



FEDERAL REGISTER

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Washington, Thursday, January 13, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

OCCUPATIONAL THERAPIST

Section 24.122 is added to read as set out below:

§ 24.122 *Occupational Therapist, GS-631-0 (all grades)*—(a) *Educational requirement.* Applicants must be graduates of a school of occupational therapy approved at the time of graduation by the Council on Medical Education and Hospitals of the American Medical Association. Applicants who graduated prior to 1938 must be graduates of a school of occupational therapy approved at the time of their graduation by the American Occupational Therapy Association.

(b) *Duties.* With duties varying in responsibility in accordance with grade, occupational therapists under general supervision of a medical officer follow accepted theories and practices for definitive therapeutic purposes to give treatment to patients for disease or injury, whether physical or mental, by the scientific use of remedial activities such as machine and hand crafts properly selected and adapted to provide restoration of muscle function and joint motion, improved work tolerance, relief from mental and emotional strain, and motivation back to normal life as a useful member of society.

(c) *Knowledge and training requisite for the performance of duties.* Occupational therapists must have a knowledge of the sciences such as anatomy physiology, neurology psychiatry psychology, sociology and child growth and development; a knowledge of clinical subjects covering general medical and surgical conditions, orthopedics, psychiatric, pediatric, tuberculosis and cardiac diseases; theory courses interpreting the principles and practices of occupational therapy in pediatrics, psychiatry tuberculosis, orthopedics, and general medicine and surgery. He must be able to perform disability evaluations including

joint measurement, locomotion, and functional testing. He must be able to recognize the connotation of the diagnosis so that limitations of the physical condition of the patient can be related to the treatment program. He must have a scientific knowledge of the use of occupational therapy equipment and be able to plan for and/or construct specific equipment adaptations to meet the specific patient needs. He must be able to anticipate and to recognize changes in the patient's physical or emotional condition and be able to make immediate adjustments in the treatment program. He must also have the ability to perform tests for the evaluation of developmental level, handedness, attention span, and activity tolerance. The necessary knowledges and training can only be acquired through a directed course of study in an approved occupational therapy school.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F R. Doc. 55-266; Filed, Jan. 12, 1955; 8:48 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.244]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (a) is amended by the deletion of the following posts:

Belgian Congo (including Ruanda-Urundi), all posts except Elisabethville and Leopoldville.

2. Effective as of the beginning of the first pay period following December 4,

(Continued on p. 291)

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1954, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, and Trivandrum.

3. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (b) is amended by the addition of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, and Trivandrum.

4. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, and Trivandrum.

5. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (d) is amended by the deletion of the following posts:

Libya, all posts except El Awella and Misurata.

6. Effective as of the beginning of the first pay period following September 11, 1954, paragraph (a) is amended by the addition of the following post:

Tsoying, China.

7. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (a) is amended by the addition of the following posts:

Bois Dehors, Haiti.
Cuttack, India.
Djogjakarta, Indonesia.
El Recreo, Nicaragua.
General Saavedra, Bolivia.
Jimma, Ethiopia.
Pucallpa, Peru.

8. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (a) is amended by the addition of the following posts:

Belgian Congo (including Ruanda-Urundi), all posts except Bukavu, Elisabethville and Leopoldville.
Maithon, India.

9. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (b) is amended by the addition of the following posts:

Barce, Libya.
Derna, Libya.
Foret des Pins, Haiti.
Garian, Libya.
Zavia, Libya.
Zilten, Libya.

10. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (b) is amended by the addition of the following posts:

Huancayo, Peru.
India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Maithon, Nabha, Nagpur,

New Delhi, Patiala, Patna, Poona, Simla, and Trivandrum.

11. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (c) is amended by the addition of the following posts:

Budapest, Hungary.
Bukavu, Belgian Congo.

12. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (d) is amended by the addition of the following posts:

Libya, all posts except Barce, Derna, El Awella, Garian, Misurata, Zavia, and Zilten.
Lindholm Island, Denmark.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary.

DECEMBER 21, 1954.

[F. R. Doc. 55-253; Filed, Jan. 12, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System
[No. 7990]

PART 123—MEMBERS OF BANKS

EXAMINATION AND REVIEW OF APPLICATION
JANUARY 7, 1955.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) § 123.2 of the regulations for the Federal Home Loan Bank System (24 CFR 123.2) is hereby amended, effective January 13, 1955, to read as follows:

§ 123.2 *Examination and review of application.* The officers of the Bank designated by its board of directors shall promptly consider the application for membership and shall endeavor to obtain such supplemental information as they may deem appropriate. They shall report their recommendations thereon to the board of directors or to the executive committee of the Bank, which shall consider the officers' report and, after obtaining any additional information with respect to the application as it may desire, shall then transmit the application to the Board with its recommendation thereon. The board of directors may authorize the said designated officers to transmit applications for membership to the Board with their recommendations thereon, during the periods between meetings of the board of directors or executive committee of the Bank, provided such action is in accordance with the Bank's bylaws. Each such action shall be reported to the next meeting of the board of directors or executive committee, whichever shall first occur.

Resolved further that, this amendment being procedural in character, the Board hereby finds that notice and public

procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act are unnecessary and that, since the amendment relieves a restriction, deferment of the effective date thereof is not required under section 4 (c) of the Administrative Procedure Act.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 55-277; Filed, Jan. 12, 1955; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-1, Amdt. 2]

DMO IX-1—REESTABLISHMENT OF TELECOMMUNICATIONS PLANNING COMMITTEE

PROVIDING FOR A REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE TO BE INCLUDED IN MEMBERSHIP

1. Paragraph 1 of Defense Mobilization Order IX-1, effective September 23, 1953, which reestablished the Telecommunications Planning Committee, is hereby amended to provide that a representative of the Department of Justice be included in the membership of the Committee.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Director

[F. R. Doc. 55-342; Filed, Jan. 11, 1955; 12:35 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

[Circular 1894]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES

EDITORIAL NOTE: In Federal Register Document 54-10282, appearing at page 9274 of the issue for Wednesday, December 29, 1954, § 191.13 should have been designated § 191.12.

Appendix C—Public Land Orders
[Public Land Order 1051]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE BY THE DEPARTMENT OF THE NAVY AS AN AERIAL GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy as an aerial gunnery range:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 10 W.,
Sec. 18.

The area described aggregates 643.90 acres.

ORME LEWIS,
Assistant Secretary of the Interior

JANUARY 6, 1955.

[F R. Doc. 55-262; Filed, Jan. 12, 1955;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11078; FCC 55-1]

[Rules Amdt. 9-9]

PART 9—AVIATION SERVICES

AERONAUTICAL ENROUTE STATIONS; ALASKA

In the matter of amendment of Part 9 of the Commission's rules to delete authority for operation by aeronautical mobile stations in Alaska on certain frequencies and to add authority to operate on certain other frequencies in the aeronautical mobile (R) service.

1. On June 16, 1954, the Commission adopted a notice of proposed rule making in the above entitled matter in order to put into effect the Atlantic City (1947) Table of Frequency Allocations in accordance with the provisions of the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951)

2. The notice, in accordance with the requirement of section 4 (a) of the Administrative Procedures Act, made provision for the submission of written comments by interested parties. The notice was duly published in the FEDERAL REGISTER on June 25, 1954 (19 F R. 3868) and the period for filing comments has expired.

3. Comments were received from interested persons, who in general, offer no objections to the proposal to bring intra-Alaska aeronautical enroute operations in-band in accordance with the table of frequency allocations, but request certain modifications of § 9.432 (a) (1) (viii) (a) as proposed.

4. These comments in substance, together with the action on each, are as follows:

(a) Recognize the need for general purpose airground frequencies, available to any aeronautical interest (e. g., trading posts, remote mining camps) without regard to the Commission's policy of authorizing only one aeronautical enroute station to serve an area.

In accordance with this request, a new § 9.432 (a) (1) (viii) has been added which makes two frequencies

available for general purpose air ground communications. The provisions of § 9.431 (b) of the rules do not apply to stations operating on frequencies in accordance with this subdivision.

(b) Provide frequencies for certificated air carrier routes and require applicants for en route stations serving such air carriers to show that the station will serve scheduled certificated air carriers on a non-discriminatory basis.

In accordance with this request, the replacement frequencies listed in the proposed station assignment plan contained in the original notice, have been included in § 9.432 (a) (1) (ix) (a) through (c) together with provisions for the assignment of certain frequencies to aeronautical en route stations serving certificated air carriers.

(c) Make an additional 3 megacycle frequency available for air carrier route operation.

In view of the established frequency plans in the U. S. and Canada it has been necessary to select a frequency (2945 kc) for use to the west of 141 west longitude and a separate frequency (2910 kc) for use to the east of 141 west longitude. These appear in § 9.432 (a) (1) (ix) (a) (b) and (c)

5. Licensees of aeronautical en route stations providing communication service to scheduled certificated air carriers in Alaska are requested to submit applications for modification of their station licenses to include those frequencies shown in § 9.432 (a) (1) (ix) (a) (b) or (c) as appropriate.

6. In view of the foregoing and pursuant to the authority contained in sections 303 (c) (f) and (r) of the Communications Act, as amended, the Final Acts of the International Telecommunications and Radio Conference, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951) *It is ordered*, That effective March 1, 1955, Part 9 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 5, 1955.

Released: January 6, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 9.431 to read as follows:

§ 9.431 *Scope of service.* (a) Aeronautical enroute stations shall provide all necessary non-public service, HF and VHF of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical enroute stations which are to furnish such service and for shared liability in the operation of such stations. In case of distress, aeronautical enroute stations shall provide the above service without prior arrangements.

(b) Only one aeronautical enroute station in the Domestic Service will be authorized at any one location and only one aeronautical enroute station in the International Service will be authorized at any one location. For this purpose a "location" means an area which can be adequately served by the particular station.

2. Delete § 9.432 (a) (1) (viii) (a) and (b) and substitute the following:

(viii) *All Alaska.* The following frequencies are available for assignment to aeronautical enroute stations in the Territory of Alaska. The provisions of § 9.431 (b) do not apply to stations operating on frequencies in accordance with this section.

Kc	Kc
3411.5	4668.5

(ix) The following frequencies are available for assignment to aeronautical enroute stations in Alaska only when serving scheduled certificated air carriers as defined by the Civil Aeronautics Board. In filing an application for the use of these frequencies, the applicant must show that in addition to complying with the provisions of § 9.431 the station will serve such scheduled certificated air carriers. A copy of the contractual arrangements made with each of the air carriers to be served must be submitted with the application.

(a)^{13A} *Alaska Aleutian chain and feeders.*

Kc	Kc	Kc
2945	6567	11328

(b)^{13A} *Central Alaska chain and feeders (west of 141° west longitude)*

Kc	Kc
2945	5611.5

(c)^{13A} *Southeastern Alaska chain and feeders (east of 141° west longitude)*

Kc	Kc
2910 ^{13B}	6567

(x)^{13C} *Alaskan chain and feeders.*

These frequencies are shared with the Civil Aeronautics Administration and are available for licensing by the Commission subject to the provisions of subdivision (ix) of this subparagraph at those locations where an applicant justifies the need for service and the Government is not prepared to render this service.

Kc	Kc
2931	5544

[F R. Doc. 55-280; Filed, Jan. 12, 1955;
8:51 a. m.]

^{13A} The frequencies 2748, 2922, 5310, 5652.5, 6590 and 11695 kc are available for assignment until August 1, 1955.

^{13B} Power on the frequency 2910 kc in Alaska is limited to 325 watts; however, powers in excess of 325 watts may be authorized provided that an adequate showing is made that such additional power is required and that harmful interference will not be caused to any service or any station which in the discretion of the Commission may be entitled to protection.

^{13C} The frequencies (1674, 2912, 2946, 3082.5, 5037.5 and 5672.5 kc) are available for assignment on an interim basis only, until the frequencies listed in this subdivision are activated for Alaskan chain and feeder operations.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amend 122]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES
PROCEDURE ALTERATIONS

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

Part 609 is amended as follows:

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitudes over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft	More than 75 m. p. h. or less	
1 ALICE, TEX. Municipal, 178 SBRAZ-VDT-BOI Procedure No. 1 Amendment No. 1 Effective February 12, 1955 Supersedes Amendment M-3 March 20, 1951 Major changes: Add initial approach from San Diego FM and MHW. Raise procedure turn altitude. Lower missed approach altitude.	2 San Diego FM/MHW (final)	3 072-10-0	4 1 000	5 S side W course: 252° outbound 072 inbound 1 500' within 10 miles	6 1 000	7 072-3-6	8 2 engines or less T-dn 300-1 C-dn 500-1 S-S 500-1 A-dn 800-2	9 10	10 11	Within 3.6 miles turn left, climb to 1 800' on N (335°) course within 25 miles CAUTION: 450' radio tower 3.7 miles NW 580' radio tower 5.7 miles NW
BOISE IDAHO Boise Air Terminal, 2 858 SBRAZ-VDT-BOI Procedure No. 1 Effective February 12, 1955 Amendment No. 5 Supersedes Amendment No. 4 dated January 29, 1952 Major changes: Lower Con vair and Martin minimums to 500-1½; lower DCG-3 minimums to 500-1; change procedure to new form; delete reference beyond 10 miles for procedure turn	Boise VOR Fayette FM *Eagle FM	075-2-0 121-49-0 121-11-0	3 800 5 500 3 800	W side NW course: 301° outbound 121° inbound 4 000' within 10 miles	3 800	116-2-3	2 engines or less #T-dn 300-1 C-dn 500-1 A-dn 800-2 More than 2 engines #T-dn 200-½ C-dn 600-1½ A-dn 700-1½	300-1 500-1½ 800-2	200-½ 500-1 800-2	Within 2.3 miles turn right, climb to 4,000 on course 301° outbound 121° inbound within 10 miles of LFR. Straight in approach authorized after this initial approach. #300-1 minimum for runway 16-34. Deviation from standard criteria authorized in item 5
BLYTHE, CALIF Municipal 397 SBMRAZ-VDT BLH Procedure No. 1 Effective February 12, 1955 Amendment No. 4 Supersedes Amendment No. 3 dated August 16, 1954 Major changes: New format	Blythe VOR	071-7-0	5 000	W side S course: 165° outbound 345 inbound 2 000' within 10 miles	1 200	268-4-1	All aircraft T-dn 500-1 C-dn 800-2 A-dn 800-2	500-1 800-2 800-2	500-1 800-2 800-2	Within 0 mile make 180 left turn, climb to 5,000 on S course within 25 miles of LFR CAUTION: 1,800' terrain 0.8 miles N of approach course 5 miles SSW VOR

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance to facility to airport	Ceiling and visibility minimums			If visual contact not established at author facility landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft	More than 75 m. p. h. or less	
1 LOS ANGELES, CALIF International, 125, SBRZ-DTVX LAX Procedure No 1 Effective February 12 1955 Amendment No 7 Supersedes Amendment No 6 dated August 6, 1954 Major changes: New format	2 Hollywood Hills FM Downey FM/RBN Los Angeles LOM (final) Intersection S course LAX and SW course LGB	3 143-13 0 254-11 0 254-2 0 328-20 0	4 3 000 1 500 1 000 3 000	5 S side E course: 348° outbound 348° within 10 miles and 2 000' within 10 miles and no less farther E than Downey Radiobeacon	6 #1 000	7 245-3 9	8 T-dn C-dn S-dn 25 L/R A-dn	9 2 engines or less 300-1 400-1 400-1 800-2	10 11 Within 3.9 miles climb to 2 000 on W course within 25 miles. NOTE: 300-1 required for takeoff Runway 16 Procedure turn S for better terrain #1,500' must be maintained until past LAX LOM inbound	
NEEDLES, CALIF Municipal, 990, BMRZ-DTV EED Procedure No 1 Effective February 12 1955 Amendment No 4 Supersedes Amendment No 3 dated August 6, 1954 Major changes: New format	Needles VOR	273-7 5	4 500	W side N course: 348° outbound, 468 inbound, 4 000' within 10 miles	2 000	196-1 9	T-d T-n C-d C-n A-d A-n	All aircraft 1 000-2 1 000-3 1 000-2 1 000-3 1 000-2 1 000-3	Within 0 mile turn left (E), climb to 7 000' on N course within 25 miles of LFR. SHUTTLE: To 5 000' on S course within 25 miles NOTE: ADF procedure not authorized	
OGDEN, UTAH Municipal, 4,455, SBRZ-DTV OGD Procedure No 1 Effective February 12 1955 Amendment No 3 Supersedes Amendment No 2 dated July 30, 1954. Major changes: New format	Corinne FM/HW Layton FM (final) Ogden VOR	152-23 0 332-10 0 061-1 5	10 000 5 200 11 000	W side S course: 152° outbound 332 inbound, 7 500' within 10 miles	5 300	106-3 4	T-dn C-d C-n A-d A-n	All aircraft 400-1 800-2 800-3 800-2 800-3	Within 0 mile climb to 9 000' on W course OGD LFR. SHUTTLE: To 10,000 on N course within 20 miles All turns W of course AIR CARRIER NOTE: Sliding scales not authorized except that landings are authorized down to 1 mile visibility, provided ceiling is minimum and category of visibility restriction is below 7 500' mean sea level	
OGDEN, UTAH Municipal, 4,455, SBRZ-DTV OGD Procedure No 2 Effective February 12 1955 Amendment No 4 Supersedes Amendment No 3 dated July 30, 1954. Major changes: New format	Corinne FM/HW (final) Ogden VOR	162-23 0 061-1 5	5 500 11 000	W side N course: Beyond Corinne FM 11,000' Approach must start from Corinne FM/HW at 11,000'	5 500	106-3 4	T-dn C-d C-n A-d A-n	All aircraft 400-1 1 000-2 1 000-3 1 000-2 1 000-3	Within 0 mile climb to 9 000 on W course OGD LFR. NOTE: Sliding scales not authorized except that landings are authorized down to 1 mile visibility provided ceiling is minimum and category of visibility restriction is below 7 500' mean sea level	

2 The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft	
1 BOISE IDAHO, Boise Air Terminal 2 858 ZOM BOI Procedure No 1 Effective January 29 1952 Amendment M-1	2	3	4	5	6	7	Condition 8	More than 75 m. p. h or less 9	10 11

SUPERSEDED BY COMBINATION ILS-ADF PROCEDURE DATED FEBRUARY 12 1955

LAS VEGAS, NEV
Nellis Air Force Base, 1 888
SBRAG-VDT LAS
Procedure No 1
Effective February 12 1955
Amendment No 4
Supersedes Amendment No 3
dated August 16, 1954
Major changes: New format

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft	
3 LAS VEGAS, NEV Nellis Air Force Base, 1 888 SBRAG-VDT LAS Procedure No 1 Effective February 12 1955 Amendment No 4 Supersedes Amendment No 3 dated August 16, 1954 Major changes: New format	2	3	4	5	6	7	Condition 8	More than 75 m. p. h or less 9	10 11

3 The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished	
							Condition	Type aircraft		
1 BOISE IDAHO, Boise Air Terminal 2 858 ZOM BOI Procedure No 1 Effective February 12 1955 Amendment No 2 Supersedes Amendment No 1 effective May 28 1953 Major changes: A-1d final approach; Eagle, FM; change missed approach procedure; lower circling minimum for Con Var, March, DC-3; place procedure on new form	2	3	4	6	6	7	Condition 8	More than 75 m. p. h or less 9	10 11	
BOISE IDAHO, Boise Air Terminal 2 858 ZOM BOI Procedure No 1 Effective February 12 1955 Amendment No 2 Supersedes Amendment No 1 effective May 28 1953 Major changes: A-1d final approach; Eagle, FM; change missed approach procedure; lower circling minimum for Con Var, March, DC-3; place procedure on new form	Eagle FM (final) Boise LFR Boise LOM	121-10 0 255-2 0 202-0 4	3 600 4 000 4 000	S side of course: 272° outbound 092 inbound. 4 000' within 10 miles	3 600	092-4 4	T-dn C-dn S-dn 10 L/R A-dn	2 engines or less 300-1 500-1 400-1 800-2	300-1 500-1 1/2 400-1 800-2	Within 4.4 miles, turn right climb to 4,000 on course 272° outbound. Or when within 10 miles, ROI VOR, or when directed by ATIS, turn right climb to 4,000 on NW course. ROI LFR, 301° outbound, 121° inbound, within 10 miles 300-1 minimum for runway 10-34

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound), altitudes, limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished	
							Condition	Type aircraft		
1 COTULLA, TEX. Cotulla Municipal 471 BVOR-VDT Procedure No. 1 Amendment No. 1 Effective February 12, 1955 Supersedes amendment original, August 27, 1951 Major changes: Lowers minimums; VOR transition from COI to BMH	2 Cotulla BMH	3 075—6 0	4 1 600	5 N side of course: 075° outbound 265° inbound 1 000' within 10 miles Beyond 10 miles not authorized	6 1 100	7 255—5 8	8 T-dn C-dn A-dn	9 2 engines or less 300-1 400-1 800-2	10 More than 75 m p h 10	11 Within 5.8 miles after passing VOR, turn left, climb to 1 000 radial 180° within 25 miles CAUTION: 560 unlighted water tower 1 mile WSW
DAGGETT, CALIF Daggett 1 927 BVOR-DAG Procedure No. 1 Effective February 12 1955 Supersedes Amendment No 3 dated August 15, 1954 Major changes: Show all data on front of form	Daggett LFR	085—5 0	6 000	N side of course: 085° outbound 263° inbound 6 000' within 10 miles	4 000	283—4 1	T-dn C-dn A-dn	All aircraft: 2 000-4 2 000-4 2 000-4	2 000-4 2 000-4 2 000-4	Within 4.1 miles climb to 6,000 on course of 243° within 25 miles of VOR NOTE: *500-1 authorized for take-offs on runways 3 and 7
DOUGLAS, ARIZ Bisbee Douglas Intersection 4,158 BVOR DUG Procedure No 1. Effective February 12 1955 Amendment No 4 Supersedes Amendment No 3 dated August 15, 1954. Major changes: Shows all data on front of form				N side of course: 118° outbound 7 000' within 10 miles	5, 200	118—4 6	T-d T-n C-d C-n A-d A-n	All aircraft: 400-1 500-2 1 000-2 1 000-3 2 000-2 2 000-3	400-1 500-2 1 000-2 1 000-3 2 000-2 2 000-3	Within 0 mile, turn left (E) and climb to 10 000' on outbound track of 280° within 25 miles of VOR. SHUTTLE: To 7,000' on 288 outbound 118 inbound within 15 miles
GILA BEND, ARIZ Air Force Auxiliary 858 BVOR GBN Procedure No 1. Effective February 12, 1955 Amendment No 3 Supersedes Amendment No 2 dated August 6, 1954. Major changes: Show all data on front of form	Gila Bend LFR	314—0 5	3 000	S side of course: 250° outbound 070° inbound 3 000' within 10 miles	1 600	163—4 6	T-d T-n C-d C-n A-d A-n	2 engines or less 300-1 N.A. 700-1 N.A. 800-2 N.A.	300-1 N.A. 700-1 N.A. 800-2 N.A.	Within 0 mile, climb to 5,000' on course of 080° within 25 miles of VOR NOTE: Maneuvering area on S side final approach course limited to 8 mile width by danger area
HOBART, OKLA Hobart 1 362 BVOR-HBR Procedure No. 1 Amendment No. 1 Effective February 12, 1955. Supersedes Amendment Original March 18 1952. Major changes: Raise minimum altitude over facility on final approach and straight in authority raise missed approach				E side of course: 170° outbound 353° inbound 3 000' within 10 miles Beyond 10 miles not authorized.	2 400	353—8 1	T-dn C-dn	2 engines or less 300-1 500-1	300-1 500-1	Climb to 2 900' on radial 353 within 25 miles. Night operations restricted to run ways 35 and 17

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure, turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft	
1 JUNCTION, TEX Kimble County 1 720 BVO-R-JCT Procedure No 1 Amendment No 1 Effective February 12, 1955 Supersedes amendment original dated March 18, 1954 Major changes: Correct final approach course. Lower alternate minima. Raise missed approach altitude. Delete night authority.	2 Junction Radiobeacon	3 324-7 0	4	5 W side of course: 321° outbound 141° inbound. 3,600' within 10 miles Beyond 10 miles not authorized	6	7	8 9 10	More than 75 m p h More than 75 m p h	11 Within 6.8 miles climb to 3,600' on radial 141 within 25 miles
KLAMATH FALLS, OREG Klamath Falls 4 053 BVO-R-LMT Procedure No 1 Effective February 12, 1955 Supersedes Amendment No 1 dated December 17, 1954 Major changes: Correct the minimum more than 2 engine takeoff minimum	Intersection E course, MER LFR and 343° radial LMT VOR Klamath Falls LFR Klamath Falls LFR (final)	163-12 0 332-3 0 332-3 0	9 000 8 000 5 900	E side of course: 152° outbound 332° inbound 8,000' within 10 miles Not authorized beyond 10 miles	5 900	On airport	T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	1 500-1 1 800-1 1 800-2 1 800-2 1 500-1 1 800-1 1/4 1 800-2 1 800-2	Within 0 mile, turn left and climb to 9,000' on 152° outbound course within 14 miles Klamath Falls VOR
LAFAYETTE, LA Lafayette 4V BVO-R-LFT Procedure No. 1 Amendment No 1 February 12, 1955 Supersedes Amendment Original February 26, 1952 Major changes: Airport elevation. Altitude over facility final. Change distance facility to airport. Lower landing minima. Delete night operation runway 10 and 28. Add note	Lafayette MH	168-4 0	1 200	E side of course: 165° outbound 345° inbound. 1,200' within 10 miles Beyond 10 miles not authorized	700	345-3 1	T-dn C-dn S-1 A-dn More than 2 engines T-dn C-dn S-1 A-dn	300-1 500-1 400-1 800-2 200-1/2 500-1 1/4 400-1 800-2	Within 3.1 miles climb to 1,300' on radial 345° within 25 miles NOTE: Night operation not authorized on runways 10 and 28 300-1 required for takeoffs on runway 10 and 28
MERCED, CALIF Municipal, 1557 VOR-W-MER Procedure No 1 Effective February 12 1955 Original				E side SE course: 108° outbound 288° inbound. 1 500' within 10 miles	1 000	288-7 3	T-dn C-dn S-dn Runway 30 A-dn More than 2 engines T-dn C-dn S-dn Runway 30 A-dn	300-1 600-1 500-1 800-2 200-1/4 600-1 1/4 500-1 800-2	Within 7.3 miles turn left and climb to 2,000 on course of 108° from MER VOR
NEEDLES, CALIF Municipal, 800 BVO-R-DV EED Procedure No 1 Effective February 12 1955 Amendment No 1 Supersedes Amendment No 1 dated August 6, 1964 Major changes: Show all data on front of form	Needles LFR	093-7 5	4, 500	N side of course: 88° outbound 265° inbound 4,500' within 10 miles Not authorized beyond 10 miles	3 000	257-8 4	All aircraft T-dn T-n C-dn C-n A-dn	1 000-2 1 000-3 1 000-2 1 000-3 1 000-2 1, 600-3	Within 6 miles turn right and climb to 7,000 on course of 322° within 25 miles of VOR. SHUTTLER: To 6,000 on course of 265 out bound 065° inbound within 15 miles

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility, class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished	
							Condition	Type aircraft 75 m. p. h. or less More than 75 m. p. h.		
1	2	3	4	5	6	7	8	9	10	
OGDEN, UTAH Municipal, 4,455' BVO R-DTV OGD Procedure No. 1 Effective February 12 1955 Amendment No. 3 Supersedes Amendment No 2 dated August 6, 1954 Major changes: Show all data on front of form.	Huntsville FM	244-20 0	11 000	W side of course: 328° outbound 148° inbound, 7 500' within 10 miles	5, 400	098-4, 3	T-dn C-d C-n A-d A-n	All aircraft 400-1 800-2 800-3 800-2 800-3	400-1 800-2 800-3 800-2 800-3	Within 0 mile climb to 9,000' on outbound track of 259° within 25 miles of OGD VOR. SHUTTLE: To 10,000' on 328° outbound, 148° inbound within 20 miles. All turns W. NOTES: Sliding scales not authorized except landings are authorized down to 1 mile visibility provided ceiling is unlimited and top of visibility restriction is below 7,500' mean sea level. #Descent below 10,000' mean sea level not authorized until 13 miles S of Cortinae FM/HW
	Ogden LFR	246-1 0	11 000							
	Cortinae FM/HW (final)	148-23 0	5 400							
OGDEN, UTAH, Municipal, 4,455' BVO R-DTV OGD Procedure No. 2 Effective February 12 1955 Amendment No. 2 Supersedes Amendment No 1 dated August 6 1954	Huntsville FM	244-20 0	11 000	W side of course: 149° outbound 329° inbound, 7 500' within 10 miles	5 400	098-4, 3	T-dn C-d C-n A-d A-n	All aircraft 400-1 800-2 800-3 800-2 800-3	400-1 800-2 800-3 800-2 800-3	Within 0 mile climb to 9,000' on outbound track of 259° within 25 miles of OGD VOR. SHUTTLE: To 10,000 on 328 outbound, 148 inbound within 20 miles. All turns W of track. NOTES: Sliding scales not authorized except landings are authorized down to 1 mile visibility provided ceiling is unlimited and top of visibility restriction is below 7 500' mean sea level.
	Ogden LFR	246-1 0	11 000							
	Cortinae FM/HW	148-23 0	10 000							
LAYTON, UTAH, Municipal, 4,455' BVO R-DTV OGD Procedure No. 2 Effective February 12 1955 Amendment—Original Effective February 12 1955	Layton FM (final)	329-11.0	5 400							
	Pocatello-LFR	217-3 5	6 500	NW side of course: 027° outbound 207° inbound 6 000' within 15 miles of PIH-VOR Beyond 15 miles not authorized	PIH-ILS outer marker 5 600	PIH outer marker 207°-4.2	T-dn C-d C-n S-dn Runway 21 A-dn	2 engines or less 300-1 500-1 500-2 400-1	300-1 600-1 600-2 400-1	Within 4 2 miles from PIH-ILS outer marker proceed to station climbing. Continue climb to 6,500' on the 234° radial of PIH-VOR within 25 miles. Make procedure turn after passing PIH-ILS outer marker. CAUTION: 5,000' mean sea level terrain located 3 miles SE of airport

4 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS			Procedure turn approach course inbound; altitude; limiting distances	Minimum altitude at final approach slope interception inbound (ft)	Altitude of glide slope at—		Ceiling and visibility minimums		If visual contact not established upon descent to authorized landing minimums or if landing not accomplished		
	From—	To—	Course and distance			Minimum altitude	Outer marker	Middle marker	Condition		Type aircraft	
1	2	3	4	5	6	7	8	9	10	11	12	13
BOISE IDAHO Boise Air Terminal 2,858 ILS-I BOI LOM BOI Procedure No. 1 Effective February 12 1955 Amendment No. 7 Supersedes Amendment No. 6 ILS, effective August 11, 1952 and Amendment No. 1 ADF effective January 29, 1952 Major changes: Com bine ILS-ADF procedures on one form; lower Convair Martin-D C-3 circling minimums; add final approach from Eagle FM	Eagle FM (ILS only) Boise LFR Boise VOR Eagle FM	NW course ILS LOM LOM LOM	140-8.0 256-2.0 022-0.4 130-10.6	4,000 4,000 4,000 4,000	W side, NW course: 276° outbound 096 inbound 4,000' within 10 miles	ILS 3,900 ADF 3,900 over LOM	3,900-4.4	3,065-0.7	T-dn ADF C-dn S-dn 10 L ADF 10 L R A-d A-n ADF A-dn	2 engines or less 200-1/2 300-1 500-1/2 200-1/2 400-1 600-2 600-2 800-2 More than 2 engines 200-1/2 600-1/2 700-1/2 200-1/2 400-1 600-2 800-2	Within 4.4 miles after passing LOM (ADF) turn right climb to 4,000' on NW course BOI/LFR 301° outbound 121° inbound within 10 miles Straight in approaches authorized after these transitions	

These procedures shall become effective on the dates indicated in Column 1 of the procedures (Sec 205 52 Stat 984 as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat 1007 as amended; 49 U S C 551)

[SEAL]

[F R Doc 55-134; Filed Jan 12 1955; 8:45 a m.]

F B LEE
Administrator of Civil Aeronautics

TITLE 50—WILDLIFE

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

Subchapter B—Hunting and Possession of
Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN
GAME MAMMALS

ORDER PERMITTING KILLING OF WATERFOWL
OR COOTS IN AGRICULTURAL AREAS OF
CALIFORNIA

Basis and purpose It has been determined from investigations and observations made by the Fish and Wildlife Service and by the California Department of Fish and Game that serious agricultural

crop depredations are threatened by waterfowl and coots in portions of the State of California and that these depredations may be alleviated and a large portion of the crops saved from serious injury or destruction by authorizing such waterfowl or coots to be taken in the affected areas

Since the following order is an emergency measure notice and public procedure thereon are impracticable (60 Stat 237; 5 U S C 1001 et seq), and it shall become effective immediately

Subject to the following conditions restrictions and requirements such waterfowl or coots as are found damaging crops in agricultural areas of California may be killed by shooting with a shot-

gun only on or over such crops during the period or periods to be announced in accordance with this order: *Provided, however* That no period of shooting shall extend beyond April 15 1955. The facts as to the existence of an emergency condition in any particular community which requires the killing of one or more species of waterfowl or coots as contemplated herein, the extent of the area, and the period of time during which, and the conditions under which such killing may be permitted shall be ascertained

by the Director of the Fish and Wildlife Service and announced by him by suitable publication in the area where the emergency exists, which finding and announcement shall be final. Any such

period of time during which killing is permitted shall be shortened by similar announcement upon a finding that the particular emergency condition no longer exists

Such birds as are killed under the provisions of this order may be used for food within the State of California but they may not be sold offered for sale or barter or be wantonly wasted or destroyed

This order does not permit the killing of any waterfowl or coots in violation of any State law or regulation. The said order is an emergency measure designed to aid in relieving depredations and is

not to be construed as a reopening or extension of the open hunting season prescribed for the State of California by regulations promulgated under the Migratory Bird Treaty Act (40 Stat. 755; 16 U. S. C. 704) which open hunting season will expire January 10, 1955 (19 F. R. 5519)

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Issued at Washington, D. C., and dated January 7, 1955.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 55-254; Filed, Jan. 12, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 964]

[Docket No. AO-258]

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

EDITORIAL NOTE: Because the preamble text of F. R. Doc. 55-164 (published at 20 F. R. 211, issue of January 8, 1954) was inadvertently omitted, the entire document is reprinted as set forth below.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900-19 F. R. 57) a public hearing was held at Fresno, California, from June 15 to 18, 1954, both dates inclusive, on a proposed marketing agreement and order regulating the handling of dried figs produced in California. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (19 F. R. 3092) on May 28, 1954.

On the basis of evidence adduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, United States Department of Agriculture, on October 1, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (19 F. R. 6426) on October 6, 1954.

Rulings on exceptions. Exceptions to the recommended decision have been filed on behalf of the American Bakers Association, Washington, D. C., and the Biscuit and Cracker Manufacturers Association, Los Angeles, California, by Joseph M. Creed, counsel for the first association, and by Pierce Works and William F. Scott of O'Melveny and Meyers, counsel for the second Association (hereinafter referred to as "the bakery exceptor"). Exceptions to the recommended decision also have been filed on behalf of the S. M. Wolff Company New York, New York, by its counsel, Edwin G. Martin (hereinafter referred to as "the importer exceptor"). These exceptions have been considered carefully and fully in conjunction with the record evidence pertaining thereto in arriving at the findings and conclusions set forth in this decision. Rulings on such exceptions are set forth hereinafter in connection with the findings and conclusions to which they refer. To any extent that the findings and conclusions of this decision are at variance with any such exception not otherwise specifically ruled upon, such exception is overruled.

Findings and conclusions. The material issues, findings, and conclusions, of the aforesaid recommended decision (F. R. Doc. 54-7856; 19 F. R. 6426) are

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

CORPORATE DISTRIBUTIONS AND ADJUSTMENTS

REGULATIONS UNDER SUBCHAPTER C, PARTS I TO IV, INCLUSIVE, AND PARTS VI, OF THE INTERNAL REVENUE CODE OF 1954, EXTENSION OF TIME FOR FILING COMMENTS

The proposed regulations under parts I to IV inclusive, and part VI of subchapter C, chapter 1, of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for Saturday December 11, 1954. This notice provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from date of publication of this notice in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended by an additional 14 days. Consideration, therefore, will be given to any data, views, or arguments pertaining to these proposed regulations that are submitted by Monday, January 24, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55-360; Filed, Jan. 12, 1955; 9:29 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.120 *Basic charge* and § 130.122 *Delivery of water* of Title 25, Code of Federal Regulations, Chapter I, Subchapter I, dealing with operation and maintenance assessments against the irrigable lands of the Salt River

Indian Irrigation Project, Arizona, by increasing the basic water charges from \$3.50 per acre per annum. The revised sections will read as follows:

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress, approved August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387) the basic operation and maintenance charge against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the Irrigation Project works is hereby fixed at \$5.50 per acre per annum until further notice.

§ 130.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than \$2.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to \$3.50 per acre per annum, and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a) (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to the Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director

[F. R. Doc. 55-256; Filed, Jan. 12, 1955; 8:46 a. m.]

hereby approved and adopted as the material issues, findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below, and except as they may be modified by the findings and conclusions hereinafter set forth.

The corrections are as follows: In the findings and conclusions on the issue numbered 3 (a) (in the 17th line of the third full paragraph in the third column on page 6430) change the word "countries" to "counties" in the findings and conclusions on the material issue numbered 3 (e) (in the third from the last line in the second full paragraph in the second column on page 6439) change the word "operations" to "operation" in the findings and conclusions on the material issue numbered 3 (g) (in the fourth line of the first full paragraph in the second column on page 6442) change the period after the word "received" to a comma, in the general findings (in the fourth line of the paragraph numbered 5) in the third column on page 6443) change the word "effects" to "affects"

The exceptions, and the rulings thereon, are as follows:

In the exceptions filed by the bakery exceptor, it is contended that the recommended decision and the testimony of the proponent's witnesses at the Fresno hearing make it abundantly clear that the proposed marketing agreement and marketing order would merely duplicate the present wholly adequate regulatory provisions already imposed by the State of California Marketing Order for Dried Figs, as Amended, and would result in no changes either in the procedure or effectiveness of present State controls; and that, in those circumstances, Federal regulation would not be warranted. This argument was answered fully in the discussions of material issues numbered (1) and (2) in the recommended decision.

The bakery exceptor objected to the conclusion in the recommended decision that burdensome carry-overs indicate that the California dried fig industry is in a distressed economic position. The exceptor argued that the carry-over needed by the industry as of July 1 of any year is 3,000 tons of dried figs, instead of only 1,000 to 2,000 tons as testified by the proponents at the promulgation hearing, and that, in the light of the larger quantity of 3,000 tons, the carry-overs of the past two years have been within the range regarded as normal by the industry. Even if a desirable industry carry-over of dried figs is considered to be 3,000 tons, the conclusion that industry carry-overs in recent years have been burdensome would not be changed. The bakery exceptor obviously has underestimated the respective quantities of dried figs actually held by the industry on July 1 of 1953 and 1954.

The bakery exceptor objected to the use in the recommended decision, as an indication of the distressed economic position of the California industry of the fact that producers have been unable in recent years to obtain prices which represent a reasonable percentage of the parity price for dried figs. It was stated in the recommended decision that the estimated 1952-53 season average price

received by California producers was \$143 per ton, or only 57 percent of parity, and for 1953-54 it was \$156 per ton, or only 68 percent of the parity price for that season. The exceptor argued that the latest formula for calculating parity prices, which became effective January 1, 1950, under amendments to the Agricultural Adjustment Act of 1938 by the Agricultural Acts of 1948 and 1949, resulted in a parity price for dried figs which is higher than a fair price for that commodity. In attempting to support that contention, the bakery exceptor stated as follows:

For example, if the fig growers during the years 1943-46 had received the same percentages of parity as were received on the average by all other agricultural producers, the parity price for the year 1953-54 for dried figs would have been \$178 per ton rather than \$229 per ton and the estimated average per ton price of \$156 received by the fig growers during the 1953-54 season would have constituted over 87 percent of parity, rather than 68 percent, and would have been almost exactly equal to the July 15, 1954, general parity ratio of 88 percent. In view of the distorting effect those war year prices had on recent parity prices, the finding that producers have been unable to obtain prices which represent a reasonable percentage of parity is both naive and arbitrary.

The example quoted above attempts to illustrate that the parity price for dried figs as now computed is too high as a result of the inclusion of producer prices during the war years 1943 to 1946 in the computation of the base period price. During the four-year period chosen by the exceptor, producer prices for dried figs averaged \$274 per ton. During the remaining six years of the ten-year period included in the calculation of the dried fig parity price, producer prices averaged only \$176 per ton. The bakery exceptor, however, did not propose that the low prices during these years be adjusted upward to bring them into a relationship to parity comparable to such relationship for all agricultural commodities. In other words, the bakery exceptor has attempted to offset the effects on parity of high prices received by producers during the base period but has failed to offset, comparably the effects of low prices received by producers during the base period. For this reason, the hypothetical calculation envisioned by the exceptor is unsound.

The bakery exceptor further argued that the higher parity price for dried figs as presently calculated was a result not intended by the Congress in adopting the new parity formula. This argument ignores, however, the fact that the Congress placed no upward limit on parties computed by a formula whose primary purpose was to reflect changes that had evolved in price relationships among the various agricultural commodities since the old base period. Under the old formula, inter-commodity price relationships were frozen as they prevailed during the base period. In contrast, by the use of the most recent ten years as a moving base period, the modernized formula reflects changes that occur in these price relationships. The provisions of law prescribe in detail the method of computing parity and

the Department must be guided accordingly

It is believed that the season average prices of \$143 per ton and \$156 per ton received by producers for dried figs in 1952-53 and 1953-54, respectively are less than fair and reasonable returns. It was stated in the recommended decision (19 F. R. 6428) that the production and preparation by producers of dried figs for delivery to handlers are very expensive operations, and some of the reasons for this conclusion were stated briefly. The hearing record (for example, pages 87-122) fully substantiates this conclusion.

The acreage of figs reported as planted in California in 1952 and standing in 1953 was only 11 acres. The acreage reported as planted in 1953 and standing in 1953 was only 18 acres. This situation is further evidence of the inadequacy of the prices which have been received by producers for dried figs.

These low prices have prevailed notwithstanding the dried fig industry's self-help efforts to improve its economic position through research, advertising, sales promotion, and mandatory quality controls under which substandard fruit comprising more than 20 percent of the California dried fig production is pooled and disposed of in low-priced outlets which are non-competitive with the disposition of merchantable dried figs.

These are all the more reasons for concluding that the prices received by the dried fig producers in 1952-53 and 1953-54 were inadequate when considered either in relation to parity prices or without regard to parity prices.

The bakery exceptor stated that the writers of the recommended decision concluded that "it was obvious that increased imports for consumption were responsible for the decrease in domestic merchantable production," and objected to this alleged conclusion. Actually, this is not the conclusion reached in the recommended decision. The exceptor contended that the alleged conclusion quoted above overlooks the generally accepted principle that weather conditions have some bearing on the level of production of any agricultural crop, and that it ignores the fact that dried figs and fig paste in any year are imported after the domestic crop is harvested and its size determined. The exceptor further contended that increased imports have filled the gap between decreasing domestic production and increasing domestic consumption. The exceptor also argued that the long range trend in both total fig acreage and bearing fig acreage in California has been consistently downward since 1930, and that both bearing acreage and total acreage continued to decline even during the war years when there were virtually no imports and prices to fig growers averaged in excess of 200 percent of parity.

The pertinent conclusions (19 F. R. 6428 and 6429) in the recommended decision read as follows:

The economic position of the industry has been and is being affected adversely by the increasing quantities of dried figs and fig paste which are being imported into the United States. These imports compete di-

rectly in the market place with the domestic production, and constitute a major reason in recent years for burdensome industry carry-overs, low prices to domestic producers, and for the California industry sharing to a decreasing extent in the domestic market. For the four marketing seasons 1945-46 to 1948-49, United States imports for consumption averaged only 1,559 tons of dried figs annually, with practically no imports of fig paste during that period, and supplied about seven percent of the apparent domestic consumption of dried figs and fig paste, which averaged about 23,100 tons annually for that period. During the four marketing seasons 1949-50 to 1952-53, imports for consumption annually averaged 3,210 tons of dried figs and 426 tons of fig paste, a total of 3,636 tons, representing about 15 percent of the annual average apparent domestic consumption of approximately 24,600 tons for that period.

On July 24, 1952, the United States Tariff Commission found, pursuant to section 7 of the Trade Agreements Extension Act of 1951 (fig paste was not eligible for consideration in that connection), that dried figs were being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or competitive products, and as to threaten continuance of such injury. The Commission further found and recommended to the President that the then current rate of import duty of 2½ cents per pound on dried figs should be increased to 4½ cents per pound. The President concurred in the Commission's recommendation and on August 29, 1952, put the increased rate into effect. As a result of later investigation, the Commission found on June 3, 1953, that the higher rate of duty of 4½ cents per pound of dried figs remained necessary to prevent serious injury to the domestic industry, and on June 25, 1953, the President concurred in this finding. Despite this, however, during the marketing year of July 1, 1953 to June 30, 1954, United States imports for consumption are estimated at 3,902 tons of dried figs and 2,504 tons of fig paste, or a total of 6,406 tons of dried figs and fig paste, which is more than the quantity imported for consumption in the United States in any other season since 1929-30.

With respect to the contention that volume regulation would not be justified, it is true that during the four marketing seasons 1949-50 to 1952-53 the production of merchantable quality dried figs in California averaged approximately 21,900 tons, or about 2,700 tons less than the annual average apparent domestic consumption of approximately 24,600 tons of dried figs and fig paste. During the four marketing seasons, 1945-46 to 1948-49, however, when imports were substantially less, the reverse was true when such production averaged approximately 26,800 tons, or about 3,700 tons more than the average annual apparent domestic consumption of approximately 23,100 tons for that period. The decline in the domestic merchantable production and the decline in the proportion of the domestic demand supplied by such production were accompanied by a substantial increase, as shown heretofore, in the average volume of imports, which contributed to producers receiving low average prices for dried figs during the past three seasons. As a result of such prices, the domestic production of dried figs has not been maintained at former levels.

Thus, increased imports have contributed to the deficit supply position of the domestic industry, and the combined supply of the domestic and imported dried figs and fig paste marketed in the United States in recent seasons has been excessive in that the prices for that supply have reflected less than fair and reasonable returns to domestic producers. In this regard, the level of producer

prices must be considered in determining whether a surplus of an agricultural commodity exists.

None of the arguments advanced by the bakery exceptor constitutes a valid reason for changing the conclusions quoted above. While the heaviest volume of imports of dried figs and fig paste usually does occur in any year after the domestic crop is harvested, contractual arrangements between foreign exporters and United States importers for substantial tonnages are entered into prior to the domestic harvest. Substantial imports often occur during the period when open price contracts between domestic producers and packers are being closed, and affect the prices which handlers pay producers for dried figs. The bakery industry in this country is a major user of both domestic and imported dried figs and fig paste, and the prices which this outlet will pay handlers for dried figs and fig paste are determined in part by the availability and pricing of imported dried figs and fig paste. The argument that imports occur after the domestic crop is harvested and that increased imports were the result, and not the cause, of decreased domestic production becomes untenable in the light of the fact that such increased imports have been accompanied in recent seasons by burdensome industry carry-overs and low average prices to producers. In turn, prices received by producers do affect the domestic production of dried figs. For example, only small acreages in California are planted to fig trees in the calendar year following a fall when a low-priced crop is harvested and vice versa. Under the incentive supplied by prices averaging \$274 per ton to California producers for dried figs during the period 1943 to 1946, the total acreage of figs in California increased approximately six percent during the period 1944 to 1947, while bearing fig acreage increased about two percent. During the postwar period, 1947 to 1953, when prices received by California dried fig producers averaged only \$173 per ton, the total acreage of California figs declined approximately 28 percent and the bearing acreage of figs declined about 26 percent. During the postwar period, the decline in the California fig acreage was accentuated by increasing imports of dried figs and fig paste.

The bakery exceptor contended that the authority to restrict imports under section 22 (7 U. S. C. 624) is not included in the declaration of Congressional policy set forth in section 2 (1) of the act (7 U. S. C. 602 (1)) as to the powers which are to be exercised to establish and maintain parity prices to be paid to the producers of commodities which are regulated pursuant to marketing agreement and order programs. In this connection, the bakery exceptor contended that there is an error in the United States code in including section 22 as one of the powers available to be exercised in connection with a program designed to establish and maintain parity prices. However, it failed to show how or why it reached this conclusion as to error in codification other than that, in the United States Code, the powers referred

to are "the powers conferred upon the Secretary of Agriculture under sections 601-608, 608a, 608b, 608c, 608d-612, 613, 614-619, 620, 623, 624 of this title," whereas such powers are referred to in the section as enacted by the Congress, as "the powers conferred upon the Secretary of Agriculture under this title."

The genesis of what is now the Agricultural Marketing Agreement Act of 1937, as amended, was set forth in Title I of the Agricultural Adjustment Act of 1933 (Pub. Law 10, 73d Cong., 1st Sess., 48 Stat. 32, approved May 12, 1933). While section 2 (1) of that act failed to specify the powers to be exercised to achieve and maintain the parity objective, it seems clear that the powers referred to were all of the powers specified in other sections of Title I, and particularly those in Part 2 of Title I relating to marketing agreements and what were then known as licenses (now known as marketing orders).

The 1935 amendments (Pub. Law 320, 74th Cong., 1st Sess., 49 Stat. 750, approved August 24, 1935) of the Agricultural Adjustment Act of 1933 not only contained a revision of section 2 (1) but also amplified and expanded the then existing statutory provisions with respect to marketing agreements and orders generally as they are now, as well as added section 22 (see section 31 of that amendatory act) insofar as is pertinent here, the amendment of section 2 (1) referred to the powers to be exercised as "the powers conferred upon the Secretary of Agriculture under this title," the word "title" obviously meaning all of the provisions in Title I of that act, including section 22.

The next Congressional action in this chain was the passage of the Agricultural Marketing Agreement Act of 1937 (Pub. Law 137, 75th Cong., 1st Sess., 50 Stat. 246, approved June 3, 1937). Such act "expressly affirmed and validated" and "reenacted without change," with certain exceptions which are not material here, the following sections of the Agricultural Adjustment Act of 1933 as amended in 1937, namely sections 1, 2, 8a (5) 8a (6) 8a (7) 8a (8) 8a (9) 8b, 8c, 8d, 8e, 10 (a) 10 (b) (2) 10 (c) 10 (f) 10 (g) 10 (h) 10 (i) 12 (a) 12 (c) 14 and 22. Therefore, it is believed to be clear that the reference therein, in section 2 (1) to "the powers conferred upon the Secretary of Agriculture under this title" necessarily had reference to the powers conferred upon the Secretary in the sections which were specifically reenacted in, and made a part of the Agricultural Marketing Agreement Act of 1937 and which sections are set forth above. It will be observed that those sections are the ones which are referred to in section 2 (1) (7 U. S. C. 602 (1)) of the official United States Code. Therefore, there was no "error in codification" as claimed by the exceptor.

At this point, notice is taken of the bakery exceptor's claim that the aforementioned "error in codification" was "avoided in the Department of Agriculture's own Compilation of Agricultural Marketing Agreement Act of 1937." What it has reference to in this connec-

tion is that no mention is made of sections 623 and 624 in the enumeration of the sections in section 2 (1). Such compilation does not purport to be anything more than an unofficial statement, for convenient reference, of the laws relating to marketing agreements and orders and it is expressly stated in the prefatory note thereto that it "is based on Title 7 of the United States Code, 1946 ed. with amendments through 1951." The failure to include reference to sections 623 and 624 in section 2 (1) in such compilation was due wholly to a typographical error and was not intentional. Attention is invited to the fact that, in such compilation as well as in the official United States Code, reference is made to all of the sections referred to (including sections 623 and 624) in the following succeeding sections of the act, namely: sections 2 (2) 2 (3) 8a (5) 8a (6) 8a (7) 8a (8) 8a (9) 8b, 8c (1) 8c (3) 8c (9) 8c (10) 8c (11) 8c (13) 8c (16) 8c (19) 8d, 10 (a) 10 (b) 10 (c) 10 (f) 10 (g) 10 (h) 10 (i) 10 (j) 12 and 14. It is obvious that such references to sections 623 and 624 would not be appropriate in those succeeding sections unless they were also appropriate in section 2 (1).

The bakery exceptor raised objection to use of the order as a "stepping stone to be used by the California fig industry in its effort" to obtain import limitations or restrictions. In *Parker v. Brown*, 317 U. S. 341, 87 L. Ed. 315, 63 S. Ct. 307 (1943) the United States Supreme Court held that: "The Agricultural Adjustment Act of 1938 and the Agricultural Marketing Agreement Act of 1937 were both derived from the Agricultural Adjustment Act of 1933, 48 Stat. 31, and are coordinate parts of a single plan for raising farm prices to parity levels." In that instance, raisins were being regulated under an order which had been issued pursuant to the laws of California along general lines which could have been operated by the Federal Government pursuant to the act. It was pointed out that such a way of handling was tantamount to Federal regulation pursuant to the provisions of section 10 (i) of the act. One of the assisting actions taken by the Federal Government was the making of a large loan to the State agency by the Commodity Credit Corporation pursuant to section 302 of the Agricultural Adjustment Act of 1938, such loan having been made for use in connection with the operation by the State of the stabilization (or surplus) raisin pool. The situation is even more pronounced here, in that section 22 is actually a part of the Agricultural Marketing Agreement Act of 1937, and was expressly carried over into that act from the Agricultural Adjustment Act of 1933, as amended.

Relief pursuant to section 22 may not be afforded in the absence of a Federal program. Therefore, it is necessary that the proposed marketing agreement and order be made effective for the industry thereafter to employ such provisions of the order as will make it eligible to seek such relief. To hold that the dried fig industry is not entitled to the benefits of the act because this disrupting factor of

imports arose before, rather than after, the proposed regulation is put into effect could not reasonably have been intended by the Congress. The exceptor seems to concede that the State regulation is justified. The partial assumption of Federal jurisdiction by the Federal Government will constitute no more than the exercise of the jurisdiction which it might have exercised in the first instance.

In view of the foregoing, all of the exceptions of the bakery exceptor are denied.

It was contended by the importer exceptor that the proposed order should not be put into effect for the following reasons: (a) It would constitute "an attempt to do by administrative ruling that which Congress has specifically refused to do by legislation;" and (b) "the contemplated end-product (new restrictions on imports) would be contrary to the Administration's foreign policy and might even violate international agreements." These exceptions were directed to the potential impingement or other adverse effect which the affording of section 22 relief might have on importations of dried figs and fig paste pursuant to the provisions of the laws in regard to the promotion of foreign trade (19 U. S. C. 1351-1367) including trade agreements with respect to dried figs which have been entered into between the United States and foreign countries.

In support of the exception lettered (a) it was contended that the Congress, during the last session, rejected a proposed amendment of the laws relating to the promotion of foreign trade which would have provided that, whenever any article is being imported under such conditions as to "materially interfere with the national objective of achieving full parity prices for agricultural commodities, or products thereof," the President shall impose such additional import restrictions on such articles as would prevent such importations from interfering with that objective. It was claimed that objections to the proposal raised by one Senator which are particularly pertinent in the present connection were that "it would go far beyond the present objective of section 22," and "it would enthrone full parity price as a national objective and would apply this principle to every agricultural commodity, whether or not either Congress or the Administration has decided on a program to support its price." For reasons which are set forth below in connection with the discussion of the exception lettered (b) it is not believed that the instant exception is appropriate for consideration in the present proceeding. In passing, however, it should be noted that the nature of the objections referred to above do not apply to the present situation. The Senator indicated that he was in agreement with the objective of section 22. Such section is designed to permit implementing corrective actions in connection with agricultural commodities and the product thereof, which may be regulated pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, a specified primary objective of which act is to raise the prices to

the producers of the particular commodity or product to as near the parity level as is reasonably practicable. Those commodities, as specified in section 8c (2) of that act, are milk, fruits (with certain exceptions which are not material here) and vegetables (with certain exceptions which are not material here). There appears to be no question but that dried figs and fig paste are included in the coverage thereunder. The amendment which was considered and rejected by the Congress would have added protection to other agricultural commodities and products and the Congress was not willing to do so.

In support of the exception lettered (b) the importer exceptor argued that the relief afforded pursuant to section 22 must be integrated with the actions taken pursuant to the laws relating to the promotion of foreign trade so that the section 22 relief will not, unless absolutely necessary, contravene our policy in regard to foreign trade. This exceptor then proceeded to argue that the present proposal (presumably the intention of the dried fig industry to seek section 22 relief) does not "fit in with our established policies" in that: "There is no domestic surplus of figs; even the producers admit that imports are needed to supply the demand. Accordingly the prime reason for Federal intervention under the Marketing Agreement Act is lacking." This exceptor then continued as follows:

Dried figs are now specifically covered by the General Agreement on Tariffs and Trade (Item 740, Annex Schedule XX, and Item 40, Torquay Schedule XX). As long as figs remain in GATT, the only way in which the import duty thereon can be increased without violating the agreement is under the Escape Clause (Art. XIX). In other words, the imposition of a fee (which is clearly a tariff duty under the terms of both section 22 and GATT) without a finding of serious injury under Art. XIX, would violate GATT.

It is admitted that, although an increase in tariff on fig paste would contravene the general policy of the President, it would not violate any specific agreement now in effect. This is because a tariff concession on fig paste is not included in GATT or any other specific agreement now in force.

However, since the proponents of the marketing agreement and order refer generally to their wish for increased restrictions on imports, it is in order to consider whether a quota on imports would violate GATT. It will be recalled that in the Escape Clause proceeding two years ago, their representatives argued strongly for an absolute quota on imports.

It is submitted that an absolute quota on either dried figs or fig paste would violate GATT. Article XI of GATT contains a general prohibition against quotas on imports. The only exception to that prohibition that might be pertinent in this case is contained in par. 2 (c) (1) of Art. XI. This says that import quotas are permissible if they are necessary to the enforcement of governmental measures which operate to restrict the quantities of the like domestic product permitted to be marketed or produced. It should be obvious that the proposed order would not restrict domestic production, since it concerns itself only with marketing. And it should be equally obvious that the order would not necessarily restrict even the quantity permitted to be marketed. The proposed decision itself opines against the desirability of quantitative restrictions on domestic marketing. In view of that de-

cision, only restrictions on imports are desirable. The proposed order contemplates the marketing of all merchantable domestic figs.

Without going into the above questions, it is clear that the aforementioned exceptions are not pertinent or germane to the present proceeding for the reason that they are directed solely to the question of whether section 22 relief should be afforded. That is not the question at issue here. The question at issue here is whether the marketing order should be issued to govern the handling of dried figs. Section 22 relief, though it may be complementary to the marketing agreement and order program, is based upon an altogether independent proceeding. Therefore, any argument that the dried fig industry would not be entitled to section 22 relief, is wholly irrelevant to the question of whether a marketing order should be issued.

Another important aspect which the importer exceptor seems to have overlooked is that both the statutory provisions with respect to foreign trade promotion and the provisions of section 22 specifically vest in the President the authority to make final decisions as to the actions which shall be taken under them, respectively. The presently proposed action would merely make it practicable for the matter to be decided on its merits if or when section 22 proceedings should be instituted.

However, it is believed to be appropriate to invite attention in this decision to the fact that it is specifically provided under the currently effective paragraph (f) of said section 22 that: "No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this section." The following pertinent comment in this connection is contained in the report (No. 299) of the Senate Committee on Finance to accompany the bill (H. R. 1612) on the basis of which such act was enacted into law: "Your committee adopted an amendment designed to protect the full operation of section 22 of the Agricultural Adjustment Act. If a case should arise where required action under section 22 would conflict with any trade agreement, then the action under section 22 shall prevail. However, it is assumed by the committee that where a choice of remedies under section 22 makes it possible the President will choose a course not incompatible with our foreign commitments."

The importer exceptor objected to the conclusion in the recommended decision that the initial minimum grade standards applicable to handlers' receipts of natural condition dried figs which were set forth in the notice of hearing and provided a tolerance allowance for total defects of not to exceed 25 percent, including a maximum tolerance of 10 percent for insect infested dried figs, should be changed to provide a tolerance allowance for total defects of not to exceed 33 percent, including a maximum tolerance of 13 percent for insect infested dried figs. The justification for this proposed change was set forth in considerable detail in the recommended decision

(19 F R. 6434, 6435) It should be recognized that these minimum grade standards are not the more restrictive minimum grade standards which would be applied to handlers' shipments or other final dispositions of dried figs, sliced dried figs and fig paste. It is estimated that the combined operation of the incoming and outgoing quality regulations would accomplish the diversion from human food channels of an average of about 25 percent of the annual production.

The questions raised by the other exceptions of the importer exceptor fall into the following categories: (1) Those which were considered and ruled upon in the recommended decision and those rulings are hereby ratified and confirmed, and (2) those which were included in the exceptions filed by the bakery exceptor and which have been considered and ruled upon hereinabove in this decision.

In view of the foregoing, all of the exceptions of the importer exceptor are denied.

Marketing agreement and order Annexed hereto, and made a part hereof, are two documents entitled, respectively "Marketing Agreement Regulating the Handling of Dried Figs Produced in California" and "Order Regulating the Handling of Dried Figs Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The marketing agreement and the order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered. That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the order set forth below which will be published with this decision.

Done at Washington, D. C., this 5th day of January 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary
of Agriculture.

ORDER¹ REGULATING HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

Sec. 964.0 Findings and determinations.

DEFINITIONS

964.1 Secretary.
964.2 Act.
964.3 Person.
964.4 Natural condition dried figs.
964.5 Processed dried figs.
964.6 Dried figs.
964.7 Variety.
964.8 Acquire.
964.9 Producer.
964.10 Handler.
964.11 Handle.
964.12 Crop year.
964.13 Part and subpart.

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

DRIED FIG ADMINISTRATIVE COMMITTEE

Sec. 964.20 Establishment of Dried Fig Administrative Committee.
964.21 Selection of members of the committee.
964.22 Eligibility.
964.23 Producer representation.
964.24 Nomination of successors to initial producer members of the committee.
964.25 Handler representation.
964.26 Nomination of successors to initial handler members.
964.27 Failure to nominate.
964.28 Acceptance.
964.29 Alternates.
964.30 Vacancies.
964.31 Obligations.
964.32 Compensation and expense.
964.33 Powers.
964.34 Procedure.
964.35 Duties.

MARKETING POLICY

964.40 Report of marketing policy.
964.41 Policy meeting.
964.42 Time of submission.
964.43 Modification or change.
964.44 Publicity.

QUALITY CONTROL

964.50 Receiving of natural condition dried figs by handlers.
964.51 Regulation of the handling of dried figs subsequent to their acquisition by handlers.
964.52 Above parity situations.

VOLUME REGULATION

964.55 Recommendations for designation of percentages.
964.56 Regulation by the Secretary.
964.57 Surplus tonnage of dried figs generally.
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EXPENSES AND ASSESSMENTS

964.70 Expenses.
964.71 Assessments.
964.72 Funds.

MISCELLANEOUS PROVISIONS

964.80 Personal liability.
964.81 Separability.
964.82 Derogation.
964.83 Duration of immunities.
964.84 Agents.
964.85 Effective time.
964.86 Termination or suspension.
964.87 Procedure upon termination.
964.88 Effect of termination or amendment.
964.89 Amendments.
964.90 Exhibit A—Minimum standards for dried figs.

AUTHORITY: §§ 964.0 to 964.90 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 964.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure effective thereunder (7 CFR, Part 900; 19 F R. 57) a public hearing was held at Fresno, California, from June 15 to June 18, 1954, both dates inclusive, upon a proposed marketing agreement and a proposed marketing

order regulating the handling of dried figs produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This marketing order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This marketing order regulates the handling of dried figs in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held;

(3) This marketing order is limited in its 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 carry out the declared policy of the act effectively.

(4) There are no differences in the production and marketing of dried figs in the production area covered by the marketing order which would require different terms applicable to different parts of such area, and

(5) The handling of all dried figs produced in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce. It is hereby recognized, however, that this program will be operated in conjunction with the State of California Marketing Order for Dried Figs as amended July 22, 1953, or as it may be amended thereafter, and that the two programs will complement each other pursuant to the provisions of section 10 (i) of the act.

It is therefore, ordered, That, on and after the effective date hereof, the handling of dried figs produced in California shall be in conformity to, and in compliance with, the terms and conditions of this order and the terms and conditions of said order are as follows:

DEFINITIONS

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

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

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

§ 964.4 *Natural condition dried figs*. "Natural condition dried figs" means and includes all figs produced in California which have been dried, either by sun-drying or artificial dehydration, to the extent necessary to inhibit rapid spoilage by fermentation, mold, souring or like

cause and which have not been processed.

§ 964.5 *Processed dried figs*. "Processed dried figs" means all dried figs which have been cleaned, or treated with water or steam, or otherwise treated in preparation for market by a handler: *Provided*, That dried figs shall not become processed dried figs at the time they are cleaned by a producer in the course of preparing them for delivery to a producer or handler.

§ 964.6 *Dried figs*. "Dried figs" means and includes all natural condition dried figs and all processed dried figs produced in California.

§ 964.7 *Variety*. "Variety" means dried figs of any one of the following kinds: Kadota, Calimyrna, Black Mission, Adriatic, or any kind or strain similar or related thereto.

§ 964.8 *Acquire*. "Acquire" means to obtain physical possession by purchase, storage arrangement, or otherwise, of natural condition dried figs as the first handler thereof.

§ 964.9 *Producer*. "Producer" means any person engaged in a proprietary capacity in the business of producing or causing to be produced for market natural condition dried figs as herein defined and for the purpose of this part shall also include a dry yard operator and any other person who buys or receives figs, dried or otherwise, for the purpose of drying, curing, sorting, or otherwise preparing natural condition dried figs for his own account.

§ 964.10 *Handler*. "Handler" means any person who acquires natural condition dried figs, processes, packages, sells, consigns, transports, ships or in any other way places dried figs in the current of commerce (except as a carrier of dried figs owned by another person) whatever may be the ultimate destination or end use of the dried figs, provided that the term handler shall not include the following persons when dealing with dried figs in the following manner: (a) Any producer selling or delivering natural condition dried figs to another producer, or to a handler within the State of California, (b) any producer receiving or obtaining natural condition dried figs from another producer; (c) any person engaging in the further handling of processed dried figs which have previously been inspected and certificated as processed dried figs pursuant to the provisions of this part and which have been shipped or otherwise finally disposed of by a handler; (d) any person engaging in manufacturing from dried figs, by-products thereof which are not used for human consumption; (e) any person converting dried figs into distilled spirits; and (f) the State of California, the Dried Fig Advisory Board and its agents and such persons as may obtain dried figs from them in carrying out the functions of the State of California Marketing Order for Dried Figs, as Amended.

§ 964.11 *Handle*. "Handle" means to perform one or more of the functions of a handler.

§ 964.12 *Crop year*. "Crop year" means the 12-month period beginning

August 1 of any year and ending July 31 of the following year. *Provided*, That the first crop year shall begin at the effective time of this subpart.

§ 964.13 *Part and subpart*. "Part" means the order regulating the handling of dried figs produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried figs produced in California shall be a "subpart" of such part.

DRIED FIG ADMINISTRATIVE COMMITTEE

§ 964.20 *Establishment of Dried Fig Administrative Committee*. A Dried Fig Administrative Committee, hereafter referred to as the committee, consisting of 10 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, five shall represent producers and five shall represent handlers. The committee may nominate and recommend for appointment an eleventh member of the committee who need not be a producer nor a handler. There shall be an alternate member for each member of the committee except the eleventh member.

§ 964.21 *Selection of members of the committee*—(a) *Initial members*. The initial producer and handler members of the committee and their respective alternates shall be the same as the producer and handler members and their respective alternates of the Dried Fig Advisory Board under the Marketing Order for Dried Figs, as Amended, established under the provisions of the California Marketing Act of 1937, as Amended, who are serving in such capacities at the effective time hereof, including the eleventh member of such Dried Fig Advisory Board if there be such an eleventh member. The initial 10 members of the committee and their respective alternates shall hold office for a term ending May 31, 1955 and until their successors shall be selected and shall qualify. The eleventh member, if any, shall hold office for a term ending May 31, 1955.

(b) *Term of office of successor members*. The successors of the 10 original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify and in the event the committee shall nominate an eleventh member he may be selected by the Secretary for the balance of such year.

(c) *Selection of successor members*. Selection of the 10 successor members of the committee, and their respective alternates, shall be made by the Secretary for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23, and 964.25.

§ 964.22 *Eligibility*. Each producer member and alternate producer mem-

ber of the committee shall be during his term of office a producer in the district from which he is appointed and a major portion of his income from or interest in the dried fig industry shall be as a producer. Each handler member and alternate handler member of the committee shall be either a handler of dried figs or an employee or agent of a handler of dried figs actually engaged in the handling of dried figs while he is such member or alternate member, and whose primary interest in the dried fig industry is that of a handler.

§ 964.23 *Producer representation.* Producer representation on the committee shall be by districts as described in this section or as such districts may be changed by recommendation of the committee with the approval of the Secretary to maintain equitable representation based on production. District No. 1 shall have two members and two alternate members and shall include all of the area of California north of the northern boundaries of Monterey San Benito, Fresno and Inyo Counties. District No. 2 shall have three members and three alternate members and shall include the counties of Monterey San Benito, Fresno and Inyo and all counties south thereof.

§ 964.24 *Nomination of successors to initial producer members of the committee—(a) Nomination meetings.* Nominations for producer members and alternate producer members of the committee subsequent to the initial members and alternates, shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

(b) *Producer voting in nomination meetings.* In the nomination of producer members and alternate producer members of the committee, each producer shall be entitled to cast one vote for each member position and one vote for each alternate member position in the district in which he produces dried figs. Only producers who are personally present at such nomination meetings shall be entitled to vote for nominees. Each producer shall be entitled to vote only in one district and only for the nominees to be elected in such district.

§ 964.25 *Handler representation.* Handler representation on the committee may be without regard to districts but insofar as may be practical shall be representative of handlers generally.

§ 964.26 *Nomination of successors to initial handler members.* The committee shall cause to be held each year prior

to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

§ 964.27 *Failure to nominate.* In the event nominations for any positions on the committee except that of the eleventh member, are not received by May 5, the Secretary may select such members and their alternates without regard to nominations but each such selection shall be on the applicable basis prescribed in §§ 964.22, 964.23, and 964.25.

§ 964.28 *Acceptance.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection.

§ 964.29 *Alternates.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

§ 964.30 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 60 calendar days after such vacancy occurs and selected in the manner provided in this subpart insofar as applicable.

§ 964.31 *Obligations.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

§ 964.32 *Compensation and expenses.* Members of the committee and alternate members when acting as members shall serve without compensation but shall be allowed their necessary expenses as approved by the committee.

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

(a) To administer the terms and provisions of this subpart;

(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 violations of this subpart; and

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

§ 964.34 *Procedure—(a) Organization.* The committee shall select a chairman from among its members and such other officers as may be appropriate from its membership or employees. Whenever an eleventh member has been nominated by the committee and appointed by the Secretary such eleventh member shall act as chairman of the committee.

(b) *Quorum.* Not less than seven members, including alternate members acting in the place and stead of members, shall constitute a quorum of the committee.

(c) *Voting requirements.* No action shall be taken by the committee including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate members acting in the place and stead of members, is obtained. *Provided, however* That any recommendation to establish volume regulation under § 964.55 of this subpart shall require the concurring vote of not less than four producer members and four handler members, or alternate members acting in the place and stead of members.

§ 964.35 *Duties.* The committee shall have, among others, the following duties:

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

(b) To keep minutes, books and other records which shall clearly reflect all of the acts and transactions of the committee and subcommittees and such minutes, books and other records shall be subject to examination by the Secretary at any time;

(c) To make scientific and other studies and assemble data on the producing, handling, shipping, and marketing conditions relative to figs and dried figs which are necessary in connection with the performance of its official duties;

(d) To adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such persons as it may deem necessary and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than July 17 of each year a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year and the supporting data therefor, except that such submission for the first crop year shall be made as soon as practicable after the effective time of this subpart.

(g) To submit to the Secretary such available information with respect to figs and dried figs as the committee may deem appropriate or as the Secretary may request;

(h) To prepare and submit to the Secretary statements of the financial operations of the committee exclusive of surplus control operations at such times as the committee may deem appropriate or as the Secretary may request, and to make such statements together with the minutes of the meetings of said committee available for inspection at the offices of the committee by producers and handlers;

(i) To prepare and submit to the Secretary annually as soon as practicable after the end of each crop year and such other times as the committee may deem appropriate or the Secretary may request a statement of the financial operations of the committee with respect to the surplus control for such crop year and to make such statement available at the offices of the committee for inspection by producers and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show among other things, the receipt and expenditure of funds. At least two copies of such audit report shall be submitted to the Secretary. A copy of each such report shall be available at the offices of the committee for inspection by producers and handlers.

(k) To give the Secretary the same notice of meetings of the committee and subcommittees as is given to the members of the committee or subcommittees;

(l) To give producers and handlers reasonable advance notice of meetings of the committee and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant thereto; and

(n) To establish with the approval of the Secretary such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 964.40 *Report of marketing policy.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of dried figs in such crop year. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of dried figs by variety from preceding crop years held by handlers;

(b) The estimated tonnage of dried figs by variety from preceding crop years held by producers;

(c) The estimated production of dried figs by variety in such crop year

(d) An appraisal of the quality and size of dried figs by variety of the crop to be produced in such crop year;

(e) The estimated tonnage of dried figs marketed in recent crop years segregated by countries as to foreign commerce and segregated by uses as to domestic commerce;

(f) The current prices being received for dried figs by producers and handlers;

(g) The trend and level of consumer income;

(h) The estimated probable market requirements for dried figs in such crop year in domestic commerce segregated by uses and in foreign commerce, segregated by countries; and

(i) Such other factors as may have a bearing on the marketing of dried figs.

§ 964.41 *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than July 12 preceding the beginning of such crop year, except that the meeting for the first crop year shall be held as soon as practicable after the effective time of this subpart.

§ 964.42 *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary as promptly as possible after the policy meeting and in no event later than July 17 preceding the beginning of such crop year, except that the submission for the first crop year shall be as soon as practicable after the effective time of this subpart.

§ 964.43 *Modification or change.* In the event the committee subsequently determines that such marketing policy should be modified or changed by reason of change in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such modification or change.

§ 964.44 *Publicity.* The committee shall promptly give reasonable publicity to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing a marketing policy. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers and handlers.

QUALITY CONTROL

§ 964.50 *Receiving of natural condition dried figs by handlers—(a) General.* In order to effectuate the declared policy of the act, no handler shall acquire natural condition dried figs except in accordance with the provisions of this section.

(b) *Initial regulation.* As of the effective time of this subpart, and continu-

ing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall acquire natural condition dried figs unless they meet the minimum standards for natural condition dried figs as set forth in § 964.90 (Exhibit A)

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the initial minimum standards as to quality, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to quality, it shall submit its recommendations to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any superseding regulations may be by variety shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt publicity through newspapers having general circulation in the area and may give notice through other channels, if the committee deems it desirable, to handlers and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Notice of each regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection.* (1) Each handler shall cause an inspection to be made of each lot of natural condition dried figs tendered to him. Prior to acquiring such dried figs, each handler shall obtain a certificate that the dried figs meet the minimum standards for passable dried figs as established pursuant to the provisions of paragraph (b) or (c) of this section, and said handler shall submit or cause to be submitted to the committee such certificate, together with such other instruments and records as the committee may require. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, or such other inspection agency as may be recommended by the committee and designated by the Secretary. Each lot of dried figs so certificated as meeting the applicable requirements shall be known and referred to as passable dried figs. The cost of inspection and certification of such passable dried figs shall be borne by the handler.

(2) For purposes of inspection, natural condition dried figs shall be sam-

pled on a handler's premises in accordance with the rules and procedures established pursuant to the provisions of this subpart. Each lot of natural condition dried figs tendered to a handler shall be under the jurisdiction of the committee from the time of delivery thereof until inspection results are available. No handler may acquire natural condition dried figs failing to meet the minimum standards of quality and no handler may return or transfer to any producer any natural condition dried figs that have been certificated as meeting minimum standards of quality.

§ 964.51 *Regulation of the handling of dried figs subsequent to their acquisition by handlers*—(a) *General*. In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition dried figs or of processed dried figs, except in accordance with the terms and conditions of this section.

(b) *Initial regulation*. As of the effective time of this subpart, and continuing until such regulation is superseded by other regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of dried figs which fail to meet the applicable minimum standards set forth in § 964.90 (Exhibit A)

(c) *Superseding regulation*. In case the committee should recommend to the Secretary that the initial minimum standards as to quality as provided for in paragraph (b) of this section should be superseded by other minimum standards as to quality it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any superseding regulations may be by variety shall not be below the applicable minimum standards for dried figs, as set forth in § 964.90 (c) of Exhibit A, and any such minimum standards for quality shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall give prompt publicity through newspapers having general circulation in the area and may give notice through other channels, if the committee deems it desirable, to handlers and producers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Notice of each

regulation issued shall include, but not be limited to, written notice by registered mail to all handlers of whom the committee has a record.

(d) *Inspection*. Each handler shall at his own expense, before shipping or otherwise making final disposition of dried figs, unless such figs are specifically excepted in this section, cause an inspection to be made of such dried figs to determine whether they meet the then applicable quality standards for dried figs. No handler shall ship or otherwise make final disposition of such figs for any use, unless they are specifically excepted in this section, if they do not meet such minimum standards. Each handler shall obtain a certificate that such dried figs meet the aforementioned minimum standards and shall submit or cause to be submitted to the committee such certificate, together with such other instruments and records as the committee may require. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, or such other inspection agency as may be recommended by the committee and designated by the Secretary.

(e) *Exceptions to restrictions*—(1) *Interplant and inter-handler transfers*. Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer dried figs from one plant owned by him to another plant owned by him within the State of California without having an inspection made as provided for in paragraph (d) of this section, and any handler may ship dried figs from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly to the committee by the transferring handler. The receiving handler shall, before shipping or otherwise making final disposition of such dried figs, comply with the requirements of this section.

(2) *Defective dried figs*. Any defective dried figs which may be accumulated by a handler by removing them from his passable dried figs, and any dried figs acquired by a handler which fail to meet the quality standards for shipment or final disposition as dried figs, may be disposed of or marketed for disposition as animal feed, or as other dried fig products in which they are used in channels other than for human consumption. The committee shall issue any such rules and procedures as may be necessary to insure such uses.

(3) *Export shipments*. Dried figs however processed being prepared for export, except to Canada, outside of the continental limits of the United States and its possessions and territories are exempt from the quality inspection and certification requirements of this section. Handlers preparing dried figs or dried fig products for such exempted export markets shall observe rules and procedures established pursuant to the provisions of this subpart.

§ 964.52 *Above parity situations*. The provisions hereof relating to minimum standards of quality and inspection re-

quirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price to producers for dried figs is in excess of the parity level specified in section 2 (1) of the act.

VOLUME REGULATION

§ 964.55 *Recommendations for designation of percentages*—(a) *Committee determinations*. If the committee concludes that the supply of and demand for any variety or varieties of dried figs make it advisable to designate the percentages of such dried figs acquired by handlers in any crop year which shall be salable and which shall be surplus, it shall recommend such percentages to the Secretary. With any recommendation respecting percentages, the committee shall also submit the information on the basis of which such recommendation was made. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any such percentages, it shall submit to the Secretary its recommendation in that regard together with the information on the basis of which such modification, suspension, or termination is recommended.

(b) *Pertinent considerations*. In determining any recommendation referred to in paragraph (a) of this section, the committee shall consider and analyze the following pertinent estimated factors:

(1) The supply of dried figs, comprising any carryovers of dried figs from preceding crop years held by producers and handlers and the tonnage of dried figs to be produced in the crop year under consideration,

(2) The trade demand during the crop year for dried figs in normal market channels, both domestic and foreign;

(3) The current prices being received for dried figs by producers and handlers;

(4) The trend and level of consumer income;

(5) Present and prospective price trends for dried figs;

(6) Other pertinent economic and marketing factors relative to dried figs; and

(7) If the committee recommends volume regulation by variety the information insofar as possible shall be furnished by variety.

(c) *Notice*. The committee shall give reasonable advance notice to producers and handlers of each meeting to consider the recommendation of the percentages to be fixed pursuant to paragraph (a) of this section, or any recommendation to modify, suspend, or terminate such percentages, and each such meeting shall be open to them. Such notice shall be given through publicity in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers and handlers of all such recommendations submitted to the Secretary.

(d) *Filing of recommendation with the Secretary*. The original recommen-

dation by the committee as to percentages with respect to any crop year shall be filed with the Secretary at the same time it submits its marketing policy report.

§ 964.56 *Regulation by the Secretary—(a) Designation of percentages.* Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate by variety or otherwise the percentages of natural condition dried figs acquired by handlers during any crop year which shall be salable tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of such dried figs acquired by handlers during such crop year which shall be salable tonnage, and surplus tonnage, respectively. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such regulation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation.

(b) *Notice.* The Secretary shall notify the committee promptly of each such percentage so fixed. The committee, in turn, shall give prompt notice thereof to producers and handlers, including, but not necessarily limited to, written notice by registered mail to each handler of whom the committee has a record.

§ 964.57 *Surplus tonnage of dried figs generally—(a) General requirement.* Surplus tonnage acquired by each handler shall be held by him for the account of the committee, and subject to the applicable restrictions of this subpart.

(b) *Holding and delivery.* Each handler shall hold in storage all surplus tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such surplus tonnage in such a manner as will maintain the dried figs in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, standards for which may be recommended by the committee and established by the Secretary, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control. The committee may, after giving reasonable notice, require a handler to deliver to it, or any one designated by it, at such handler's warehouse or at such other place as the dried figs may be stored, part, or all of the surplus dried figs held by him. The committee may require that such delivery consist of natural condition dried figs, or it may arrange for such delivery to consist of processed dried figs.

(c) *Surplus obligation and deferment thereof.* Each handler shall have in his possession, or under his control, at all times, a quantity of dried figs, by variety, equal to the quantity of surplus tonnage referable to his acquisitions of dried figs less any quantity of such sur-

plus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage acquired by him but subsequently sold to him by the committee: *Provided*, That the committee may defer, upon the written request of any handler and for good and sufficient cause, the meeting by such handler of such requirement for a specified period ending not later than December 15 of the particular crop year. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligations with respect to the holding or control by him of the surplus tonnage applicable to his acquisitions of dried figs. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee, running in favor of the committee and the Secretary and for an amount computed on the basis of the then current market value of natural condition dried figs, as determined by the committee, for the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expense incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus pool and disbursed by it to producers as set forth in § 964.58 (j). In addition to the foregoing, the committee may establish other reasonable and necessary terms and conditions upon which such deferments may be granted.

(d) *Quality requirements.* Surplus tonnage delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition dried figs or processed dried figs shall meet the minimum standards provided in §§ 964.50 or 964.51 unless otherwise specified by the committee. Different minimum standard requirements may be established by the committee for individual varieties delivered to the committee from the surplus tonnage.

(e) *Payment for services.* Handlers shall be compensated for receiving, storing, and handling surplus tonnage held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(f) *Loans.* The committee may hypothecate binding written contracts for the sale of surplus dried figs, for the purpose of obtaining funds for the distribution of net proceeds from the disposition of surplus tonnage dried figs in accordance with the provisions of paragraph (j) of § 964.58: *Provided*, That there are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sales contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, em-

ployees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in payment, to obtain either possession or control of the surplus dried figs involved. The proceeds of any such loan, after deducting a reasonable amount to help defray the surplus pool operation expenses, shall be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volumes of their respective contributions to the pooled dried figs of each variety on which the loan is obtained.

§ 964.58 *Disposition of surplus tonnage—(a) Handler's pro rata shares.* In the event the committee offers surplus tonnage dried figs to handlers for purchase, or for contract processing or packing, each handler shall, insofar as practicable, be given the first opportunity to purchase or process or pack his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage received by him is of the surplus tonnage received by all handlers: *Provided*, That any surplus tonnage for which a deferment has been granted to a handler pursuant to the provisions of and as authorized in § 964.57 (c) shall be included in his receipts of surplus tonnage in determining his share: *And provided further* That any inequities resulting from this method may be corrected by the committee. In the event that any handler declines or fails to purchase or contract for processing or packing any or all of his share of any such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased or contracted for processing or packing all of their respective shares of such offer, in proportion to their respective shares. Any quantity of surplus tonnage remaining unsold or not contracted for processing or packing after a reoffer shall be withdrawn from the particular offer, but may be sold or contracted to any handler or handlers notifying the committee of his or their desire to purchase or contract same.

(b) *Sales to the United States Government and foreign governments.* The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance) or to any foreign government.

(c) *Sales for animal feed, certain manufacturing uses and export.* The committee may sell direct, or sell to handlers for resale, any surplus dried figs for animal feed, botanicals, distillation, or for any manufacturing uses or for export which were not provided for in estimating the salable quantity of dried figs for the then current crop year. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such figs

are disposed of for the respective uses for which they are sold.

(d) *Sales to handlers under specified supply conditions*—(1) *Authorization*. If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers or producers, as seriously to restrict commerce in dried figs, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers, the committee shall, in either event, offer to sell to handlers surplus dried figs from the surplus tonnage for use as salable tonnage.

(2) *Commencement date*. No such offer shall be made prior to December 15 of the crop year.

(3) *Quantity limitations*. No single sales offer of surplus tonnage to handlers shall be so excessive as to quantity that it obviously would disrupt orderly marketing conditions for the salable tonnage.

(4) *Handlers' pro rata shares*. In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph the method for such sales shall be the same as that prescribed in paragraph (a) of this section.

(5) *Withdrawal of offer*. Any offer to sell surplus tonnage to handlers outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a serious crop shortage or a crop failure in the following year, or any other significant development which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(e) *Notice to Secretary of proposed sales of surplus*. The committee shall file with the Secretary, by telegram or air mail letter, prior to making any offer to sell surplus dried figs pursuant to this section, complete information with respect thereto, including the bases therefor. The Secretary shall have the right to disapprove, within seven days after he receives such information, the making of such an offer or any term or condition thereof.

(f) *Prices*. No sale of surplus dried figs shall be made by the committee at a price below that which reflects the weighted average price received by producers for salable tonnage of the particular variety during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports to be filed under the provisions of § 964.62, plus accrued charges for receiving, handling and storing surplus tonnage: *Provided*, That the committee may sell surplus dried figs at negotiated prices for the purposes and under the

conditions specified in paragraphs (b) (c) and (h) of § 964.58 of this subpart.

(g) *Donations of surplus dried figs*. The committee may donate quantities of surplus dried figs for use in research or promotional activities.

(h) *Unsold surplus tonnage*. The committee shall endeavor to sell all dried figs in the surplus tonnage at a rate so as to achieve as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of dried figs in normal marketing channels, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus dried figs after July 31 at negotiated prices.

(i) *Charges against sales proceeds of surplus tonnage*. Expenses incurred by the committee in receiving, handling, holding, or disposing of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(j) *Distribution of net proceeds*. Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to the respective producers or to their successors in interest on the basis of their respective contributions to the surplus tonnage with appropriate quality or varietal differentials as may be established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto. The Secretary shall have the right to disapprove, within seven calendar days after he receives such information the making of such a disbursement or any term or condition thereof.

REPORTS AND RECORDS

§ 964.60 *Report of carryover*. Each handler shall, upon request of the committee, file promptly with the committee a certified report, by varieties, of all natural condition dried figs and processed dried figs, separately, which were held by him on January 31 and July 31 of any crop year, which report shall show the quantity of each variety, and the locations thereof.

§ 964.61 *Acquisition reports*. In the event a surplus percentage is established for any crop year, each handler shall file with the committee, on request, a certified report showing, with respect to his acquisitions of each variety of dried figs during the period covered by such report: (a) The surplus tonnages referable to his acquisitions; and (b) the locations of those surplus tonnages. Each such report shall be filed in such manner and at such times as the committee may designate. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such

times as it may prescribe, the name and address of each person from whom he acquired dried figs and the quantity of each variety of dried figs acquired from each such person.

§ 964.62 *Reports of prices*. Each handler shall file with the committee such price reports as may be requested by the committee, showing the weighted average price paid by such handlers to producers for each variety of dried figs and the quantity purchased at each such price to enable the committee to determine the weighted average price received by producers for the purposes set forth in § 964.58 (f)

§ 964.63 *Other reports*. Upon the request of the committee each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 964.64 *Confidential information*. All reports and records furnished or submitted by a handler to the committee shall be received by and at all times kept under the custody or control of one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received. *Provided*, That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary information and data of a general nature, compilations of data affecting handlers as a group and any data affecting one or more handlers, so long as the identities of the individual handlers involved are not disclosed.

§ 964.65 *Records*. Each handler shall maintain such records of all dried figs handled by him as prescribed by the committee. Such records shall include, but not necessarily be limited to, the quantity of dried figs of each variety acquired from each person and the name and address of each such person, total acquisitions, total sales, and total other disposition of each variety which he handles.

§ 964.66 *Verification of reports*. For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises and shall be permitted to inspect such premises and any dried figs held by such handler, and any and all records of the handler with respect to the acquisition, holding or disposition of dried figs by him. Each handler shall furnish all labor and equipment necessary to make such examinations at no expense to the committee. Each handler shall store dried figs in a manner which will facilitate examination and shall maintain storage records which will permit accurate identification of dried figs held by him or disposed of theretofore. Insofar as is practicable and consistent with the carrying out of the provisions of this subpart, all data

and information obtained or received through checking and verification of reports shall be treated as confidential information.

EXPENSES AND ASSESSMENTS

§ 964.70 *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year together with all data supporting such recommendations, shall be filed with the Secretary not later than July 17 preceding the crop year in connection with which such recommendations are made, except that such submission for the first crop year shall be made as soon as practicable after the effective time of this subpart.

§ 964.71 *Assessments—(a) Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be obtained by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage dried figs handled by him as the first handler thereof and on all dried figs sold to him from surplus tonnage for resale, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage of dried figs handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale during the applicable crop year, and the total salable tonnage dried figs handled by all handlers as the first handlers thereof plus the tonnage sold to such handlers from surplus tonnage for resale, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage dried figs handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale during such crop year to obtain sufficient funds to cover the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage of the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the

period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Advance payments.* In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said previous crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(d) *Suits for collection.* The committee may, with the approval of the Secretary maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 964.72 *Funds.* All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 964.80 *Personal liability.* No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 964.81 *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.

§ 964.82 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or 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.

§ 964.83 *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.

§ 964.84 *Agents—(a) Authorization by Secretary.* The Secretary may by a designation in writing, name any person, including any officer or employee of the United States 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.

(b) *Authorization by committee.* The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 964.85 *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 964.86.

§ 964.86 *Termination or suspension—(a) Failure to effectuate policy of act.* 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. The Secretary shall 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.

(b) *Referendum.* The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of dried figs who during that crop year have been engaged in the production for market of dried figs in the State of California. *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such dried figs produced for market within said State; but such termination shall be effected only if announced on or before July 15 of the then current crop year. The Secretary may at any time he deems desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1955, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: *Provided,* That the Secretary shall not be required to hold

such a referendum upon the basis of such a request more than once every two years.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 964.87 *Procedure upon termination.* Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary and 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 the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees pursuant to this subpart. Any person to whom funds, property or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon said joint trustees.

§ 964.88 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 964.89 *Amendments.* Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 964.90 *Exhibit A—Minimum standards for dried figs—(a) Defective dried figs* are the individual specimens of dried figs or separate pieces of sliced dried figs which are classified as "insect infested," "moldy" "sour" "filthy" or "worthless" as set forth under the heading of "Fig Classes" in the bulletin entitled "Fig Testing" dated July 1, 1929 by Burton J. Howard, Food and Drug Administration, United States Department of Agriculture. Such classifications are as follows:

(1) *Insect infested.* Dried figs are regarded as insect infested: (i) If worms or insects or their pupae, dead or alive, are present in the interior of the dried

fig, or (ii) if the excreta are distributed in the interior of the dried fig.

(2) *Moldy.* Dried figs are regarded as moldy if the fig shows a moldy or smutty condition in an area equaling or exceeding $\frac{3}{16}$ inch (0.5 cm.)

(3) *Sour.* Dried figs are regarded as sour: (i) If fermented as evidenced by distinct sour taste or odor, or the darkening in color characteristic of fermentation or souring, or (ii) if infested with internal rot (endosepsis)

(4) *Filthy.* Dried figs are regarded as filthy if contaminated with dirt or extraneous matter: (i) Containing extraneous matter or filth pressed into the fig, (ii) containing sand or earthy material, or (iii) showing other evidences of insanitary production or handling.

(5) *Worthless.* Dried figs are regarded as worthless if so immature, woody or fibrous as to be practically valueless as a food.

(b) *Maximum tolerances for acquisition of natural condition dried figs.* Tolerance allowances for natural condition dried figs shall not exceed the following:

(1) Total defects not to exceed 33 percent, including

(2) Maximum tolerance of 13 percent insect infested figs.

(c) *Maximum tolerances for dried figs for shipment or other final disposition.* Tolerance allowances for such dried figs shall not be in excess of the following:

(1) For dried figs being prepared in the form of package, carton, or bulk (including dried figs for conversion into juice or concentrate) total defective dried figs shall not exceed 10 percent.

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as sliced dried figs for manufacture into fig paste: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) No sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams. Head count tests shall be required only in the cases of such varieties or blends thereof as are set forth in rules and procedures established pursuant to the provisions of this subpart.

Order Directing That a Referendum Be Conducted, Designating Agents to Conduct Such Referendum, and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who during the period August 1, 1953 through July 31, 1954 (which is hereby determined to be a representative period for the purpose of such referendum) were engaged, in the State of California, in the production, for market, of dried figs to determine whether such producers approve or favor the issuance of an order regulating the handling of dried figs produced in California, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

W Allmendinger, A. J. Tarlock, M. G. Young, and Hugh Ross, of the Fruit and Vegetable Division, Agricultural Market-

ing Service, U. S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35) except that the definition of "producer" in paragraph a (1) is hereby amended by adding, at the end thereof, the following sentence: "This definition shall apply only to producers of figs who dry the same, either personally or through others on a fee basis, and to dry yard operators and other dehydrators who dry figs which they own own."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1371, South Building, Washington 25, D. C.

Ballots and other necessary forms and instructions for use in the referendum, also copies of the marketing order may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Rm. 226—Old Mint Building, 5th & Mission Streets, San Francisco 3, California, O. C. Fuqua, Fresno Marketing Field Office, AMS, USDA, 3529 East Tulare Street, Fresno 2, California, and Harry J. Krade, Marketing Field Office, AMS, USDA, 701 K Street, 300-302 Old P. O. Building, Sacramento 14, California.

Dated: January 5, 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-164; Filed, Jan. 7, 1955;
8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 713]

PLASTIC PRODUCTS INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS; CORRECTION

On Saturday January 8, 1955, a notice of hearing on the minimum wage recommendations of Special Industry Committees Nos. 16-A, 16-B, and 16-C was duly published in the FEDERAL REGISTER (20 F. R. 229)

The definition of the Plastic Products Industry as contained therein is hereby corrected in accordance with the recommendations of Special Industry Committee No. 16-C to read as follows:

3. *Plastic products industry.* The manufacture of molded or other fabricated plastic products: *Provided, however* That the definition shall not include (1) the manufacture of primary plastic materials such as sheets, rods, tubes, granules, powders, or liquids, (2) the sawing, cutting, grinding, polishing,

and other processing of synthetic jewels for industrial use, (3) the manufacture of buttons, buckles, and jewelry (including rosaries) and jewelry findings (including beads) (4) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character (5) or any activity included in the Leather, Leather Goods, and Related Products Industry the Paper, Paper Products, Printing, Publishing and Related Industries; the Shoe Manufacturing and Allied Industries; or the Textile and Textile Products Industry, as defined in the wage orders for these industries in Puerto Rico; or in the Needlework and Fabricated Textile Products Industry, the Men's and Boys' Clothing and Related Products Industry or the Corsets,

Brassieres, and Allied Garments Industry, as defined in Administrative Order No. 433 appointing Special Industry Committee No. 15 for Puerto Rico. This definition supersedes the definition for the Decorations and Party Favors Industry with respect to the manufacture of plastic articles other than those made from pliable sheet or film.

Special Industry Committee No. 16-C recommended that the Plastic Products Industry, as defined in Administrative Order No. 440, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Sprayer and vaporizer division.* This division consists of the manufacture of plastic sprayers, vaporizers, and atomizers.

(b) *Wall tile, dinnerware, and phonograph records division.* This division consists of the manufacture of plastic wall tiles, dinnerware, and phonograph records.

(c) *General division.* This division consists of all products and activities included in the Plastic Products Industry as defined in Administrative Order No. 440, except products and activities included in the Sprayer and Vaporizer Division, and the Wall Tile, Dinnerware, and Phonograph Records Division, as defined herein.

Signed at Washington, D. C., this 10th day of January 1955.

WM. R. McCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 55-278; Filed, Jan. 12, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order No. 567]

SUPERINTENDENTS OR OFFICERS IN CHARGE OF DESIGNATED AGENCIES OR FIELD OFFICES

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

PART 1—GENERAL

Sec. 1.1¹ Appeals.

PART 2—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF DESIGNATED AGENCY OR FIELD OFFICE

FUNCTIONS RELATING TO TRADING WITH INDIANS

2.170 Traders' licenses.

PART 1—GENERAL

SEC. 1.1 APPEALS. Any action taken by any Superintendent or officer in charge pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or officer in charge to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

PART 2—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF DESIGNATED AGENCY OR FIELD OFFICE

Subject to the provisions of Part 1, the Superintendent or officer in charge of the designated agency or field office

¹ NOTE: In Parts 1 and 2, the section numbers appearing to the right of the decimal correspond to the section numbers used in Order No. 561, as amended, of the Bureau of Indian Affairs.

may under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs as indicated in this part.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.170 *Traders' licenses.* The Superintendent, or other officer in charge, Cherokee Agency may issue, renew or revoke traders' licenses pursuant to the provisions of 25 CFR Part 276.

H. REX LEE,
Acting Commissioner

JANUARY 7, 1955.

[F. R. Doc. 55-255; Filed, Jan. 12, 1955; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 7, 1955.

An application, serial number Anchorage 022629, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 24, 1952, by Alaska Road Commission. The purposes of the proposed withdrawal: Park-way area.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed, and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey No. 408 (Amended plat of East Addition to Townsite of Anchorage, Alaska),
Block 28 D: Lots 2 and 3;
Block 29 C: Lots 2 and 7, inclusive;
Block 29 D: Lots 2 to 7, inclusive.

Aggregating approximately 2.479 acres.

LOWELL M. PUCKETT,
Area Administrator

[F. R. Doc. 55-261; Filed, Jan. 12, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 7, 1955.

An application, serial number New Mexico 012072, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws of the lands described below was filed on April 30, 1953, by the Corps of Engineers, U. S. Army. The purposes of the proposed withdrawal: Railroad spur track, Holloman Air Force Base.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a

public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 9 E.,
Sec. 6, lots 1, 2, 3 and 4.
Containing 156.78 acres.

E. R. SMITH,
State Supervisor

[F. R. Doc. 55-258; Filed, Jan. 12, 1955; 8:46 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 7, 1955.

An application, serial number New Mexico 016816, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, of the lands described below was filed on November 26, 1954, by the Corps of Engineers, U. S. Army. The purposes of the proposed withdrawal: Security purposes in connection with the Holloman Air Force Base.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 8 E.,
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 23, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 24, that portion lying north of U. S. Highway 70;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 790 acres.

E. R. SMITH,
State Supervisor

[F. R. Doc. 55-259; Filed, Jan. 12, 1955; 8:46 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 7, 1955.

An application, serial number New Mexico 016370, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, of the lands described below was filed on September 20, 1954, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Administrative sites, camp sites, roadside zones and lookout stations.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

APACHE NATIONAL FOREST

Bob Cat Administrative Site

T. 7 S., R. 21 W., unsurveyed,
Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Total area: 20 acres.

Escudillo Ranger Station Administrative Site

T. 4 S., R. 21 W.,
Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area: 120 acres.

Hinkle Park Administrative Site

T. 8 S., R. 21 W., unsurveyed,
Sec. 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area: 40 acres.

Cottonwood Canyon Forest Camp

T. 8 S., R. 20 W.,
Sec. 10, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area: 40 acres.

Jewett Ranger Station Administrative Site

T. 4 S., R. 17 W.,
Sec. 8, E $\frac{1}{2}$.

Total area: 320 acres.

Luna Ranger Station Administrative Site

T. 5 S., R. 20 W.,
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Total area: 80 acres.

Mangas Ranger Station Administrative Site

T. 2 S., R. 15 W.,
Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area: 360 acres.

Pueblo Park Forest Camp

T. 8 S., R. 21 W., unsurveyed,
Sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$.

Total area: 80 acres.

Reserve Ranger Station Administrative Site

T. 7 S., R. 19 W.,
Sec. 2, lots 15, 16, 17, 18.

Total area: 146.94 acres.

Tularosa Administrative Camp Site

T. 5 S., R. 17 W.,
Sec. 32, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Total area: 120 acres.

Tularosa Ranger Station Administrative Site

T. 6 S., R. 18 W.,
Sec. 12, lot 4.

Total area: 36.93 acres.

Cat Springs Lookout

T. 3 S., R. 15 W.,
Sec. 16, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.

Total area: 80 acres.

Eagle Peak Lookout

T. 7 S., R. 17 W., unsurveyed,
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area: 40 acres.

El Caso Lookout

T. 2 S., R. 16 W.,
Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area: 80 acres.

Fox Mountain Lookout

T. 3 S., R. 18 W.,
Sec. 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area: 100 acres.

John Kerr Lookout

T. 6 S., R. 16 W., unsurveyed,
Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area: 100 acres.

Mangas Mountain Lookout

T. 3 S., R. 14 W.,
Sec. 16, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area: 40 acres.

Saddle Mountain Lookout

T. 8 S., R. 21 W., unsurveyed,
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 16, E $\frac{1}{2}$ NW $\frac{1}{4}$.

Total area: 160 acres.

NEW MEXICO STATE HIGHWAY

No. 32 Roadside Zone

A strip of land 200 feet on each side of the center line of New Mexico State Highway No. 32 where it traverses Forest land through the following legal subdivisions:

T. 1 S., R. 17 W.,
Secs. 16, 21, 28, 33.

- T. 2 S., R. 17 W.,
Secs. 3, 4, 10, 15, 22, 27, 28, 33.
T. 3 S., R. 18 W.,
Secs. 13, 24, 25, 36.
T. 4 S., R. 17 W.,
Secs. 30, 31.
T. 4 S., R. 18 W.,
Secs. 1, 12, 13, 24.
T. 5 S., R. 17 W.,
Secs. 5, 8, 17, 20, 21, 28.

NEW MEXICO STATE HIGHWAY
No. 12 Roadside Zone

A strip of land 200 feet from the center line on each side of New Mexico State Highway No. 12, where it traverses Forest land through the following legal subdivisions:

- T. 4 S., R. 15 W.,
Secs. 27, 28, 29, 30, 31, 32.
T. 4 S., R. 16 W.,
Secs. 25, 33, 34, 35, 36.
T. 5 S., R. 16 W.,
Secs. 3, 4, 7, 8, 9.
T. 5 S., R. 17 W.,
Secs. 13, 14, 15, 21, 22, 28, 31, 32, 33.
T. 6 S., R. 18 W.,
Secs. 1, 2, 10, 11, 15, 16, 20, 21, 29, 30, 31.
T. 6 S., R. 19 W.,
Sec. 36.
T. 7 S., R. 18 W.,
Sec. 6.
T. 7 S., R. 19 W.,
Secs. 1, 2, 3, 4, 8, 9, 11, 12, 17, 18.
T. 7 S., R. 20 W.,
Sec. 13.

U. S. HIGHWAY NO. 260
Roadside Zone

A strip of land 200 feet from the center line on each side of U. S. Highway No. 260, where it traverses Forest land through the following legal subdivisions:

- T. 5 S., R. 21 W.,
Secs. 34, 35, 36.
T. 6 S., R. 20 W.,
Secs. 6, 7, 18, 30, 31, 32.
T. 6 S., R. 21 W.,
Secs. 1, 2, 3, 4, 5, 6, 13, 24, 25.
T. 7 S., R. 20 W.,
Secs. 5, 6, 8, 9, 10, 11, 13, 14, 24, 25, 26, 34, 35.
T. 8 S., R. 20 W.,
Secs. 3, 10, 15, 21, 22, 28, 32, 33.
T. 9 S., R. 20 W.,
Secs. 5, 6, 7, 17, 18, 20, 29, 31, 32.

E. R. SMITH,
State Supervisor

[F R. Doc. 55-260; Filed, Jan. 12, 1955;
8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

DECEMBER 29, 1954.

An application, serial number Oregon 03497, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of the lands described below was filed on July 29, 1954, by the Bureau of Land Management. The purposes of the proposed withdrawal: Material site.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 3861, 1001 Northeast Lloyd Boulevard, Portland, Oregon. In case any objection is filed and the nature of the opposition is

such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

- T. 15 S., R. 7 W., W M.,
Sec. 18: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
120 acres.

G. H. SHARRER,
State Supervisor

[F R. Doc. 55-257; Filed, Jan. 12, 1955;
8:46 a. m.]

Office of the Secretary

[Order 2781]

DEFENSE FUNCTIONS

JANUARY 6, 1955.

SECTION 1. *Delegation of authority.* Except as provided in section 3 of this order and in redelegations, which the Secretary may make or has continued, to agencies outside of the Department of the Interior, all functions and powers which are or may be vested in the Secretary of the Interior by delegations or redelegations issued pursuant to the Defense Production Act of 1950, as amended, or issued pursuant to any other law by virtue of authority delegated to him under the Defense Production Act of 1950, as amended, may be performed and exercised:

(a) Insofar as these functions and powers relate to domestic exploration for metals and minerals, by the Administrator of the Defense Minerals Exploration Administration,

(b) Insofar as these functions and powers relate to solid fuels and the distribution of petroleum coke, and to metals and minerals, other than domestic exploration for metals and minerals, by the Director of the Office of Minerals Mobilization;

(c) Insofar as these functions and powers relate to fishery commodities or products, by the Director of the Fish and Wildlife Service; and

(d) Insofar as these functions and powers relate to petroleum or gas, other than the distribution of petroleum coke, by the Director of the Oil and Gas Division.

SEC. 2. *Electric power.* The defense functions of the Secretary relating to electric power fall within the assignment of the Assistant Secretary—Water and Power Development, who is one of the Secretarial officers already empowered by section 1 of Order No. 2509, as amended (17 F R. 6793, 8634) to exercise the authority of the Secretary with respect to various matters relating to defense, including electric power.

SEC. 3. *Limitations.* (a) Section 1 of this order does not authorize any officer mentioned in that section to—

(1) Perform any function or exercise any power which cannot be redelegated by the Secretary of the Interior under the provisions of any delegation of authority to the Secretary.

(2) Redelegate any power or function to any person other than an officer or employee of the bureau or office which he heads;

(3) Appoint or employ any person under section 710 of the Defense Production Act of 1950, as amended; or

(4) Issue orders or directives relating to petroleum, gas, or solid fuels.

(b) Existing arrangements for Department representation on interagency and interdepartmental committees and boards dealing with defense functions are hereby confirmed, but the function of specifying the arrangements for such representation as may be necessary is reserved to the Secretary.

(c) The function of establishing policies pertaining to defense matters involving two or more defense areas is reserved to the Secretary.

SEC. 4. *Access roads.* (a) The Director of the Office of Minerals Mobilization is directed to exercise the function of certifying access roads in connection with the production of metallurgical coal to the Secretary of Commerce under section 6 of the Defense Highway Act of 1941, as amended (23 U. S. C., 1952 ed., sec. 106) and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 791) pursuant to the Presidential memorandum of March 3, 1952.

(b) The Administrator of the Defense Minerals Exploration Administration is similarly directed to exercise the function of certifying access roads in connection with the exploration for strategic and critical metals and minerals and related development.

SEC. 5. *Acting Administrator Defense Minerals Exploration Administration.*

(a) The Deputy Administrator shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator.

(b) The Special Assistant to the Administrator shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator and the Deputy Administrator.

(c) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 6. *Effect on prior actions.* (a) Interior Defense Delegation 1 (19 F R. 9357) to the Administrator of General Services respecting metals and minerals is continued in force. Defense Solid Fuels Administration Delegation 1 (16 F R. 4590) to the Secretary of Commerce respecting the distribution of coal chemicals produced as by-products of coke made from coal is continued in force. Petroleum Administration for Defense Delegation 1 (16 F R. 3389) to the Business and Defense Services Administration (N. P. A.) Department of Commerce, respecting certain products of petroleum and gas origin is continued

in force. Defense Minerals Exploration Administration Order 1, as amended, and redelegations made by the Administrator of the Defense Minerals Exploration Administration are continued in force. This order shall not be deemed to affect the Voluntary Agreement Relating to Foreign Petroleum Supply dated May 1, 1953 (18 F R. 4262) as amended April 15, 1954 (19 F R. 2278)

(b) This order supersedes Order No. 2764 (19 F R. 4005)

(50 U. S. C. App., 1952 ed., sec. 2153; E. O. 10480, as amended, 18 F R. 4939, 6201, 19 F R. 7249; Defense Mobilization Order I-7, as amended, 18 F R. 5366, 19 F R. 7348; DMO I-13, 19 F R. 7348; DMO VII-5, as amended, 18 F R. 6408, 19 F R. 7349)

DOUGLAS MCKAY,
Secretary of the Interior

[F R. Doc. 55-263; Filed, Jan. 12, 1955;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRI-CONTINENT SERVICE

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator, in accordance with section 211, Merchant Marine Act, 1936, as amended, has tentatively approved the essentiality and U. S. flag service requirements of the Tri-Continent Service as described below, and on January 5, 1955, ordered that his findings with respect thereto be published in the FEDERAL REGISTER.

TRI-CONTINENT SERVICE

Monthly sailings

I. Westbound:

2 to 3 From—

(A) U. S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West), via Panama Canal, completing at California ports on not more than one sailing per month;

3 to 4 (B) U. S. Gulf ports (Key West-Mexican border), via Panama Canal, completing at California ports on not more than two sailings per month;

To—

Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Slam, inclusive) and

II. Eastbound:

From—

Far East to U. S. Pacific Coast with cargo for discharge at U. S. Pacific ports and U. S. Gulf ports or for discharge at U. S. Pacific ports and U. S. Atlantic ports;

2 to 3 To—

(A) United Kingdom and Continental Europe (North of Portugal) completing at U. S. North Atlantic ports as determined by the Federal Maritime Board—thence return either to U. S. Atlantic or Gulf ports; and

3 to 4 (B) U. S. Gulf ports and Havana, Cuba.

NOTE: The above described service does not preclude the carrying of intercoastal cargo between U. S. Atlantic/Gulf and U. S. Pacific ports subject to compliance with appropriate statutory provisions.

Between 18 and 25 ships with speed of approximately 16 to 20 knots and carrying capacity of approximately 12,500 tons deadweight and 700,000 bale cubic, with adequate refrigerated and deep tank space, are necessary adequately to carry cargo and maintain the specified number of sailings on the above described service.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon, should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: January 10, 1955.

By order of the Maritime Administrator.

[SEAL]

A. J. WILLIAMS,
Secretary.

[F R. Doc. 55-265; Filed, Jan. 12, 1955;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10335, 10378; FCC 55M-14]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER SCHEDULING HEARING

In the matter of The Western Union Telegraph Company complainant v. All America Cables and Radio, Inc., The Commercial Cable Company Mackay Radio and Telegraph Company, Inc., defendants, Docket No. 10378. The Western Union Telegraph Company complainant v. RCA Communications, Inc., defendant, Docket No. 10335.

The Commission having under consideration:

(a) Its order of January 22, 1953, in Docket No. 10335 wherein it designated for hearing the complaint of The Western Union Telegraph Company (Western Union) against RCA Communications, Inc. (RCAC) with respect to the provision in RCAC's tariffs providing for the furnishing of teleprinters and teleprinter tie-lines, at the expense of RCAC, to customers located in the "metropolitan areas" of cities within which its operating offices are located (Rule 17.01 on 2d Revised page No. 66 of RCAC Tariff FCC No. 60)

(b) Its order of January 22, 1953, in Docket No. 10378, wherein it designated for consolidated hearing with Docket No. 10335, the informal complaint of Western Union against All America Cables & Radio, Inc., The Commercial Cable Company and Mackay Radio and Telegraph Company Inc., (AC&R companies) with respect to a proposed revised provision in the AC&R companies' tariffs providing for the furnishing of teleprinters, at the expense of the AC&R companies, to customers located in the "metropolitan

areas" of cities within which its operating offices are located (Rule 2.01 on 2d, 3d, 4th, and 5th Revised page No. 11 of the AC&R companies Joint Tariff FCC No. 7) and wherein the above-mentioned proposed revised tariff provision was suspended until May 1, 1953

(c) Its order of February 12, 1953, herein, whereby the hearings originally scheduled to start on March 3, 1953, were postponed until further order of the Commission,

(d) Letters from the AC&R companies, Western Union, and RCAC, each dated December 14, 1954, advising the Commission that the parties have not reached agreement on the issues raised by the tariff provisions which are the subject of the proceeding herein and requesting, among other things, that if hearings herein are to be held they be set for late February or early March on a date convenient to the Commission.

It appearing, that the issues involved in the proceeding herein should be resolved on the basis of the record adduced at formal hearings;

It further appearing, that the parties to this proceeding are involved in formal cases which require considerable study and preparation;

It is ordered, This 6th day of January 1955, that the consolidated hearing in this matter shall be held at the offices of the Commission, in Washington, D. C., beginning at 10:00 o'clock in the forenoon on the 29th day of March 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F R. Doc. 55-281; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket No. 10739; FCC 55M-10]

CARBON EMERY BROADCASTING CO.

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re application of George G. Platis and Robert E. Hawley d/b as Carbon Emery Broadcasting Company, Price Utah, Docket No. 10739, File No. BP-8797 for construction permit.

It is ordered, This 7th day of January 1955, that all parties in the above-entitled proceeding are directed to appear for a pre-hearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 a. m., January 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F R. Doc. 55-282; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket Nos. 11124, 11125; FCC 55M-6]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket NO.

11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231, for construction permits.

The Commission having under consideration the procedure to be followed in the above entitled matter which is scheduled for hearing on Tuesday, February 8, 1955; and

It appearing that the applicant, Monmouth County Broadcasters, and the respondent, Rollins Broadcasting, Inc. (WNJR) are each represented by attorneys in Washington, D. C., who have informally consented to appear at the prehearing conference hereinafter ordered, and that the applicant, Harold M. Gade, is not represented by a local attorney and has not been informally or otherwise notified of the time and place of the prehearing conference; and

It further appearing that the applicant, Harold M. Gade, by letter has requested that the conference be scheduled at an afternoon hour, and further that the Hearing Examiner's schedule of hearings in other matters will be accommodated by the conference time hereinafter appointed; now therefore:

It is ordered, This 5th day of January 1955, pursuant to §§ 1.813 and 1.841 of the Commission's rules that the parties or their attorneys appear at a conference to be held at the offices of the Commission in Washington, D. C., at 4:00 p. m. on Wednesday, January 19, 1955, for the purpose of considering the matters specified and provided for in the above cited rules and such other matters as may aid in the expeditious determination of the matters at issue in this proceeding; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail, Return Receipt Requested, to the applicant, Harold M. Gade.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-283; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket Nos. 11126, 11127; FCC 55M-9]

MILDRED V ERNST AND THERMOPOLIS
BROADCASTING CO., INC.

ORDER SCHEDULING PRE-HEARING
CONFERENCE

In re applications of Mildred V Ernst, Thermopolis, Wyoming, Docket No. 11126, File No. BP-9194, Thermopolis Broadcasting Company Inc., Thermopolis, Wyoming, Docket No. 11127, File No. BP-9294, for construction permits.

It is ordered, This 6th day of January 1955, that a conference shall be held at 10:00 a. m. Friday, January 14, 1955, at Washington, D. C., for the purpose of considering the matters specified in § 1.813 of the Commission's rules and

that the parties or their attorneys shall appear at the time and place specified.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-284; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket No. 11137; FCC 55M-17]

CLEARFIELD BROADCASTERS, INC. (WAKU)

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Clearfield Broadcasters, Inc. (WAKU) Latrobe, Pennsylvania, Docket No. 11137.

The Commission having under consideration a petition filed January 5, 1955, to continue the hearing date in the above-entitled proceeding now scheduled to begin January 10, 1955 and

It appearing that the purpose of the petition is to continue the hearing until after the Commission has had an opportunity to examine the facts stated in a petition to reconsider and vacate the cease and desist order directed against Clearfield Broadcasters, Inc., and

It appearing that counsel for the Broadcast Bureau has no objection to the granting of the petition or to its immediate consideration and that good cause has been shown that the petition to continue the hearing date should be granted;

It is ordered, This the 7th day of January 1955 that the petition to continue the hearing date is granted and the hearing in the above-entitled proceeding is scheduled from January 10, 1955, until 30 days after the Commission has acted upon the petition to reconsider and vacate the cease and desist order above-referred to.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-285; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket No. 11145; FCC 55M-15]

COASTAL BROADCASTING CO. (WONN)

ORDER SCHEDULING PRE-HEARING
CONFERENCE

In re application of Coastal Broadcasting Company (WONN) Lakeland, Florida, Docket No. 11145, File No. BP-9245; for construction permit.

It is ordered, This 7th day of January 1955, that a conference shall be held at 10:00 a. m. Wednesday, January 12, 1955, at Washington, D. C., for the purpose of considering the matters specified in § 1.813 of the Commission's rules and that the parties or their attorneys shall appear at the time and place specified.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-286; Filed, Jan. 12, 1955;
8:52 a. m.]

[Docket No. 11186; FCC 55M-16]

RADIO SERVICES OF WELLSVILLE

ORDER SCHEDULING PRE-HEARING
CONFERENCE

In re application of J. S. Mumma, J. M. Cleary J. H. Satterwhite, J. E. Ericson and C. S. Bromeley d/b as Radio Services of Wellsville, Wellsville, New York, Docket No. 11186, File No. BP-9021 for construction permit.

It is ordered, This 7th day of January 1955, that a conference shall be held at 10:00 a. m., Thursday January 13, 1955, at Washington, D. C., for the purpose of considering matters specified in § 1.813 of the Commission's rules and that the parties or their attorneys shall appear at the time and place specified.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-287; Filed, Jan. 12, 1955;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3334]

WEST PENN ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED
AMENDMENTS OF CHARTER AND SOLICITA-
TIONS OF CONSENTS OF STOCKHOLDERS

JANUARY 7, 1955.

Notice is hereby given that the West Penn Electric Company ("West Penn") a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") Declarant has designated sections 6, 7 and 12 (e) of the act and Rules U-62 and U-65 thereunder as applicable to such filing.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions proposed therein, which are summarized as follows:

West Penn, a Maryland corporation, proposes, with the approval of the holders of a majority of its outstanding common stock (the only class of stock outstanding) voting at a special meeting of stockholders to be held on February 16, 1955, to amend its charter to change its common stock from no-par value to \$5 par value per share; to increase its authorized common stock from 5,000,000 shares to 12,500,000 shares; to split its outstanding 4,224,000 shares of common stock on a two-for-one basis to an aggregate of 8,448,000 shares by issuing to its stockholders one additional share of common stock for each share now outstanding; to provide that the power to make, alter and repeal the by-laws of the company, which is now vested solely in the stockholders, shall be vested in the Board of Directors, which power may be exercised by a majority of the whole Board, except that the power to alter the by-laws to divide the Board into classes having different tenures of office shall be reserved to the stockholders; and to eliminate the presently author-

ized but unissued 500,000 shares of preferred stock, par value \$100 per share, and 54,788 shares of Class A stock, no par value, and all charter provisions relating thereto.

As an incident to the change of the common stock from no-par value to \$5 par value per share, it is proposed to reduce the stated capital of the company from \$60,813,132 to \$42,240,000, to correspond to the proposed aggregate par value of the 8,448,000 shares of common stock to be outstanding after the stock split-up. The amount of the proposed reduction of the stated capital (\$18,573,132) will be added to paid-in surplus, and the resolution of stockholders authorizing the reduction in the stated capital will contain a provision that no dividends or distributions to stockholders may be made out of such increase in paid-in surplus except upon the consent of the holders of a majority of the outstanding common stock.

West Penn states that the proposed stock split-up and change to a par value of \$5 will facilitate a wider distribution of the common stock and thus render the shares more readily marketable; that the proposed increase in the authorized amount of common stock will provide a reasonable amount of authorized but unissued common stock which may be used for proper corporate purposes; and that the financing of future capital requirements will be aided. West Penn further states that vesting in the Board of Directors of the power to make, alter and repeal the by-laws is proposed to reflect a change in the laws of Maryland under which West Penn is incorporated. West Penn represents that the provisions relating to the preferred and Class A stocks are out of date and that their elimination will simplify the company's charter.

The management of West Penn proposes to solicit proxies from the company's stockholders to be voted at the special meeting of stockholders to be held for the purpose of voting upon the proposed charter amendments. Proxies will be solicited by mail and may be solicited by officers, directors and regular employees of the company personally, by telephone or by telegraph. The company may reimburse persons holding stock in their names or the names of their nominees for their expenses in sending soliciting materials to their principals. Although there are no present plans to do so, the company may also obtain the services of additional persons in soliciting proxies.

The fee, commissions and expenses to be incurred and paid in connection with the calling of the special meeting of stockholders and the transactions incident to the amendment of its charter are estimated by West Penn as follows:

Proxy solicitation (maximum).....	\$12,000
Printing.....	15,000
New York Stock Exchange listing fee.....	10,825
Transfer agent and registrar's fees and expenses.....	47,000
Legal fees.....	1,500
Miscellaneous.....	3,675
Total.....	90,000

West Penn represents that no State commission or Federal regulatory

agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than January 19, 1955, at 12:00 noon, e. s. t., request the Commission in writing to hold a hearing on this matter, stating the nature of his interest, the reason for such request and the issues of fact or law, if any, raised by such filing which he desires to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request shall bear the caption of this notice and shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after January 19, 1955, at 12:00 noon, e. s. t., said declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the proposed transactions may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-264; Filed, Jan. 12, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30101]

MOTOR-RAIL RATES BETWEEN CHICAGO, ILL., AND KANSAS CITY, MO.

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Chicago Great Western Railway Company and motor carriers parties tariff listed below.

Commodities involved: Highway trailers, empty or loaded, on flat cars.

Between: Chicago, Ill., and Kansas City Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau Substituted Freight Service tariff MF-I. C. C. No. 223, Supp. No. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 55-269; Filed, Jan. 12, 1955; 8:49 a. m.]

[4th Sec. Application 30100]

MAGAZINES FROM MT. MORRIS, ILL., TO THE EAST

APPLICATION FOR RELIEF

JANUARY 10, 1955

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth section order No. 17220.

Commodities involved: Magazines or periodicals, carloads.

From: Mt. Morris, Ill.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 55-268; Filed, Jan. 12, 1955; 8:49 a. m.]

[4th Sec. Application 30104]

COKE FROM ST. LOUIS, MO., AND EAST ST. LOUIS AND GRANITE CITY, ILL., TO CORPUS CHRISTI, TEX.

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3991.

Commodities involved: Coke, carloads. From: St. Louis, Mo., East St. Louis, and Granite City, Ill.

To: Corpus Christi, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Agent Kratzmeir's I. C. C. No. 3991, Supp. No. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-272; Filed, Jan. 12, 1955;
8:49 a. m.]

[4th Sec. Application 30106]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO FOLEY, FLA.

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1357.

Commodities involved: Sulphuric acid, tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Foley Fla.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: Agent Spaninger's I. C. C. No. 1357, Supp. No. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-274; Filed, Jan. 12, 1955;
8:50 a. m.]

[4th Sec. Application 30105]

MERCHANDISE FROM EASTERN POINTS TO MISSISSIPPI

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-1030.

Commodities involved: Merchandise in mixed carloads.

From: Points in trunk-line and New England territories.

To: Points in Mississippi.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: Agent Boin's I. C. C. No. A-1030, Supp. No. 4

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-273; Filed, Jan. 12, 1955;
8:49 a. m.]

[4th Sec. Application 30107]

LUMBER FROM SOUTH PACIFIC COAST TO MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. 1556. Commodities involved: Lumber, shingles, and related articles, carloads.

From: South Pacific Coast points.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-275; Filed, Jan. 12, 1955;
8:50 a. m.]

[4th Sec. Application 30108]

VARIOUS COMMODITIES IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 10, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Metal containers, dimethylsulphate, rag or cotton fibre pulp, and wallboard, fibreboard pulpboard or strawboard, carloads.

From: Points in official territory.

To: Points in official territory

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the General Rules of Practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-276; Filed, Jan. 12, 1955;
8:50 a. m.]