

FSA No. 34840: *Clay from Cartersville, Ga., to points in the South.* Filed by O. W. South, Jr., Agent (SFA No. A3705), for interested rail carriers. Rates on clay, carloads, as described in the application, from Cartersville, Ga., to points in southern territory, Ohio and Mississippi River crossings, Washington, D. C., and points in Virginia.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 56 to Southern Freight Tariff Bureau tariff I. C. C. 1613.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 58-5794; Filed, July 29, 1958; 8:49 a. m.]

TARIFF COMMISSION

WATCH MOVEMENTS

REPORT TO PRESIDENT

JULY 25, 1958.

The United States Tariff Commission today submitted to the President its third periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 Supp., p. 105). That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its third report to the President under Executive Order 10401 with respect to watch movements, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-5797; Filed, July 29, 1958; 8:49 a. m.]

TOWELING OF FLAX, HEMP, OR RAMIE

REPORT TO PRESIDENT

JULY 25, 1958.

The United States Tariff Commission today submitted to the President its first periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action on July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (3 CFR, 1952 supp., p. 105). That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its first report to the President under Executive Order 10401 with respect to toweling of flax, hemp, or ramie, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U. S. Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DON N. BENT,
Secretary.

[F. R. Doc. 58-5798; Filed, July 29, 1958; 8:50 a. m.]