



FEDERAL REGISTER

VOLUME 20 NUMBER 10

Washington, Friday, January 14, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.4]

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP AND FARM HOUSING LOANS

PART 366—PAYMENT-IN-FULL

SUBPART A—DIRECT FARM OWNERSHIP AND FARM HOUSING ACCOUNTS

PAID-IN-FULL DIRECT FARM OWNERSHIP AND FARM HOUSING ACCOUNTS

In Subchapter E of Title 6, Code of Federal Regulations, § 361.25 (17 F. R. 2107, 18 F. R. 2471) is hereby revoked, a new Part 366—Payment-in-Full, is added, and a new Subpart A—Direct Farm Ownership and Farm Housing Accounts is added in that new Part 366 as follows:

SUBPART A—DIRECT FARM OWNERSHIP AND FARM HOUSING ACCOUNTS

- Sec.
- 366.1 General.
 - 366.2 Authorization.
 - 366.3 Determining balance to be collected.
 - 366.4 Delivery of satisfactions, notes and other documents.
 - 366.5 Property insurance.

AUTHORITY: §§ 366.1 to 366.5 issued under sec. 41 (1), 60 Stat. 1066, sec. 510 (g) 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Interpret or apply secs. 3 (b) (6), 41 (h), 60 Stat. 1074, 1066, sec. 510 (d), 63 Stat. 437; 7 U. S. C. 1003 (b) (6), 1015 (h), 42 U. S. C. 1480 (d).

SUBPART A—DIRECT FARM OWNERSHIP AND FARM HOUSING ACCOUNTS

§ 366.1 *General.* Sections 366.1 to 366.5 set forth the authorizations, policies, and procedures for processing final payments on direct Farm Ownership accounts and Farm Housing accounts which are paid in full at any time after loan closing. In every case where a loan has been closed, including those where the entire principal of the loan is refunded before any of it has been previously disbursed from the supervised bank account, the borrower will be required to pay interest from the date of the note to the date final payment is received by the County Supervisor.

§ 366.2 *Authorization.* (a) The County Supervisor is authorized to accept final payment on a direct Farm Ownership or Farm Housing account (except direct Farm Ownership accounts repaid in less than five years by sale of the farm when profit making seems to be the only significant motive for the sale) and to execute the necessary releases and satisfactions in connection with the indebtedness. When a borrower who has not had his loan five years proposes to sell his farm and pay the Farm Ownership loan in full, and profit making seems to be the only significant motive for the sale, the County Supervisor will advise the State Director of the circumstances. The State Director is authorized to approve or disapprove the transaction and will inform the County Supervisor of the action to be taken.

(b) The State Director, with the assistance of the representative of the Office of the Solicitor, will issue a State Instruction which will instruct County Supervisors regarding the release or satisfaction of Farm Ownership and Farm Housing mortgages when the loan is paid in full.

§ 366.3 *Determining balance to be collected.* (a) When a borrower has indicated his desire to pay his direct Farm Ownership or Farm Housing account in full, the County Supervisor will prepare and forward to the Finance Office Form FHA-995, "Request for Certified Statement of Account," in order to obtain the unpaid balance of principal and interest on the borrower's account and the daily rate of accrual of interest.

(b) Upon receipt of Form FHA-835, "Certified Statement of Account," from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment.

§ 366.4 *Delivery of satisfactions, notes, and other documents.* Usually the County Supervisor will transmit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note along with the statement of account on Form FHA-835.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(a) *Delivery of documents after notes stamped "paid-in-full" are received from the Finance Office.* The Finance Office, upon receipt of Form FHA-144, "Summary of Remittances," covering the remittance which paid the account in full, will forward to the County Office the note stamped with a paid-in-full legend, provided the final payment as received from the borrower was in the form of currency and coin, Treasury check, cashier's or certified check, bank draft, or money order. If the final payment was in the form of an uncertified check drawn on a personal account, the note will be held in the Finance Office for 15 days after the remittance has been deposited in the Deposit Fund Account, before being forwarded to the County Office. Upon receipt of the note, the County Supervisor will deliver the stamped note(s) any abstract of title, any property insurance policies, and the original mortgage to the borrower. The original satisfaction executed in accordance with the State Instruction will be delivered to the borrower for recording if desired.

(b) *Delivery of documents at the time final payment is made.* If the circumstances require the delivery of the promissory note and the satisfaction of the Farm Ownership or Farm Housing mortgage at the time final payment is made, the County Supervisor will prepare the satisfaction, mark the original note with a paid-in-full legend, and will deliver the original note, the original satisfaction, any abstracts of title, any insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest, computed as of the date final payment is received, and only when such payment is made in the form of currency and coin, U. S. Treasury Check, cashier's check, certified check, postal money order, bank draft, or money order.

(c) If state law requires recording or filing of the satisfaction by the mortgagee, two executed copies of the satisfaction will be prepared and the additional copy will be recorded or filed by the County Supervisor with the proper recording official.

§ 366.5 *Property insurance.* The County Supervisor will advise the borrower regarding the manner in which property insurance will be canceled or release of mortgage interest executed.

Issued this 10th day of January 1955.

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

[F R. Doc. 55-312; Filed, Jan. 13, 1955; 8:50 a. m.]

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

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F R. 1578, 2714, 2843 and 7103, and containing the specific requirements for the 1954-Crop Flaxseed Price Support Program are amended as follows:

Section 421.658 (c) (1) is amended by adding to the list of basic county support rates, "Oregon—Multnomah and Polk counties, \$2.69 per bushel."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interpret or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 10th day of January 1955.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F R. Doc. 55-354; Filed, Jan. 13, 1955; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 19, Rev. 1]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

LABELING OF HOUSEHOLD INSECTICIDES CONTAINING CHLORDANE

Since issuing Interpretation 19 on September 11, 1951, certain new facts concerning chlordane as it is now being produced have been established. Technical chlordane as marketed for insecticidal uses prior to 1951 contained considerable amounts of hexachlorocyclopentadiene as an impurity. It has

been shown that the presence of this compound was a factor in the hazard of the early chlordane. Present manufacturing processes can eliminate most of the hexachlorocyclopentadiene, and technical chlordane should not now contain more than 1 percent of this compound. On the basis of this change in composition of technical chlordane, certain changes are justified in the original Interpretation 19. Therefore, pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135-135k) Interpretation 19 with respect to the labeling of household insecticides containing chlordane is hereby revised to read as follows:

§ 362.117 *Interpretation with respect to labeling of household insecticides containing chlordane.* In determining whether household insecticides containing chlordane comply with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, the following principles will apply:

(a) *Permissible uses.* Products containing chlordane intended for use in and around human dwellings shall not be deemed to comply with the act unless their labeling shows that where they are intended for use inside of premises, they are to be used only against one or more of the following pests: roaches, waterbugs, silverfish, ants, brown dog ticks, carpet beetles, houseflies, wasps, mosquitoes, box elder bugs, crickets, scorpions, and clothes moths (under restricted directions as hereinafter stipulated) or such other pests as the Chief may find to be controlled effectively by one or more of the specified formulations when applied in a manner otherwise compatible with proper usage.

(b) *Permissible formulations.* (1) Most household insecticides containing chlordane fall into the following four general classes:

(i) Petroleum distillate (kerosene) solutions which may or may not contain limited quantities of other chlorinated hydrocarbon insecticides and certain paralytic agents.

(ii) Water emulsions which do not ordinarily contain any other insecticidal ingredients and which are to be used undiluted, or emulsifiable concentrates to be used after suitable dilutions with water.

(iii) Dry powder formulations based on talc, pyrophyllite or other suitable diluents, which sometimes contain limited quantities of other insecticides.

(iv) Pressurized dispensers usually of the 12-ounce size which ordinarily contain 2 percent of chlordane by weight and may not contain more than 3 percent by weight. Other chlorinated hydrocarbon insecticides may be substituted for a part of the chlordane as long as the relative hazard to human health of the mixture is no greater than that of one containing 3 percent chlordane by weight. Acceptable self-propelled sprays must deliver a coarse, wet spray.

In addition, there are a few other special products which contain chlordane. (2) Petroleum distillate spray formulations frequently contain 2 percent chlordane by weight without any other

residual toxicant. Under certain circumstances less than 2 percent chlordane by weight may be used. However, the chlordane content of these formulations shall not exceed 3 percent by weight. If other chlorinated hydrocarbon insecticides are present which have additive toxicities, the hazard of the mixed formulation shall not exceed that of one containing a maximum of 3 percent chlordane by weight as the only chlorinated hydrocarbon insecticide present.

(3) Water emulsion formulations when diluted for use shall not contain more than 3 percent chlordane by weight without any other chlorinated residual toxicant. Under certain circumstances less than 2 percent chlordane by weight may be used. However, the chlordane content in these formulations shall not exceed 3 percent by weight. If other chlorinated hydrocarbon insecticides are present which have additive toxicities, the hazard of the mixed formulation shall not exceed that of one containing a maximum of 3 percent chlordane by weight.

(4) Dry powder formulations of chlordane based on talc, pyrophyllite or other suitable dry diluents shall not contain more than 6 percent chlordane by weight. If other chlorinated hydrocarbon insecticides are present which have additive toxicities, the hazard of the mixed dry powder shall not exceed that of one containing a maximum of 6 percent chlordane by weight.

(5) Self-propelled sprays must comply with all provisions outlined under subparagraph (1) (iv) of this paragraph.

(6) All formulations referred to above to be accepted must be fully effective when used in accordance with the directions specified on the label.

(c) *Directions for use*—(1) *General*. The directions for liquid formulations and pressurized sprays shall under all circumstances provide for application as a coarse, wet spray or by the use of a paint brush or similar means. Directions for liquid formulations, dry powders, and any other properly formulated mixtures which contain chlordane, either alone or in combination with other toxicants, shall prescribe application in a manner which will treat only infested cracks, surfaces or other areas where the insects rest, run or hide. Directions for use against clothes moths shall set forth the necessary treatment of fabrics. The residual effectiveness of chlordane is dependent on its deposition on desired surfaces or in fabrics. There shall be no claims for spraying in the air or for the use of fine mist sprayers. There shall be no claims or directions which might lead to contamination of foods. There shall be no claims for safety or non-toxicity.

(2) *Particular insects*—(i) *Roaches and waterbugs*. The directions, for control of roaches and waterbugs shall provide for thorough spraying, painting or dusting of infested cracks and other hiding places and of adjacent exposed surfaces where roaches and waterbugs will crawl when they come out of hiding. The directions shall indicate that the application should be repeated as

often as necessary to maintain effective control.

(ii) *Silverfish*. The directions for control of silverfish shall provide for thorough spraying, painting or dusting of baseboards, areas behind shelving, book cases and storage areas. The directions shall indicate that the application should be repeated as often as necessary to maintain effective control.

(iii) *Ants*. The directions for control of ants shall provide for thorough spraying, painting or dusting of ant trails and areas around door sills and window frames where the pests may enter. The directions should also indicate that it is frequently desirable to treat the openings around water pipes, heat ducts, electrical outlets and baseboards where ants come into rooms from wall spaces and partitions, and that the application should be repeated as often as necessary to maintain effective control.

(iv) *Brown dog ticks*. The directions for control of brown dog ticks shall provide for thorough spraying, painting or dusting of infested areas around baseboards, window and door frames, wall cracks, sleeping quarters of household pets and localized areas of floors and floor coverings. The directions shall indicate that the frequency and extent of applications necessary will depend upon the source and intensity of the infestation. The directions shall also indicate that fresh bedding should be placed in animal quarters following treatment, and that pets or other animals should not be treated with household formulations. Water emulsions not exceeding 0.5 percent chlordane concentration by weight are acceptable for direct application to dogs once in two weeks, or once weekly in the case of water emulsions not exceeding 0.25 percent chlordane concentration by weight.

(v) *Carpet beetles*. The directions for the control of carpet beetles shall provide for a thorough spray paint, or dust application to infested areas of carpets, localized areas of floors and baseboards, and into cracks and under carpets where these pests may be found. Localized treatments of areas on floors, baseboards and shelves of closets may also be indicated. The directions shall also provide that the application should be repeated as often as necessary to maintain effective control.

(vi) *Houseflies, wasps and mosquitoes*. The directions for the killing of houseflies, wasps, and mosquitoes indoors shall provide for thorough and repeated spraying, painting or dusting of selected surfaces such as doors, around windows and areas frequented by these insects. The directions for killing houseflies, wasps and mosquitoes outdoors and for preventing the entry of these insects into human dwellings should provide for thorough spraying, painting or dusting of screens, window frames, doorsills and selected areas of porches where these insects tend to alight or congregate. The directions should provide also for repeated applications as necessary to obtain the maximum value against these pests since insecticidal residues on the outside of buildings tend to deteriorate quite rapidly. In the case of wasps, di-

rections may be given to spray or dust the nest with a strong formulation after dark when all of the insects have returned to the nest.

(vii) *Box elder bugs*. The directions for preventing annoyance by box elder bugs should provide for thorough painting, spraying or dusting around doorsills, window frames or wherever these pests may enter the home. The directions should also provide for the direct spraying of any congregation of these insects as soon as it is observed. The directions may indicate that thorough spraying or dusting of areas where these insects crawl or congregate on porches or sides of houses will aid in preventing annoyance by these pests on the outside of dwellings and that effective results against these pests can often be obtained by spraying the infested box elder tree or other host plant with a suitable insecticide.

(viii) *Crickets*. The directions for the control of crickets shall provide for thorough spraying, painting or dusting of baseboards, floors of closets and storage places and other hiding places. The directions shall also indicate that the application should be repeated as often as necessary to maintain effective results.

(ix) *Spiders and centipedes*. The directions for the control of these pests shall provide for thorough spraying or dusting of infested baseboards and corners and of pipes, storage localities and other infested areas in basements. The directions shall indicate that the application should be repeated as often as necessary to maintain effective control.

(x) *Scorpions*. The directions for preventing the entry of scorpions shall provide for thorough spraying, painting or dusting of strong formulations around doorsills, window frames or other areas where these insects may enter the premises. These directions may include limited interior treatment at the places of possible entry. Directions may be given that liberal spraying or dusting of surfaces over which these pests may crawl will aid in controlling these pests in garages and buildings other than human dwellings. The directions should indicate that frequent repeated applications may be necessary particularly on exterior surfaces exposed to the weather.

(xi) *Clothes moths*. The directions for the protection of clothing, blankets and other woollens from injury by clothes moths should provide for spraying with 2 percent chlordane solution to thoroughly dampen all surfaces. Such directions should also provide that treated articles should be dried and immediately thereafter placed in storage, and that all articles should be dry cleaned before allowing them to be used as clothing or as bedding. Formulations which contain smaller amounts of chlordane may also contain other suitable moth proofing insecticides provided the hazard of the mixed formulation does not exceed that of one containing the maximum concentration of chlordane permitted for such use.

(d) *Ingredient statement provisions*. The following forms of ingredient state-

ments would fulfill the requirements of the Act as to ingredient statements for the four general classes of formulations of household insecticides containing chlordane. These suggested forms of statements assume that chlordane is the only toxicant present and that petroleum distillate in the form of deodorized kerosene is the only other active ingredient.

(1) *Kerosene solutions.*

(i) Active ingredients:	Percent
Technical chlordane ¹ -----	
Petroleum distillate-----	
Total-----	100
(ii) Active ingredients:	
Petroleum distillate-----	
Technical chlordane ² -----	
Total-----	100

(2) *Water emulsions or dry powders.*

(i) Active ingredients:	
Technical chlordane ¹ -----	
(ii) Inert ingredients-----	
Total-----	100

(3) *Self-propelled sprays.*

(i) Active ingredients:	
Technical chlordane ¹ -----	
Petroleum distillate-----	
(ii) Inert ingredients-----	
Total-----	100

¹ Equivalent to -- percent octachloro-4,7-methane tetrahydroindane and -- percent of related compounds.

² Consists of octachloro-4,7-methane tetrahydroindane and related compounds.

The correct percentages should be given in the blank spaces and the sum of the percentage of octachloro-4,7-methane tetrahydroindane and the percentage of related compounds stated should be equal to the percentage of technical chlordane in the product.

(e) *Precautionary labeling provisions.* Precautionary labeling shall conform to the patterns set forth in Interpretation 18, Revision 1, for the various formulations involved. With respect to fire hazard cautions, the following will be acceptable:

Fire hazard. (For use on petroleum distillate solutions only.)

Caution. Do not spray into or near fire or open flame. Do not smoke while spraying.

This interpretation shall supersede the provisions of Interpretation 15 (7 CFR 362.113) insofar as they apply to preparations containing chlordane, and Interpretation 19 (7 CFR 362.117) on labeling of household insecticides containing chlordane.

Effective date. The foregoing interpretation is made effective upon publication in the FEDERAL REGISTER as to all household insecticides containing chlordane and the containers, packaging and labeling of such insecticides.

(Sec. 6, 61 Stat. 168; 7 U. S. C. 135d)

Done at Washington, D. C., this 11th day of January 1955.

[SEAL] W. L. POPHAM,
Chief, Plant Pest Control Branch,
Agricultural Research Service.

[F. R. Doc. 55-353; Filed, Jan. 13, 1955; 8:56 a. m.]

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

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1955 CROP OF UPLAND COTTON

§ 722.604 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1955 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 14, 1954, proclaimed a national marketing quota for the 1955 crop of upland cotton (19 F. R. 6669) and on November 16, 1954, announced that a referendum would be held on December 14, 1954, to determine whether cotton farmers were in favor of or opposed to such quota (19 F. R. 7508). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 722.605 *Proclamation of results of the marketing quota referendum for the 1955 crop of upland cotton.* In a referendum held on December 14, 1954, of farmers engaged in the production of the 1954 crop of upland cotton, 346,542 farmers voted. Of those voting, 318,949, or 92.0 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1955 crop of upland cotton, and 27,593, or 8.0 percent, opposed such quota. Therefore, the national marketing quota of 10,000,000 bales proclaimed by the Secretary of Agriculture on October 14, 1954, for the 1955 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 342-345, 347 Stat. 58-58, as amended; 7 U. S. C. and Sup. 1342-1345)

Done at Washington, D. C., this 11th day of January 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-361; Filed, Jan. 13, 1955; 8:57 a. m.]

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1955 CROP OF EXTRA LONG STAPLE COTTON

§ 722.1204 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1955 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 14, 1954, proclaimed a national marketing quota for the 1955 crop of extra long staple

cotton (19 F. R. 6671) and on November 16, 1954, announced that a referendum would be held on December 14, 1954, to determine whether cotton farmers were in favor of or opposed to such quota (19 F. R. 7509). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 722.1205 *Proclamation of results of the marketing quota referendum for the 1955 crop of extra long staple cotton.* In a referendum held on December 14, 1954, of farmers engaged in the production of the 1954 crop of extra long staple cotton, 1,193 farmers voted. Of those voting, 1,107, or 92.8 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1955 crop of extra long staple cotton, and 86, or 7.2 percent, opposed such quota. Therefore, the national marketing quota of 30,000 bales proclaimed by the Secretary of Agriculture on October 14, 1954, for the 1955 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 342-345, 347, 52 Stat. 56-59, as amended; 7 U. S. C. and Sup. 1342-1345, 1347)

Done at Washington, D. C., this 11th day of January 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-355; Filed, Jan. 13, 1955; 8:57 a. m.]

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

[Docket No. AO 256]

PART 952—MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec. 952.0 Findings and determinations.

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AUTHORITY: §§ 952.0 to 952.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 952.0 Findings and determinations.

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

(1) The said order, and all of the terms and conditions thereof, will tend

to effectuate the declared policy of the act;

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the provisions in the order for a base operating period to include the month of February and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all provisions of this order was issued on December 13, 1954. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 952.1 through 952.19, 952.20 through 952.22; 952.30 through 952.33; 952.40 through 952.45; 952.60, 952.61, 952.80 through 952.83, 952.94, 952.96, 952.100 through 952.103, 952.110 and 952.111 effective on January 16, 1955, and the entire order (§§ 952.1 through 952.111) effective February 1, 1955. It would be contrary to the public interest

to delay such effective dates of this order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Austin-Waco marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area, and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who participated in a referendum thereon and who, during the determined representative period (October 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Austin-Waco marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

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

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

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

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

§ 952.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association.

(a) To be qualified under the provisions of the act of Congress of February 10, 1922, as amended, known as the "Capper-Volstead Act" and

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

§ 952.6 *Austin-Waco marketing area.* "Austin-Waco Marketing Area" herein-after called the marketing area means all territory, including all municipal corporations and all Federal military reservations, facilities and installations, located within or partially within the boundaries of Travis, Hays, Lampasas, Burnet, Caldwell, Bastrop, Williamson, Bell, Falls, McLennan, Coryell, Comal and Guadalupe Counties, all in the State of Texas.

§ 952.7 *Zone I.* "Zone I" means all territory south of the northern boundaries of Guadalupe, Comal, Kendall, Kerr, Edwards and Val Verde Counties, all in the State of Texas and all territory south of a boundary formed by United States Highway 90 east of the marketing area to the Colorado River and thence south along the Colorado River.

§ 952.8 *Distributing plant.* "Distributing plant" means any milk processing or packaging plant from which Class I milk equal to more than an average of 500 pounds per day or 5 percent, whichever is less, of the Grade "A" milk and skim milk received from dairy farmers or other plants, is disposed of during the month on a route(s) operated partially or wholly in the marketing area.

§ 952.9 *Supply plant.* "Supply plant" means any plant from which fluid milk, fluid skim milk or cream is received at a distributing plant:

(a) For any of the months of February through July, on four or more days during the month, or in an amount equal to a daily average of not less than 3,300 pounds for such month; and

(b) For any of the months of August through January:

(1) On ten or more days during the month, or in an amount equal to a daily average of not less than 8,300 pounds for such month; or

(2) On four or more days during the month, or in an amount equal to a daily average of not less than 3,300 pounds for such month, and such plant was a supply plant pursuant to (a) during any month of the immediately preceding period of February through July.

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

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

§ 952.12 *Approved plant.* "Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of on a route in the marketing area.

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

§ 952.14 *Route.* "Route" means the delivery (including delivery by a vendor or sale at a plant store) of milk, skim milk, buttermilk, cream or flavored milk drinks other than as follows:

(a) Delivery in bulk to a milk plant, or

(b) Delivery in consumer packages from a milk processing plant to a distributing plant in an amount not in excess of the amount of producer milk received by such processing plant during the month from the operator of such distributing plant and classified as Class I milk: *Provided*, That for the purposes of this paragraph milk so transferred to such processing plant shall be considered to be producer milk to the extent that total receipts during the month of producer milk by the operator of such distributing plant exceed his gross Class I sales less: (1) Receipts of Class I milk from other fluid milk plants; (2) milk transferred as Class I milk to such milk processing plant; and (3) milk received in consumer packages from such milk processing plant.

§ 952.15 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during the period of December 16 through July. *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 952.16 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 952.15.

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

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 952.41 (a) (1) except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 952.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

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

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

MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

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

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

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

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

(d) Pay out of the funds provided by § 952.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 952.94) necessarily incurred by him in maintenance and functioning of his office and in the performance of his duties;

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

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary.

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to § 952.30 to § 952.32, inclusive, or payments pursuant to § 952.90 to § 952.93, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 952.50 and

the Class I butterfat differential computed pursuant to § 952.52 (a) both for the current month, and the minimum price for Class II milk computed pursuant to § 952.51 and the Class II butterfat differential computed pursuant to § 952.52 (b) both for the previous month;

(2) On or before the 12th day after the end of each of the months of August through January the uniform price for each handler computed pursuant to § 952.72 and the butterfat differential computed pursuant to § 952.91, and

(3) On or before the 12th day after the end of each of the months of February through July the uniform prices for base milk and for excess milk for each handler computed pursuant to § 952.73 and the butterfat differential computed pursuant to § 952.91,

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of February through July the amounts and value of his base and excess milk, respectively.

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

(l) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(m) Upon request, furnish to a cooperative association for its members the data reported pursuant to § 952.31 (a) (b) and (c)

REPORTS, RECORDS AND FACILITIES

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

(a) The quantities of skim milk and butterfat contained in milk received from each producer and for the months of February through July the quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 952.41 (a) received from fluid milk plants of other handlers;

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

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 952.41 (a) on hand at the beginning and end of the month;

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

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

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

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received and for the months of February through July such producers' deliveries of base milk and excess milk;

(c) The number of days if less than the entire month for which milk was received;

(d) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

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

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

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

(a) The receipts and utilization of all receipts of producer milk and other source milk;

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

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

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted,

§ 952.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the

retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 952.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 952.30, shall be classified by the market administrator pursuant to the provisions of §§ 952.41 to 952.46, inclusive.

§ 952.41 *Classes of utilization.* Subject to the conditions set forth in §§ 952.43 and 952.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, butter-milk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers) and (2) not accounted for as Class II milk.

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

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

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

(4) In shrinkage not to exceed 2 percent (5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively in producer milk and other source milk.

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

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

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

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

(b) Any skim milk or butterfat shall be reclassified if verification by the

market administrator discloses that the original classification was incorrect.

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

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 952.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 952.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 952.46 (a) (3) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further* That if either or both handlers have other source milk as defined pursuant to § 952.17 (a) during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 952.41 (a) (1)

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 400 miles distant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 400 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 952.41 (b)

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 952.41 (a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 952.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such

handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 952.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 952.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 952.42 (b)

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received as Class I products in consumer packages from a nonfluid milk plant which are not in excess of the pounds of skim milk transferred or diverted by the handler to such nonfluid milk plant as Class I milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 952.17

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 952.41 (b) (3)

(5) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 952.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 952.44 (a)

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

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

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

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

MINIMUM PRICES

§ 952.50 *Class I milk.* Subject to the provisions of §§ 952.52 and 952.53 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 45 cents.

§ 952.51 *Class II milk.* Subject to the provisions of § 952.52 the minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section for the months of April, May and June; and for each of the other months the price computed pursuant to paragraph (a) of this section or the price computed pursuant to paragraph (b) of this section, whichever is higher.

(a) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Texas.
The Borden Co., Mount Pleasant, Texas.
Lamar Creamery, Paris, Texas.

(b) The sum of the plus values computed as follows:

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

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

§ 952.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to §§ 952.50 and 952.51 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

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

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

§ 952.53 *Location adjustments to handlers.* For milk which is received from producers at a fluid milk plant located outside of Zone I and classified as Class I milk, the price shall be the price effective pursuant to § 952.50 less the rate set forth in the following schedule for the straight line distance to such plant from New Braunfels, Texas, as determined by the market administrator:

Distance:	Rate per hundredweight (cents)
More than 20 but not more than 180 miles.....	25.0
More than 180 but not more than 360 miles.....	45.0
For each additional mile beyond 360 miles, an additional.....	0.2

APPLICATION OF PROVISIONS

§ 952.60 *Producer-handlers.* §§ 952.40 through 952.46, 952.50 through 952.53,

952.70 through 952.73, 952.80 through 952.83 and 952.90 through 952.96 shall not apply to a producer-handler.

§ 952.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a non-fluid milk plant during the month for the purpose of this subpart if the Secretary determines that (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Austin-Waco marketing area (i) to wholesale or retail outlets (other than to a distributing plant(s)) during the month, or (ii) to a distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to regulation pursuant to such order.

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 952.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

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

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

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 952.46 (a) (7) and (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 952.46 (a) (4) and (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month, and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

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

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

(a) Add to the amount computed pursuant to § 952.70 the total value of the location differential pursuant to § 952.90 (b) or (c)

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 952.91 and multiplying the result by the total hundredweight of producer milk; and

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

§ 952.72 *Computation of uniform prices for handlers.* For each of the months of August through January the market administrator shall compute a uniform price for producer milk received by each handler as follows:

(a) Divide the aggregate value computed pursuant to § 952.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at fluid milk plants in Zone I.

§ 952.73 *Computation of the price for base milk and for excess milk for handlers.* For each of the months of February through July the market administrator shall compute for each handler with respect to his producer milk a price for base milk and for excess milk as follows:

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

(b) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 952.71 (c) *Provided*, That if such resulting value is greater than an amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight shall be the price for such handler for base milk of 4.0 percent butterfat content at fluid milk plants in Zone I, and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result, less any fraction of a cent per hundredweight, shall be known as the price for such handler for excess milk of 4.0 percent butterfat content at the fluid milk plant.

BASE RATING

§ 952.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received at a fluid milk plant(s) from such producer during the months of September through December by the number of days from the first day milk is received from such producer during said months to the last day of December, inclusive, but not less than 90 days: *Provided*, That for the year 1954 the daily base shall be calculated on the basis of milk received from such producer during the months of October, November and December divided by the number of days for which milk is received but not less than 61.

§ 952.81 *Computation of base.* The base of each producer to be applied during the months of February through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days for which such producer's milk was received by the handler during the month.

§ 952.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) The base shall be assigned to the producer for whose account milk is received by a handler during the months of September through December.

(b) An entire base may be transferred by the producer by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided*, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 952.83 *Announcement of established bases.* On or before January 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer: *Provided*, That for the base operating period of 1955, each handler shall compute, subject to verification by the market administrator, the daily base for each producer from whom he received milk during the base-forming period and notify such producer of his daily base on or before February 15, 1955.

PAYMENTS

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

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

(b) On or before the 15th day after the end of each of the months of August through January for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 952.72 subject to the butterfat differential computed

pursuant to § 952.91 and the location differential computed pursuant to § 952.92; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 952.94 and (3) proper deductions authorized by such producer.

(c) On or before the 15th day after the end of each of the months of February through July, for milk received during such month after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 952.94 and proper deductions authorized by such producer, an amount computed:

(1) At not less than the price per hundredweight for base milk computed pursuant to § 952.73 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 952.91 and the location differential computed pursuant to § 952.92; and

(2) At not less than the price per hundredweight for excess milk computed pursuant to § 952.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 952.91,

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a) and (b) and (c) of this section respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

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

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

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

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

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

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

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

§ 952.91 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 952.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the Chicago butter price for the month by 0.110.

§ 952.92 *Location differential to producers.* In making payment to producers pursuant to § 952.90, the uniform price and the base price to be paid for producer milk received at a fluid milk plant located outside of Zone I, shall be such price computed pursuant to §§ 952.72 and 952.73 less the rate set forth in the following schedule for the straight line distance to such plant from New Braunfels, Texas, as determined by the market administrator:

Distance:	Rate per hundred-weight (cents)
More than 20 but not more than 180 miles.....	25.0
More than 180 but not more than 360 miles.....	45.0
For each additional mile beyond 360 miles, an additional.....	0.2

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

§ 952.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 952.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 13th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 952.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market adminis-

trator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production, (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 952.61.

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

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

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was re-

ceived if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 952.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 952.101.

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

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

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

MISCELLANEOUS PROVISIONS

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

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

Sections 952.1 through 952.19, 952.20 through 952.22, 952.30 through 952.33, 952.40 through 952.45, 952.60, 952.61, 952.80 through 952.83, 952.94, 952.96, 952.100 through 952.103, 952.110 and 952.111 shall be effective on and after the 16th day of January 1955 and the entire order (§§ 952.1 through 952.111) shall be effective on and after the first day of February 1955.

Issued at Washington, D. C., this 11th day of January 1955.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F R. Doc. 55-352; Filed, Jan. 13, 1955;
8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-418]

PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

PUSH MONEY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the additional § 195.20 (Group I Rule 20) on "push money," as hereinafter set forth, which has been approved by the Commission in this proceeding, be promulgated as of January 14, 1955.

Statement by the Commission. An amendment to the trade practice rules issued November 14, 1950, for the bedding manufacturing and wholesale distributing industry as hereinafter set forth, is promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules for the industry, as amended by the addition of § 195.20 (Rule 20) on "push money" are directed to the elimination and prevention of unfair trade practices to the end that the industry the trade, and the public may be protected from the harmful effects of such competitive methods, and of providing guidance and assistance to business in the maintenance of free and fair competition.

Members of the industry are the persons, firms, corporations, and organizations engaged in manufacturing and selling in commerce mattresses (including baby crib mattresses) bed pads, bed-springs, box springs, metal cots, metal beds, studio couches, sofa beds, or similar sleeping equipment; also, all persons, firms, corporations, and organizations engaged in selling in commerce as wholesalers or jobbers any of the products or equipment mentioned.

Proceedings leading to the addition of this rule on "push money" were instituted upon application from the National Association of Bedding Manufacturers, made in behalf of industry members. A public hearing was held in Washington,

D. C., at which the proposed rule was submitted for discussion by all interested or affected parties. Following such hearing, final action was taken by the Commission whereby it approved § 195.20 (Rule 20) on "push money" as herein-after appearing.

Such rule becomes operative thirty (30) days from the date of promulgation.

§ 195.20 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer.

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act, as amended.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section 20, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act, as amended.

[Rule 20]

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Issued: January 11, 1955.

Promulgated by the Federal Trade Commission January 14, 1955.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F R. Doc. 55-357; Filed, Jan. 13, 1955;
8:57 a. m.]

[File No. 21-444]

PART 225—TOBACCO SMOKING PIPE, AND CIGAR AND CIGARETTE HOLDER, INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference proce-

ture in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively by the Commission in this proceeding, be promulgated as of January 14, 1955.

Statement by the Commission. Trade practice rules for the Tobacco Smoking Pipe, and Cigar and Cigarette Holder, Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Such rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any unlawful acts or practices which suppress competition or otherwise unreasonably restrain trade.

The industry is composed of all persons, firms, corporations, and organizations engaged in the importation, manufacture, processing, assembly, distribution, or sale of tobacco smoking pipes, or cigar or cigarette holders, of any type or material.

Proceedings for the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in New York City at which proposals for rules were submitted for consideration of the Commission. Subsequently a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections, as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in New York City, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
225.0

Definitions.

GROUP I

- 225.1 Misrepresentation and deception in general.
- 225.2 Misleading illustrations.
- 225.3 Deceptive use of imitation of trade or corporate names, trade-marks, etc.
- 225.4 Deception as to origin.
- 225.5 Misrepresentation as to character of business.
- 225.6 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
- 225.7 Fictitious prices, price lists, etc.
- 225.8 False invoicing.
- 225.9 Consignment distribution.
- 225.10 Guarantees, warranties, etc.
- 225.11 Use of lottery schemes.
- 225.12 Defamation of competitors or false disparagement of their products.
- 225.13 Unfair threats of infringement suits.
- 225.14 Commercial bribery.
- 225.15 Prohibited forms of trade restraints (unlawful price fixing, etc.)
- 225.16 Prohibited discrimination.
- 225.17 Aiding or abetting use of unfair trade practices.

GROUP II

- 225.101 Recording of trade-marks, trade names, etc., to avoid confusion.
- 225.102 Manufacturer's name, insignia, etc., on all products.

AUTHORITY: §§ 225.0 to 225.102 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 225.0 *Definitions.* (a) As used in the rules in this part, the term "industry product" or "industry products" means any tobacco smoking pipe, or cigar or cigarette holder, of any type or material.

(b) The term "member of the industry" means any person, firm, corporation, or organization engaged in the importation, manufacture, processing, assembly, distribution, or sale of such industry products.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 225.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, size, finish, composition or components, durability, serviceability, smoking qualities, filtering effects, importation or origin, production, manufacture, distri-

bution, or customary or regular price, of any industry product, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

§ 225.2 *Misleading illustrations.* It is an unfair trade practice, in connection with the offering for sale, sale, or distribution of any industry product, to use, as part of any packaging material, label, advertisement, or other sales promotion literature, any picture, illustration, map, diagram, or other depiction which, either alone or in conjunction with the words or phrases accompanying such depiction, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the type, kind, grade, quality, size, finish, composition or components, durability, serviceability, smoking qualities, filtering effects, importation or origin, production, manufacture, distribution, or customary or regular price, of any industry product, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 2]

§ 225.3 *Deceptive use or imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry

(a) To imitate, or cause to be imitated, or directly or indirectly promote the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors in a manner having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the buying public; or

(b) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the identity of the importer, manufacturer, distributor, or seller of any industry product or the source or origin of any industry product or of any material used therein. [Rule 3]

§ 225.4 *Deception as to origin.* (a) It is an unfair trade practice to represent that industry products manufactured or produced in a foreign country were manufactured or produced in the United States.

(b) It is an unfair trade practice to offer for sale, sell, or distribute industry products manufactured or produced in a foreign country without affirmatively and clearly disclosing thereon, or in immediate connection therewith, by a truthful and nondeceptive mark, stamp, brand, or label, the country of origin of such products.

NOTE: Firms selling imported industry products by mail order or other means whereby the purchaser has no opportunity of inspecting the goods before buying shall also disclose the country of origin of said products in all catalogs or sales promotional literature directed to prospective purchasers and describing the products in question.

NOTE: In a formal proceeding charging violation of the requirements of this section, a cease and desist order will be predicated

upon a finding from evidence in the record that the failure to disclose foreign origin as required by this section either has resulted in deception of buyers, or has the capacity and tendency of deceiving buyers or prospective buyers.

(c) It is an unfair trade practice to misrepresent the place of origin, production, or manufacture of industry products or their components.

(d) (1) It is an unfair trade practice to use the term "imported briar pipe" or "imported briar pipes" to designate, describe, or refer to industry products manufactured in the United States.

(2) It is likewise an unfair trade practice to use, in designating, describing, or referring to industry products manufactured in the United States, any other words, phrases, or representations (whether by use of distinctly foreign names or designations or other means) in a manner that imports or implies that the products were manufactured in a foreign country. [Rule 4]

§ 225.5 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly through the use of any word or term, in his corporate or trade name, in his advertising, in the stamping, labeling, or branding of industry products, or otherwise, that he is a producer, manufacturer, or importer of industry products, or that he owns or controls a factory making such products, or has connections abroad through which imports are secured, or maintains offices abroad, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 5]

§ 225.6 *Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, industry products as "close-outs," "discontinued lines," or "special bargains" by use of such terms, or by words or representations of similar import, when such is not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain prices," when such is not the fact. [Rule 6]

§ 225.7 *Fictitious prices, price lists, etc.* (a) The publishing or circulating by any member of the industry of false price quotations, price lists, terms or conditions of sale, or reports as to production or sales, when having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice.

(b) It is an unfair trade practice, in connection with the sale, offering for sale, or distribution of industry products at prices that are in any manner represented as reduced from or lower than current, former, or regular prices, to use, or to furnish or supply for such use, price tags, labels, or advertising materials that set forth a false, fictitious, or exaggerated current, former, or regular price, or a false, fictitious, or exaggerated manufacturer's or distributor's suggested retail selling price, or that contain what purport to be bona fide price quotations which are in fact higher than the prices at which such products are regularly and customarily sold in bona fide retail transactions. It is likewise an unfair trade practice to distribute, sell, or offer for sale to the consuming public in such manner products bearing such false, fictitious, or exaggerated price tags or labels. [Rule 7]

§ 225.8 *False invoicing.* Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, when having the capacity and tendency or effect of thereby misleading or deceiving dealers, purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 8]

§ 225.9 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request of the purchaser.

(2) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade. [Rule 9]

§ 225.10 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) The following types of guarantees are examples of those considered to be unfair trade practices and in violation of this section:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any material respect; or

(2) Guarantees which are so used, or are of such form, text, or character, as to import, imply or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire product or certain parts or accessories thereof which are not in fact covered, or

will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantees which materially lessen the value or protection thereof as guarantees to purchasers or users; or

(5) Guarantees which purportedly extend for such an indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a longer period of serviceability or greater durability in actual use than is in fact true; or

(6) Purported guarantees in the form of documents, promises, representations, or other form which are represented or held out to be guarantees when such is not the fact, or when they are service contracts of the type which are not guarantees, or when they involve any deceptive or misleading use of the word "Guarantee" or term of similar import; or

(7) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to observe scrupulously his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(8) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 10]

§ 225.11 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or scheme of chance, and the sale or distribution of industry products by any method or plan which involves a lottery or scheme of chance, are unfair trade practices. [Rule 11]

§ 225.12 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms,

policies, or services, is an unfair trade practice. [Rule 12]

§ 225.13 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 13]

§ 225.14 *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or to permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products imported, manufactured, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 14]

§ 225.15 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*¹ It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 15]

¹The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 225.16 *Prohibited discrimination*²—
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly directly or indirectly any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered,

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other

²As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (See sec. 2 (b), Clayton Act.)

[Rule 16]

§ 225.17 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly to

use or promote the use of any unfair trade practice specified in §§ 225.1 to 225.17, inclusive. [Rule 17]

GROUP II—VOLUNTARY RULES

General statement. These rules, recommended by the industry embrace wholly voluntary industry practices, as distinguished from Group I rules which are binding upon the members of the industry as interpretations and implementations of the laws administered by the Commission. The Commission will not approve for promulgation Group II voluntary rules unless their provisions are in harmony with law and the public interest, and contribute in a constructive way toward the maintenance of fair competitive conditions in the industry.

§ 225.101 *Recording of trade-marks, trade names, etc., to avoid confusion.* To avoid confusion within the industry, it is recommended that each member thereof voluntarily file with some qualified person or agency designated by the industry all trade-marks, trade names, labels, or brands used by such member and that such information be made equally available to all members of the industry and to the public. [Rule A]

§ 225.102 *Manufacturer's name, insignia, etc., on all products.* It is recommended that all industry products be marked or stamped with the manufacturer's name, insignia, or trade-mark. [Rule B]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of these rules.

Issued: January 11, 1956.

Promulgated by the Federal Trade Commission January 14, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-358; Filed, Jan. 13, 1955;
8:57 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 55—ENROLLMENT APPEALS

Sec.

- 55.1 Purpose and scope of regulations.
- 55.2 Who may appeal.
- 55.3 Filing of appeal.
- 55.4 Supporting evidence.
- 55.5 Tribal action.
- 55.6 Secretary's representative.
- 55.7 Superintendent's or Area Director's action.
- 55.8 Disposition of appeals.

AUTHORITY. §§ 55.1 to 55.8 issued under Secs. 23, 18, 27, 19, 68 Stat. 723, 728, 877, 1104. Interpret or apply secs. 3, 3, 3, 3, 68 Stat. 718, 724, 868, 1099.

§ 55.1 *Purpose and scope of regulations.* The regulations in this part shall govern the filing and disposition of appeals by applicants or others contesting

the inclusion or omission of any name on or from the tribal membership rolls prepared pursuant to any of the following acts:

August 13, 1954 (68 Stat. 718),
August 13, 1954 (68 Stat. 724),
August 27, 1954 (68 Stat. 868)
September 1, 1954 (68 Stat. 1099).

§ 55.2 *Who may appeal.* An appeal in protest against the inclusion or omission of the name of any person on or from the roll of members of the tribe as published in the FEDERAL REGISTER pursuant to the acts of Congress cited in this part may be filed by any member of the tribe, by either parent of any child involved, by the guardian, custodian or next of kin of any such person, by the person whose enrollment or non-enrollment is in question, or by the representative of the Secretary of the Interior designated to act in such matters. The burden of proof of establishing the appeal is on the appellant.

§ 55.3 *Filing of appeal.* The appeal shall be in writing, addressed to the Secretary of the Interior, setting forth the specific grounds for such appeal, and shall be filed with the Superintendent having administrative jurisdiction of the tribe involved, or in the absence of such official, with the Area Director, within the time specified in the act of Congress authorizing the preparation of the membership roll.

§ 55.4 *Supporting evidence.* The appeal shall be accompanied and supported by a reference to, or a copy of, any official or tribal documents or records having a direct bearing on the question raised. In the absence of any such documents, there shall be furnished the written statements of two or more persons having personal knowledge of the facts at issue.¹

§ 55.5 *Tribal action.* The Superintendent or Area Director shall notify the authorized or customary representatives of the tribe of the receipt of the appeal, advising them of the tribe's privilege to examine the appeal and all supporting documents, and affording the tribe an opportunity to present such evidence and make such showing as it may deem proper in support of the action being appealed from. The tribe shall have not to exceed 30 days in which to present in writing such statements as may be deemed pertinent, supported by any tribal records, minutes, and other documents, which bear on the case. It shall also furnish a transcript of any hearings held by it or any subordinate committee, a copy of any affidavits or documents considered, and the minutes of any meeting of the enrollment committee, governing body, or the general council which acted upon the inclusion or omission of the name of such person. There shall be furnished a copy of the provisions of the applicable tribal constitution or membership ordinance and a copy of the recommendations of the enrollment or other committee hav-

¹ Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U. S. C. 1001.

ing had authority to act. If the grounds for appeal involve the question of applicant's right to or eligibility for enrollment under tribal custom, the tribe shall furnish a statement setting forth fully such custom together with evidence of its existence and applicability at the time action was taken in said case.

§ 55.6 *Secretary's representative.* It shall be the duty and responsibility of the designated representative of the Secretary of the Interior, when in the judgment of said representative such action is warranted, to file an appeal from the inclusion or omission of the name of any person on or from such roll. Said representative shall file with his appeal supporting evidence similar to that set forth in § 55.4.

§ 55.7 *Superintendent's or Area Director's action.* The Superintendent shall forward the appeal together with all accompanying papers, and a copy of any pertinent official records of which he has knowledge and which are not a part of the record, to the Secretary through the Area Director and the Commissioner of Indian Affairs.

§ 55.8 *Disposition of appeals.* The Secretary of the Interior or his authorized representative will consider the record as presented, and if deemed necessary, call upon the appellant to furnish such additional information or evidence required to arrive at a decision. The action appealed from shall be presumed to be regular. The Secretary's determination, after consideration of all the evidence, shall be final and conclusive. Through the Commissioner of Indian Affairs the appellant shall be notified of the decision. Based on the nature of the protest and decision, the name of the individual in question shall be added to, retained on, stricken from, or omitted from the roll.

DOUGLAS MCKAY,
Secretary of the Interior

JANUARY 7, 1955.

[F. R. Doc. 55-288; Filed, Jan. 13, 1955;
8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IV-3]

DMO IV-3—ESTABLISHMENT OF AN ADVISORY COMMITTEE ON THE WATCH INDUSTRY

By virtue of the authority vested in me by Executive Order 10480 of August 15, 1953, and Reorganization Plan No. 3 of June 12, 1953, and in order to obtain advice which will facilitate the development of long range policies and programs to further the preservation of the skills of the domestic watch manufacturing industry which are required in the interest of national security, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Advisory Committee on the Watch Industry. The

Committee shall consist of the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury in charge of customs matters, the Assistant Secretary of Defense (Supply and Logistics) the Assistant Secretary of Commerce for Domestic Affairs, the Assistant Secretary of Labor for Employment and Manpower, and the Assistant Director for Manpower, Office of Defense Mobilization, who shall serve as Chairman.

2. The Advisory Committee on the Watch Industry shall make recommendations to the Director of the Office of Defense Mobilization with regard to any measures which should be taken to maintain the domestic watch industry in a healthy and vigorous condition on a long term basis to the extent necessary to assure preservation of the essential skills of the industry at a level commensurate with mobilization requirements.

3. This order shall take effect on January 12, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director

[F R. Doc. 55-383; Filed, Jan. 12, 1955;
4:09 p. m.]

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amended, Amdt. 1]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

MISCELLANEOUS AMENDMENTS

In the formulation of this amendment there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

Section 3 is amended to read as follows:

Sec. 3. *Form and filing.* An application for aid in any specified exploration project must be in quadruplicate on forms which may be obtained from and filed with either:

The Defense Minerals Exploration Administration, Department of the Interior, Washington 25, D. C.

or the nearest Defense Minerals Exploration Administration field executive officer as indicated by the following addresses:

Area Served and Address

REGION I. Northwest District—Idaho, Montana, Oregon, and Washington; South 157 Howard Street, Spokane 4, Wash. Alaska District—Alaska, Bureau of Mines, P. O. Box 560, Juneau, Alaska.

REGION II: California and Nevada; 555 Battery Street, 420 Custom House, San Francisco 11, Calif.

REGION III. Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; Bureau of Mines, 224 New Customhouse Building, Denver 2, Colo.

No. 10—3

REGION IV. Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; Bureau of Mines, Rolla, Mo.

REGION V. Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; Room 113, Post Office Building, Knoxville 2, Tenn.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. 2154)

Dated: January 12, 1955.

C. O. MITTENDORF,
Administrator Defense Minerals
Exploration Administration.

[F R. Doc. 55-391; Filed, Jan. 13, 1955;
10:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

VETERANS CANTEEN SERVICE

Immediately following § 17.155, add the centerhead "Veterans Canteen Service" and new §§ 17.160 and 17.161.

§ 17.160 *Organization.* The veterans canteen service, established by Public Law 636, 79th Congress, as amended, will function as a unit within the Department of Medicine & Surgery and will have exclusive responsibility for all its activities. To effectuate the purpose of the act, an organization has been established consisting of the VCS central office located at Washington, D. C., VCS field offices at five locations, and a canteen at each Veterans' Administration hospital, center and domiciliary.

§ 17.161 *Delegation of authority.* In connection with the veterans canteen service the Chief Medical Director is hereby delegated authority as follows:

(a) To exercise the powers and functions of the Administrator with respect to the maintenance and operation of the veterans canteen service.

(b) To designate the assistant chief medical director for operations to administer the overall operation of the veterans canteen service and to designate selected employees of the veterans canteen service to perform the functions described in the enabling statute, Public Law 636, 79th Congress, as amended, so as to effectively maintain and operate the veterans canteen service.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652 as amended; 38 U. S. C. 706, 706a)

This regulation is effective January 14, 1955.

[SEAL] R. C. FABLE, Jr.,
Assistant Deputy Administrator

[F R. Doc. 55-356; Filed, Jan. 13, 1955;
8:57 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 55-6]

[Rules Amdts. 2-26, 10-5, 11-9, 16-11 and 18-5]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; amendments of Parts 10, 11 and 16 of the Commission's rules to require type acceptance of equipment; amendment of § 18.16 of the Commission's rules to clarify the procedure for the withdrawal of type approval; Docket No. 10798.

1. On December 3, 1953, the Commission released a notice of proposed rule making in the above-entitled matter. The notice of proposed rule making was published in the FEDERAL REGISTER on December 11, 1953, and the period of time allowed for filing comments, which was extended to April 1, 1954, has expired. The proposed rules were for the purpose of establishing a procedure to be followed by manufacturers or others desiring to have equipment listed by the Commission as acceptable for use in those services for which type acceptance or type approval is required. Type acceptance is based on tests and data furnished the Commission by the manufacturer. Type approval is based on tests made by the Commission.

2. Comments directed to the matters involved in this proposed rule making proceeding were received from the Radio-Electronics-Television Manufacturers Association (RETMA) General Electric Company, Motorola Incorporated, Radio Corporation of America (RCA) Collins Radio Company, Mackay Radio and Telegraph Company, Incorporated, National Forest Industries Communications, American Merchant Marine Institute, Incorporated, Aeronautical Radio Incorporated, and Bendix Radio which adopted as its comments the comments of RETMA.

3. None of the above named parties requested that a hearing be held to resolve the points of contention set forth in their comments. There was, however, general and specific opposition to the proposed rules. Only the National Forest Industries Communications favored the adoption of the proposed rules in the form proposed.

4. The RETMA, General Electric Company, Motorola and RCA opposed the proposed rules on the grounds that they were not sufficiently specific as to

standards of performance and that no measurement techniques were specified. It was suggested that the Commission defer action on the proposed rules and that a committee be appointed from manufacturers, users and consulting services to develop standards and measuring techniques. While the Commission appreciates the desirability of uniformity in measurement procedures, it appears that withholding action on these rules until uniform procedures could be established would involve an unnecessary delay in the inauguration of the type acceptance program. Until such uniform procedures are specified, the Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles. It is recognized that in some areas there may be lack of uniformity in the showings made by different manufacturers. As a matter of principle, however, the Commission does not desire to specify technical details of measurement procedures in the rules at this time but will look to professional groups of the radio industry to develop and promulgate such standard measurement procedures as are needed. As an example of this procedure, the Institute of Radio Engineers has adopted standards for the measurement of radiation from TV and FM receivers which supplements the performance requirements proposed by the Commission in 1949 (Docket No. 9288). However, we do not believe that the establishment of standards of performance should be deferred until agreement upon measurement techniques can be achieved.

5. In view of the fact that the comments filed by RETMA set forth most of the same objections filed by the other parties, these will be treated in detail and only in those instances where a difference occurs will the other comments be discussed.

6. The RETMA states:

1. *Standards.* (a) The Commission's proposed § 2.523 (b) (10) requests data on spurious signal field intensity radiation, yet no standards have been established for certain services, e. g., those covered in Parts 10, 11 and 16.

(b) The Commission's proposed § 2.523 (b) (6) requests information on audio frequency characteristics of transmitters and yet there are no existing criteria which inform manufacturers of the standards their equipment must meet with regard to these characteristics.

(c) The Commission's proposed § 2.523 (b) (4) requests a statement as to the type of emission. It is noted, however, that the Commission itself does not follow uniform standards in designating types of emissions, e. g., § 7.133 specified an emission for frequency modulated voice communications in the band 35-76 mc and 156.35-162.05 mc of 36F3; however, §§ 10.104, 11.104 and 16.104 all specify an emission of 40F3. And yet, the identical equipments are being used in all four services.

(d) The Commission's proposed § 2.523 (b) (11) (iii) requires test data "with voice or equivalent" The industry is unaware of the existence of any

definition of standard "voice or equivalent" Therefore, any test data submitted to the Commission in response to this requirement would be of questionable value.

7. With regard to part (a) above, requirements for attenuation of spurious emissions are set forth in §§ 10.104 (c) 11.104 (c) and 16.104 (c) These are the services in which type acceptance is being instituted coincidentally with the adoption of these rules.

8. It is recognized that there are no standards with regard to spurious emissions in some services, and that between services those standards now in effect are not consistent. This matter has been the subject of study for a number of years and has presently reached the stage where affirmative action is being taken, e. g., Docket No. 10,887. In the services for which no such standards are presently established, the proposed rule would merely require submission of the specified information, which would be useful in establishing the basis for such standards.

9. The comments of RETMA regarding the requirements on the audio frequency characteristics of transmitters is applicable particularly to Part 10 of the rules. Parts 11 and 16 (§§ 11.105 (a) and 16.105 (a)) provide "The maximum audio frequency required for satisfactory radiotelephone intelligibility in these services is considered to be 3000 cycles, and the transmission of higher frequencies is unauthorized." Proposed changes in these rules, to make them more specific, are under consideration by the Commission.

10. There is, as RETMA states in paragraph (c) a lack of uniformity in specifying the emission designator. The Commission is aware of the need for revision of the rules in this regard and the matter has been considered. In some services the emission designator is defined on the basis of authorized bandwidth and in other services on the basis of necessary bandwidth. As a result, the emission designator for the same equipment used in different services may be different. Although lack of uniformity as to emission designator may be undesirable, it does not appear necessary to remedy this situation before adopting the rules concerning type acceptance and type approval. Accordingly the equipment lists will specify the emission designator on the basis of necessary bandwidth as defined in § 2.202 of the rules. The authorized bandwidth may be determined by reference to the appropriate part of the rules.

11. Paragraph (d) notes the lack of a standard "voice or equivalent" There is no standard in this regard. It is desirable to obtain information about a transmitter when it is being voice modulated. A transmitter modulated by a voice signal of complex wave form may exhibit different characteristics from the same transmitter modulated with a single tone of constant amplitude. While there may be inconsistencies in test methods and results, the fact that the transmitter has been tested with voice or equivalent would be of considerable value in assessing the performance of a trans-

mitter. Inasmuch as no standard voice has been established, however, the test has not been included in the rules at this time.

12. In section 2 entitled Measuring Techniques RETMA sets forth examples of information for which there are "no adequate standard methods of measurement." In the rules attached hereto it is stated (§ 2.523 (b) (5)) "The Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles." In the future, as more experience is obtained, techniques and equipment may be developed which would come into general use and which might, thereafter, be standardized. In the meantime, however, it is considered that standardization of measurement techniques is not immediately necessary. In cases where the current state of measurement techniques or equipment are inadequate to provide precise performance data, it will be expected that the data submitted be only as accurate as can reasonably be obtained.

13. The RETMA suggests that if the Commission is going to adopt a type acceptance and type approval procedure, it should be on the basis of individual rules applicable to each of the broad categories of equipment such as two-way mobile, microwave, radio broadcasting, diathermy, high frequency heating, etc. It is stated that the use of such a basis would provide assurance that equipment approved or accepted for a particular use within a service would be acceptable for licensing for all other similar uses within that FCC service and thus, duplicate standards and filings would be avoided.

14. One of the Commission's reasons for setting forth the general provisions of the type acceptance-type approval program in Part 2 of the rules is for the specific purpose of avoiding duplicate filings and duplicate standards in the various parts of the rules. These rules are but one step in a general program to obtain uniform standards of performance throughout the rules for equipment having similar uses.

15. The RETMA expresses the opinion that the proposed rules contained provisions under §§ 2.512 (a) and 2.522 (a) pertaining to withdrawal or refusal of type approval and type acceptance which would inhibit one of the stated purposes of the proposed rules which is "to promote the improvement of equipment" It is suggested that the phrase " * * * which would degrade its performance characteristics below the minimum technical standards established by the Commission * * * " be inserted after the word "equipment" in the first sentence of §§ 2.512 (a) 2.522 (a) 2.540 (b) and 2.540 (c) Sections 2.512 (a) and 2.522 (a) set forth the action that will be taken if unauthorized changes have been made; it is not intended that they shall define what is and what is not an authorized change. Section 2.540 (b) defines unauthorized changes and states that for type approved equipment no changes in design are permitted without prior authorization. Section 2.540 (c) has been revised to define more clearly permissive

changes in type accepted equipment; these changes may be made without prior Commission authorization subject to certain requirements concerning subsequent notification of the Commission regarding the details of the change. This revision as far as it relates to type accepted equipment should satisfy the objection raised. No such freedom in making changes has been permitted for type approved equipment. In that equipment, whose performance characteristics are of sufficient concern to the Commission that it will request the shipping of the equipment to the Laurel Laboratory for test and type approval, changes are not permitted without prior authorization.

15 (a) The RETMA points out in paragraph 2, Section III that the proposed rules could be interpreted as making the manufacturer responsible for unauthorized changes by licensees or users. This section has been clarified to insert the words "by the manufacturers" after the word "changes" in the first sentence of both §§ 2.512 (a) and 2.522 (a) as suggested by RETMA.

16. The Commission's proposed §§ 2.512 (d) and 2.522 (d) are, according to RETMA, "unnecessarily severe" and "unnecessarily harsh" It is further indicated by RETMA that type acceptance or type approval should not be denied any equipment that meets Commission standards. The Commission has provided that, except as otherwise provided in other parts of the rules, an individual piece of equipment may be type accepted or type approved on the basis of a request by an applicant where it meets the requirements of the rules but where large numbers of units are to be produced by a manufacturer and type approved or type accepted on the basis of tests made on one unit, the manufacturer's reliability cannot be separated from the reliability of the equipment he produces. The two sections are not, therefore, intended to be either severe or harsh but to put the manufacturer on notice that where it has been found necessary to withdraw type acceptance or type approval because of unauthorized changes the manufacturer's reliability will be considered in granting new type acceptance or type approval for equipment to be produced in large numbers.

17. The RETMA notes that "type number" is not uniformly understood and applied by the industry and it is suggested that the intended meaning be clarified.

18. Type number is defined in the attached rules. From the Commission's experience in examining equipment specifications submitted to it for a determination as to the equipment's suitability for licensing, it is not apparent that there is a uniform way in which components, sub-assemblies, and units are grouped to form a piece of apparatus to which a type number would be assigned. While a specific definition uniformly applied would be desirable it does not appear that such a definition can be formulated at this time. For this reason a general definition has been set out in the attached rules.

19. The RETMA objects to making available to the public test data filed by

manufacturers. Section 2.542 has been changed so as to provide that equipment data is not open to public inspection and further that the equipment will not be added to the equipment list until after a particular date, if requested by the manufacturer.

20. The proposed § 2.543 entitled "Making Available Type Approved or Type Accepted Equipment for Testing or Inspection" could result in a particularly stringent hardship on manufacturers according to RETMA. It is thought that the objections to § 2.543 have been met by the revised wording.

21. The objections raised in RETMA's paragraph 10, Section III regarding the proposed §§ 10.109, 11.109 and 16.109 entitled "Acceptability of Transmitters for Licensing" have been met by clarifying the wording in these sections and changing the date for compliance of existing equipment to January 1, 1965.

22. Counterproposals were submitted by the RETMA. Briefly they were: (1) That a time limit be set within which a manufacturer would be notified of action on an application for type approval or type acceptance, (2) that an appeal procedure from adverse action be provided, (3) that the user of equipment from which type approval or type acceptance is withdrawn be protected, (4) that a form be provided on which to apply for type approval or type acceptance.

23. The suggestion that a time limit be set within which the manufacturer can be assured of notification as to Commission action on type acceptance or type approval has been considered. The need for prompt action in these matters is recognized and the Commission will endeavor to avoid any unnecessary delays. It appears, however, that the non-uniform rate of filing type approval and type acceptance requests by manufacturers, as is to be expected, will necessarily result in some variation in the length of time before action on pending requests. Consequently the Commission is not in a position to give assurance of action on a request within a fixed time interval and this suggestion has not been incorporated in the rules.

24. The appeal procedure already provided in the rules, section 0.202, and referred to in §§ 2.512 (e) and 2.522 (e) permits petition to the Commission in those cases where type acceptance or type approval has been denied.

25. It is urged by RETMA that a provision be included to apply to those instances in which type acceptance or type approval is withdrawn so as to protect the user whose equipment when purchased met Commission requirements. It is clear from § 2.521 that the Commission assumes no responsibility in granting type acceptance that the equipment will always comply. Neither can the Commission protect the licensee against all possible future loss due to technological improvements which may be reflected in changed requirements. Such situations, it appears, must be handled on a case to case basis, and the rules provide in effect that the status of such equipment when type approval or type accept-

ance has been withdrawn will depend upon the individual circumstances.

26. It is suggested by RETMA that a form be devised for applying for type acceptance or type approval. This may be feasible but it is not considered a necessary adjunct to the proposed rules, hence, none has been prepared at this time.

27. Collins Radio Company suggested that the temperature and primary supply voltage variation test be made "in accordance with the manufacturers specifications," and Mackay Radio & Telegraph Company Inc. suggested the temperature variation test be limited to the oscillator and that the range be from 0° C to 50° C. The proposal of Collins Radio would not be specific as to temperature and voltage variations. Since the temperature and voltage ranges are those which may be expected in operation for equipment that may be employed in the United States or possessions they have not been changed. The temperature variation test has been limited to the oscillator.

28. Collins Radio suggested that the amplitude of spurious emissions which were found to be at least 10 db below the permissible value need not be recorded. The proposed rules have set a level of 20 db below the permissible value as the level below which spurious emissions need not be reported. Collins Radio does not advance a reason for the selection of 10 db. The Commission is of the opinion that for the present, at least, it should be informed of any spurious emissions which are less than 20 db below permissible value.

29. RCA recommends that § 2.512 (e) of the proposed rules be deleted. RCA states:

If the proposed rule implies that the Commission has power to forbid the sale of apparatus, it is submitted that the Commission's power in no case extends beyond the power to prohibit the use of certain apparatus in certain ways.

If this section is intended only to prohibit the representation of apparatus as type approved, when in fact it has not been type approved, it is suggested that this is a matter, like other misrepresentations or unfair trade practices, properly within the jurisdiction of the Federal Trade Commission and of the Courts.

30. Section 2.512 (c) questioned by RCA is intended to put the manufacturer on notice that when type acceptance is withdrawn all findings which the Commission made regarding the equipment concerned as a consequence of granting type acceptance or type approval are also withdrawn. The type approval or type acceptance privileges, therefore, no longer extend to a type of equipment for which type approval or type acceptance has been withdrawn. The provisions of § 2.512 (c) as proposed, should, therefore, be adopted.

31. In addition, the rules adopted herein differ from the proposed rules due to a number of minor changes in phraseology and arrangement. These changes were made for improved clarity and are not considered substantive; consequently, they will not be discussed in detail.

32. In view of the foregoing considerations and determinations, and pursuant to the authority contained in sections 4 (i) 301 and 303 of the Communications Act of 1934, as amended. *It is ordered*, That effective February 15, 1955:

1. The Commission's rules, Part 2, are amended as set forth below.

2. The Commission's rules, Parts 10, 11 and 16, are amended as set forth below.

3. The Commission's rules, Part 18, are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303; 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: January 5, 1955.

Released: January 7, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Amend Part 2 as follows: Recodify existing Subpart F and §§ 2.501 and 2.502 as Subpart G' and §§ 2.601 and 2.602, respectively and add the following text after Subpart E:

SUBPART F—EQUIPMENT TYPE APPROVAL
AND TYPE ACCEPTANCE

Sec.

2.501 Program defined.

2.510 Type approval.

2.511 Limitations on type approval.

2.512 Withdrawal or refusal of type approval.

2.520 Type acceptance.

2.521 Limitation on type acceptance.

2.522 Withdrawal or refusal of type acceptance.

2.523 Information required for type acceptance.

2.530 Submission of technical information for application reference.

2.540 Identification and changes in equipment.

2.541 Radio equipment lists.

2.542 Limitation on availability of equipment files for public reference.

2.543 Making available type approved or type accepted equipment for testing or inspection.

AUTHORITY: §§ 2.501 to 2.543 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303; 48 Stat. 1081, 1082; 47 U. S. C. 301, 303.

§ 2.501 *Program defined.* In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum the Commission has designed two specific procedures for securing advance approval of equipment. These procedures are designated as type approval and type acceptance. Ordinarily, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer or the individual prospective licensee. The procedures described

in the sections that follow are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment components, such as radio frequency power amplifiers, etc., to the extent specified in the rules of the particular service in which such components will be used.

§ 2.510 *Type approval.* (a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and by or under the direction and supervision of Commission personnel.

(b) Application for type approval may be in the form of a letter addressed to the Secretary of the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. In most cases, the Commission will advise the applicant to ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests, the equipment will be returned to the applicant, shipping charges collect.

(c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required.

§ 2.511 *Limitations on type approval.*

(a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as a determination with respect to features not covered by the rules of the service under which the equipment is approved.

(b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.512 *Withdrawal or refusal of type approval.* (a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made unauthorized changes in the equipment or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) When type approval has been withdrawn for unauthorized changes by the manufacturer, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

(e) Any person affected by a refusal to grant type approval may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission's rules.

§ 2.520 *Type acceptance.* (a) Type acceptance of equipment is based on representations and test data submitted to the Commission by the manufacturer or prospective licensee. This information may be subject to check by Commission measurements.

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in triplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications.

§ 2.521 *Limitation on type acceptance.*

(a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no change is made in its construction, except as provided for in § 2.540 (c) the equipment complies with current technical standards of the service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed as a determination with respect to mechanical features, nor of reliability under service conditions, except as provided for in the rules of the service under which the equipment is accepted.

(b) Type acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.522 *Withdrawal or refusal of type acceptance.* (a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made changes in the equipment other than as provided for in § 2.540 (c) or that the equipment

does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type acceptance shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type acceptance, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance requirements of the Commission.

(d) When type acceptance has been withdrawn for changes made by the manufacturer where such changes are not in accordance with the provisions of § 2.540 (c) the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type acceptance.

(e) Any person affected by a refusal to grant type approval may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in Section 0.202 of the Commission's rules.

§ 2.523 *Information required for type acceptance.* (a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary the Commission may require additional information, test data, or testing in its own Laboratory at Laurel, Maryland, before determining the acceptability of any specific equipment.

(b) The request shall include the following information insofar as it is applicable to the equipment:

(1) The type number of the equipment in accordance with § 2.540.

(2) The service and rule part under which the equipment is intended to be operated.

(3) Description of equipment: The description of equipment should include the type of emission, frequency range, power rating as defined in the applicable part of the rules, voltages applied to each tube for normal operation, currents into the several elements of the final amplifier tube or tubes for normal operation, function of each tube, circuit diagrams, instruction books, a description of the oscillator circuit and any devices installed for the purpose of frequency stabilization. When circuits or devices are employed for limiting modulation or suppression of spurious radiation a description of these should be included. The description should be sufficiently complete to develop all factors that may

affect a determination as to whether the equipment will comply with the technical standards of the applicable rule parts.

(4) Measurement data. Measurements shall be made to establish the following:

(i) Radio frequency power output at the RF output terminals when the transmitter is adjusted to give the values of current and voltage on the circuit elements specified in subparagraph (3) of this paragraph. Give details of the radio frequency load attached to the output terminals when this test is made.

(ii) Modulation characteristics: (a) Voice modulated communications equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a frequency range of 100 to 5000 cycles shall be submitted.

(b) Other types of equipment: A curve or equivalent data will be submitted which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

(c) Equipment which employs modulation limiting: If a modulation limiting device or circuit is incorporated in the equipment a curve showing the percentage of modulation versus the modulation input voltage shall be supplied.

(iii) Bandwidth occupied: The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power measured under the following conditions as applicable:

(a) Telegraph transmitters for manual operation—when keyed at 16 dots per second.

(b) Other keyed transmitters—when keyed at the maximum machine speed.

(c) Voice modulated transmitters equipped with a device to prevent overmodulation when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: Test 1 at 500 cycles; test 2 at 2500 cycles.

(d) Voice modulated transmitter without a device to prevent overmodulation when modulated by an input signal large enough to produce at least 85 percent modulation. Test 1 at 500 cycles; test 2 at 2500 cycles.

(e) Standard broadcast transmitters—when modulated with a frequency of 7500 cycles at 85 percent modulation. FM transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(f) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(iv) Spurious emissions from the transmitting equipment for the following conditions:

(a) *Radio frequency voltage measurements at the antenna terminals.* The radio frequency voltages generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when

properly leaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated with an unmodulated carrier and a carrier modulated under the conditions specified above for determining the band width occupied. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be shown.

(b) *Field intensity measurements of spurious radiations.* A report of field intensity measurements made to detect spurious emissions that may be radiated directly from the cabinet, control circuits, power leads or intermediate circuit elements under normal conditions of installation and operation shall be made for the following equipments:

(1) Those in which the spurious emissions are required to be 60 db or more below the carrier level.

(2) All equipment operating on frequencies higher than 25 mc.

(3) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

(4) Other types of equipment as required, when in the opinion of the Commission, there is need for such measurement.

In all of the foregoing measurements, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported.

(v) Frequency stability. The frequency stability of transmitting equipment shall be checked with variations in:

(a) *Temperature.* Vary the ambient temperature from -30° to $+50^{\circ}$ Centigrade for non-broadcast equipment. Use suitable limits for broadcast equipment. Only the oscillator need be subjected to this test.

(b) *Primary supply voltage.* Vary the primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided.

(5) Measurement procedure used: (i) A description of each measurement procedure together with a listing of the actual test equipment used and a block diagram showing the test set up shall be submitted. Reference may be made to recommended measurement procedures published by engineering societies and associations such as the Institute of Radio Engineers, American Institute of Electrical Engineers, the Radio-Elec-

tronics-Television Manufacturers Association and the American Standards Association. The Commission will accept for consideration measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles.

(ii) For radio frequency equipment other than transmitters, appropriate tests and performance requirements may be specified in other parts of the rules.

§ 2.530 *Submission of technical information for application reference.*

(a) Applications for station authorizations in some services require a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit in triplicate all information required by the application forms and the rules for the services in which the equipment is to be used. Applications for station authorizations submitted subsequent to such filing may refer to the technical information so filed.

(b) Receipt by the Commission of data for application reference purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.540 *Identification and changes in equipment.* (a) Each type of equipment for which type approval, type acceptance, or filing for application reference purposes is requested shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to each item of such equipment. All equipment used pursuant to type approval or type acceptance shall have affixed to it such indication of type approval or type acceptance as may be required in the service rules governing such equipment.

(b) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. When a change is requested the Commission may authorize the change or require that the modified equipment be identified with a new number and be resubmitted for type approval tests.

(c) Permissive changes may be made in type accepted equipment without prior Commission approval subject to the provisions of paragraph (d) of this section. Permissive changes are those mod-

ifications in type accepted equipment which do not change the lineup or function of the electron tubes or semi-conductor devices in the modulation and radio frequency energy generating portions of the equipment, which do not bring the performance of the equipment below the minimum requirements of the applicable rules, which do not change the frequency range, power rating, frequency tolerance or modulation capabilities of the equipment, and which do not increase the spurious emissions.

(d) The Commission shall be supplied with complete information regarding those permissive changes made in the modulation and radio frequency energy generating portion of type accepted equipment which involve electrical circuitry including changes in electrical specifications of individual components (except the power, voltage, or current ratings and mechanical details thereof) Such information shall be supplied prior to the operation of the modified equipment under an authorization of the Commission. Information regarding permissive changes and the results of tests on the modified equipment shall be certified and submitted in triplicate in accordance with § 2.520 (b). Except as may be required by other parts of the Commission's rules, other changes including any modification in receivers, power supplies, or changes in the power, voltage or current ratings of resistors, capacitors and inductors, or changes in the brand of manufacture, mechanical specification or physical placement of components may be made without notifying the Commission. Where changes in equipment are capable of making the test data on file with the Commission inapplicable to the modified equipment the equipment shall be retested and the results thereof supplied to the Commission.

(e) Changes in type accepted equipment, except permissive changes as set forth in paragraph (c) of this section, shall not be made except under prior authorization of the Commission. When such a change is requested the Commission may authorize the change or require that the modified equipment be identified with a new type number and that additional information be submitted for further consideration as to type acceptance.

(f) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(g) Users shall not modify their own equipment except as provided in paragraph (b) or (c) of this section, as applicable.

§ 2.541 *Radio equipment lists.* Lists of type approved and type accepted equipment are published from time to time by the Commission. Notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to February 15, 1955 will be continued on the list unless it is removed by Commission action in accordance with the provisions

of § 2.522. Copies of the Radio Equipment Lists are available for inspection at the Commission's Offices in Washington, D. C. and at each of its field offices. The Radio Equipment List is published in three parts:

- (a) Television broadcast equipment.
- (b) Aural broadcast equipment.
- (c) Radio services other than broadcast.

§ 2.542 *Limitation on availability of equipment files for public reference.*

(a) Files containing information about equipment submitted by manufacturers and other persons pursuant to the rules in this part will not be open to the public.

(b) The Commission will cooperate with a manufacturer's desire to withhold the addition of new equipment to the radio equipment list until a date no earlier than that specified by the manufacturer.

§ 2.543 *Making available type approved or type accepted equipment for testing or inspection.* Upon request by the Commission any manufacturer of equipment which has been type approved or type accepted by the Commission shall cooperate in making available to the Commission models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland.

B. Amend Part 10 as follows:

1. Add a new paragraph (c) to § 10.106 to read:

§ 310.106 *Power and antenna height.*

* * *

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

2. Add new §§ 10.109 and 10.110 to read.

§ 10.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on February 15, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used

by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 10.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

C. Amend Part 11 as follows:

1. Add a new paragraph (c) to § 11.106 to read:

* * * § 11.106 *Power and antenna height.*

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

2. Add new §§ 11.109 and 11.110 to read:

§ 11.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on February 15, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under these rules must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in this service or be of a type which has been type accepted by the Commission

for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 11.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

D. Amend Part 16 as follows:

1. Add a new paragraph (c) to § 16.106 to read:

* * * § 16.106 *Power and antenna height.*

(c) The plate power input to the final r. f. stage under actual operation shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for transmitters included in this list, or the manufacturer's rated plate power input for the particular transmitter specifically listed on the authorization.

2. Add new §§ 16.109 and 16.110 to read:

§ 16.109 *Acceptability of transmitters for licensing.* (a) From time to time the Commission will publish a list of equipment entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's Offices in Washington, D. C. and at each of its field offices. This list will include type approved and type accepted equipment and equipment which was included in this list on February 15, 1955. Such equipment will continue to be included on the list unless it is removed therefrom by Commission action.

(b) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under these rules must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in

this service or be of a type which has been type accepted by the Commission for use in this service. Until January 1, 1965, however, equipment presently in use may continue to be used by the licensee, his successors, or assigns in business provided the operation of such equipment does not result in harmful interference due to the failure of such equipment to comply with the current technical standards of the rules.

§ 16.110 *Type acceptance of equipment.* (a) Any manufacturer of a transmitter to be built for use in this service may request "type acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing" but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the findings upon which type acceptance is based.

E. Amend Part 18 as follows: Change text of § 18.16 to read:

§ 18.16 *Withdrawal of certificate of type approval.* (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of a certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

[F. R. Doc. 55-279; Filed, Jan. 12, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO 232-4]

HANDLING OF MILK IN SAN ANTONIO, TEX., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held in Room 371 U. S. Post Office and Court House, San Antonio, Texas, January 24, 1955, at 10:00 a. m., for the purpose of receiving evidence with respect to marketing conditions and proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, have been proposed as follows:

By Producers Association of San Antonio, Inc..

1. Add to § 949.6 whatever is necessary to include a plant operated by Producers Association of San Antonio, Incorporated, and approved by the appropriate health authority of the marketing area for the processing of Grade A milk.

2. Add to § 949.7 whatever is necessary to include a plant operated by Producers Association of San Antonio, Incorporated, and approved by the appropriate health authority of the marketing area for the processing of Grade A milk.

3. In § 949.65 (a) delete "During the months of February through July" and add a statement so that payments will be made only during those months where less than 95 percent of receipts of producer milk are classified as Class I milk; and delete § 949.65 (b)

4. Provide for payments on unpriced Class I milk to be added to the current pool.

By the Borden Company Knowlton's Creamery Cream Crest Dairy S. B. Baker, Dairy, Milam Creamery, Metzger Dairy, Foremost Dairies, Inc., Highland Dairies, and Rio Vista Dairy

5. Change the Class I pricing provision of Federal Order No. 49, § 949.51 so that the Class I price as finally computed under the San Antonio order shall not exceed by more than 12 cents the Class I price under Federal Order No. 52 as such price is finally computed under such order for the Austin, Texas, area or zone covered by said order.

By Metzger Dairy

6. Amend the allocation, pooling, and payment provisions of Order No. 49 to preclude the payment by handlers of any compensatory payments on other source unpriced serum solids in the form of condensed or powdered milk received by the handlers and used to fortify skim milk and cultured buttermilk.

By the Dairy Branch:

7. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the market administrator, 1204 North Main Avenue, San Antonio, Texas or from the Hearing Clerk, United States Department of Agriculture, Room 1371, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 11, 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator

[F R. Doc. 55-350; Filed, Jan. 13, 1955;
8:56 a. m.]

[7 CFR Part 966]

[Docket No. AO 257]

HANDLING OF MILK IN SHREVEPORT, LA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS TO RECOMMENDED DECISION

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time within which interested parties may file exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order, to regulate the handling of milk in the Shreveport, Louisiana, marketing area, which recommended decision was published in the FEDERAL REGISTER on December 30, 1954 (19 F R. 9337) is hereby extended so that such written exceptions may be filed not later than the close of business on January 20, 1955.

Filed: January 11, 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator

[F R. Doc. 55-349; Filed, Jan. 13, 1955;
8:55 a. m.]

[7 CFR Part 976]

[Docket No. AO 237-A3]

HANDLING OF MILK IN FORT SMITH, ARK., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held in the Gold Room, Ward Hotel, Fort Smith, Arkansas, beginning at 10:00 a. m., e. s. t., January 25, 1955 for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Fort Smith, Arkansas, marketing area have been proposed as follows:

By the Farmers Milk Producers Association, Fort Smith, Arkansas:

1. Amend the provisions of § 976.14 (Base milk) to read as follows: "Base milk" means milk received from a producer by a handler during any of the months of February through September which is not in excess of such producer's daily average base computed pursuant to §976.90 multiplied by the number of days in such month for which the handler received milk from the producer.

2. Amend the provisions of § 976.15 (Excess milk) to read as follows: "Excess milk" means milk received from a producer by a handler during any of the months of February through September which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no daily average base has been established pursuant to § 976.90.

3. Amend the provisions of § 976.90 to read as follows: For the months of February through September of each year, the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91. (a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

By Acee Pure Milk Company and Beckman Dairy Company both of Fort Smith, Arkansas:

4. Review the provisions of § 976.51 (b) with respect to the level and method of determination of the Class II price, including consideration of determining such price by the average paying price of some or all of the following plants:

The Ozark Creamery, Ozark, Ark.
The Community Creamery, Greenwood, Ark.
The Community Creamery, Waldron, Ark.
The Sugar Creek Creamery, Fort Smith, Ark.
The Sugar Creek Creamery, Russellville, Ark.
The Muskogee Dairy, Muskogee, Okla.

By the Dairy Division, Agricultural Marketing Service:

5. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 2635 East 11th Street, Tulsa, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1371, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 11, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator

[F R. Doc. 55-351; Filed, Jan. 13, 1955;
8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

HANDLING OF FLAX STRAW AT GATHERING POINTS INCLUDED WITHIN DETERMINATION THAT RECEIVING FOR STORAGE OF FLAX STRAW IS AN INDUSTRY OF SEASONAL NATURE

On July 30, 1953, the Administrator found that the receiving for storage of flax straw in the States of Minnesota, North Dakota, South Dakota, and Iowa is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act. Notice of this final determination was published in the FEDERAL REGISTER (18 F R. 4517)

An application has been filed by Peter J. Schweitzer, Incorporated, for amendment of that determination to include the handling of flax straw at temporary gathering or carloading points. It appears from the application that:

1. Subsequent to the original determination, a supplementary method of collecting the flax straw has been developed. Flax straw is now sometimes

delivered to gathering points temporarily established at railroad spurs or sidings, where the straw may be stored until a carload has been accumulated. It is then loaded onto railroad cars and shipped to a permanent storage yard. The operation enlarges the area from which flax straw is obtained for storage at the permanent yards.

2. Employees doing the unloading, weighing, loading and other handling at these gathering points are temporary employees hired only for the loading season. Their work is incidental to the receiving of flax straw at the permanent storage yards.

3. This operation takes place during the same operating season as the receiving for storage at the permanent storage yards and does not extend the length of the season for the industry.

Accordingly upon consideration of the facts stated in the application, the Administrator hereby determines, pursuant to § 526.6 (b) (2) of the regulations applicable to industries of a seasonal nature, that a prima facie case has been shown for amendment of the determination made on July 30, 1953, to include the unloading, weighing, loading, and handling of flax straw at temporary gathering points, when such operations are performed as a part of the flax straw storage industry.

As amended, the determination will apply to the receiving of the bales at the storage yards; stacking the bales; rebaling of broken bales; unloading, weighing, loading, and handling at temporary gathering points; and any operations performed at the storage yards or temporary gathering points which are necessary and incident to the foregoing.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.6 (b) (2) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, De-

partment of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C. The application for exemption may be examined in Room 5137 at this address.

Signed at Washington, D. C., this 11th day of January 1955.

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

[F R. Doc. 55-364; Filed, Jan. 13, 1955;
8:55 a. m.]

[29 CFR Part 548]

AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

NOTICE OF EXTENSION OF TIME TO SUBMIT VIEWS AND ARGUMENTS

On December 7, 1954, there was published in the FEDERAL REGISTER (19 F R. 8040) a notice that I proposed to issue regulations concerning authorization of established basic rates for computing overtime pay. Said notice stated that within 30 days from publication of the proposed regulations interested parties could submit written views and arguments relative to the proposed regulations.

Notice is hereby given that, upon good cause shown, the time for filing written views and arguments relative to the proposed regulations concerning authorization of established basic rates for computing overtime pay is hereby extended to February 7, 1955. Such written views and arguments should be addressed to the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 7th day of January 1955.

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

[F R. Doc. 55-293; Filed, Jan. 13, 1955;
8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[426.843]

WATCH MOVEMENTS SPECIALLY CONSTRUCTED TO BE UPJEWELED AFTER IMPORTATION

NOTICE OF PROSPECTIVE CLASSIFICATION

JANUARY 12, 1955.

It appears probable that imported watch movements specially constructed to be upjeweled after importation, such as, but not limited to, those incorporating the so-called "Duo-Fix" feature, or employing metal end caps designed to be replaced by jewels, or utilizing other similar devices, are properly classifiable

as movements containing substitutes for jewels within the meaning of paragraph 367 (i) Tariff Act of 1930, and are subject to duty and marking accordingly. Under this view a movement containing, for example, 15 jewels and, in addition thereto, 2 Duo-Fix units having 1 jewel and 1 cap each would be dutiable as a movement having more than 17 jewels, and would be required to be marked 19 jewels or, optionally, 17 jewels and 2 substitutes for jewels.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the classification of watch movements specially constructed for upjeweling as containing substitutes for jewels within the meaning of paragraph 367 (i) of the tariff act

is under consideration in the Bureau of Customs. Under the existing uniform practice, such watch movements have not been so classified. There is not in contemplation an administrative review of the question decided in the case of the Bulova Watch Co. v. United States, T. D. 46494, 21 C. C. P. A. 156, whether "bouchons" or "bushings" in so-called conventional watch movements of the kind involved in that case are substitutes for jewels.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C., not later than 30 days from the date of publication of this

notice. In view of the necessity for a prompt disposition of this question, no consideration can be given to any communications received in the Bureau after the expiration of the 30-day period. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F R. Doc. 55-381; Filed, Jan. 13, 1955;
8:56 a. m.]

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 953]

FNMA 2½ PERCENT NOTES OF SERIES ML-1958-A

OFFERING OF NOTES

JANUARY 11, 1955.

I. Offering of notes. 1. The Secretary of the Treasury, on behalf of the Federal National Mortgage Association, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the Federal National Mortgage Association, designated 2½ percent notes of Series ML-1958-A. The amount of the offering is \$500,000,000, or thereabouts.

II. Description of notes. 1. The notes will be dated January 20, 1955, and will bear interest from that date at the rate of 2½ percent per annum, payable semi-annually on July 20, 1955, and thereafter on January 20 and July 20 in each year until the principal amount becomes payable. They will mature January 20, 1958, and will not be subject to call for redemption prior to maturity. Maturing principal, and interest coupons, will be payable when due at any Federal Reserve Bank or Branch, or at the Office of the Treasurer of the United States, Washington.

2. The notes will be issued under authority contained in section 306 (b) of the Federal National Mortgage Association Charter Act (Title III of the National Housing Act, as amended by Public Law 560, 83d Congress, approved August 2, 1954) which provides that obligations, together with the interest thereon, issued thereunder are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association.

3. The income derived from the notes does not have any exemption, as such, under the Internal Revenue Code of 1954. The notes are subject to Federal estate, gift or other excise taxes. The Federal National Mortgage Association Charter Act does not contain any specific exemption with respect to taxes now or hereafter imposed on the principal or interest on the notes by any State, or any of the possessions of the United States, or by any local taxing authority.

4. The notes shall be lawful investments, and may be accepted as security for all fiduciary trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or offi-

cers thereof. The notes also shall be eligible as investment securities for national banking associations.

5. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The notes will not be issued in registered form.

6. Transactions in the notes will be subject, so far as applicable, to the regulations and procedures now or hereafter prescribed by the Treasury for the conduct of similar transactions involving marketable United States securities.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits of the subscribing bank, as of December 31, 1954. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to close the books at any time without notice, and to allot less than the amount of notes applied for and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV Payment. 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before January 20, 1955, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited.

2. Under arrangements made between the Federal National Mortgage Association and the Treasury Department, the Treasury will deposit on January 20, 1955, with subscribing banks which have qualified to maintain Treasury tax and loan accounts, amounts equal to the notes allotted to such banks for themselves and their customers, but not in excess of any amounts for which they may be qualified in excess of existing deposits. Banks desiring to avail themselves of such deposits should remit payment for the full amount of notes allotted to them by charges to reserve accounts or by drafts payable in funds immediately available on or before Jan-

uary 20, 1955. They should also credit on January 20, 1955, to the Treasury tax and loan accounts on their books any amount for which they desire such credit up to the amounts of their payments for notes allotted. The Treasury has authorized Federal Reserve Banks, as fiscal agents of the United States, to pay from other funds in the account of the Treasurer of the United States amounts equivalent to such credits to the respective subscribing banks for deposit in their Treasury tax and loan accounts. Such payments will be credited to accounts on the books of the Federal Reserve Banks or remitted to or for the accounts of the subscribing banks, as the latter may direct.

V General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized, and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. Further information with respect to the organization of the Federal National Mortgage Association, its financial position, and the notes to be issued hereunder, may be obtained upon application to any Federal Reserve Bank, or to the principal office of the Association in Washington, D. C.

3. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F R. Doc. 55-348; Filed, Jan. 13, 1955;
8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 14]

YUMA MESA DIVISION, GILA IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

DECEMBER 31, 1954.

1. **Water rental.** Irrigation water will be furnished during calendar year 1955 under approved applications for water service during development period to the public land, public land entered, state land and private land described in section 1 of Public Notice Nos. 4 and 9 dated December 10, 1947, amended January 8, 1951, and January 21, 1952, respectively both entitled "Public Notice Announcing Availability of Water for Public, State and Private Lands and Opening of Public Lands to Entry" to the desert land entries and private land described in Paragraph 1 of Public Notice No. 7 dated January 7, 1950, entitled "Public Notice Announcing Availability of Water for Certain Desert Land Entries and Private

Lands," and to the extent that water may be available without additional construction, upon a rental basis under approved applications for temporary water service, to those public lands in the Yuma Mesa Unit of the Yuma Mesa Division which are not described in either of said notices, and to those State and private lands in said unit listed below:

GILA AND SALT RIVER MERIDIAN, ARIZONA

Private lands:

T. 8 S., R. 23 W.,
Sec. 34: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying S. of S. P. R. R.
T. 9 S., R. 22 W.,
Sec. 31: S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 9 S., R. 23 W.,
Sec. 2: E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 10: N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 10 S., R. 22 W.,
Sec. 6: W $\frac{1}{2}$ NW $\frac{1}{4}$.

State lands:

T. 9 S., R. 23 W.,
Sec. 28: W $\frac{1}{2}$ SW $\frac{1}{4}$.

No water service application will be approved for land described in any of the above-mentioned public notices unless such land is situate within and forms a part of the Yuma Mesa Irrigation and Drainage District.

2. *Charges and terms of payment.* Water rental charges shall be payable in advance of the delivery of water at rates as follows:

(a) (i) For lands irrigated hereunder by gravity before July 1, 1955, and under irrigation prior to July 1, 1954, the minimum charge shall be \$9.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 9 acre-feet of water per acre. Additional water will be furnished at the rate of \$1.30 per acre-foot.

(ii) For lands irrigated hereunder by gravity before July 1, 1955, and not under irrigation prior to July 1, 1954, the minimum charge shall be \$7.20 per acre for each acre of land for which water service is requested during 1955, payment of which will entitle the applicant to an allotment of 12 acre-feet of water per acre for the establishment of a new crop on raw land. Additional water will be furnished at the rate of \$1.00 per acre-foot.

(iii) For lands irrigated hereunder by sprinkler the minimum charge shall be \$5.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 5 acre-feet of water per acre. Additional water will be furnished at the rate of \$1.30 per acre-foot.

(iv) If applicant so requests, one-half of said minimum charge may be paid on January 1, 1955, or at such time prior to July 1, 1955, as the water-service application may be filed, which upon approval, shall entitle the applicant to one-half of the allotment of water as set forth in Paragraph (a) (i) (ii) or (iii) above. The balance of said minimum charge shall be paid on July 1, 1955, or at such time as applicant requires more than one-half of such allotment of water, whichever is sooner, and payment thereof shall entitle the applicant to the remaining one-half of such allotment.

(b) For lands irrigated hereunder by gravity after July 1, 1955, for the first time during the current calendar year,

but for which water had been received prior to July 1, 1954, the minimum charge shall be \$4.50 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 4 $\frac{1}{2}$ acre-feet of water per acre: *Provided, however* That a written request for such treatment be filed in advance by a water user who is not delinquent in the payment of charges under any application for water service made by him, and that such request is approved by the Chief, Operations Division, Yuma Projects Office. Additional water will be furnished at the rate of \$1.30 per acre-foot.

(c) For the remaining lands mentioned in Paragraph 1 not irrigated at any time theretofore, but receiving water after July 1, 1955, there will be a charge of \$0.60 per acre-foot for the first 6 acre-feet of water ordered during calendar year 1955 and a charge of \$1.00 per acre-foot for all additional water ordered during that year.

The amount paid by any applicant during calendar year 1955 for additional water which remains undelivered at the end of that year will be credited against the minimum charge payable by such applicant under this notice for water during calendar year 1956. No credit will be given for water purchased during calendar year 1955 at the minimum charge but undelivered at the end of calendar year 1955.

3. Except as otherwise provided in the Reclamation Law (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented) no water will be delivered hereunder to any lands which constitute "excess lands" within the meaning of said laws.

4. No application for water service to isolated tracts will be approved where such service, in the opinion of the Chief, Operations Division, Yuma Projects Office, would require excessive expenditures for maintenance.

5. Applications for temporary water service may be made by the landowner or by anyone who presents evidence satisfactory to the Chief, Operations Division, Yuma Projects Office, that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner to make a water rental application for such land.

6. Water-service applications and the payments required thereunder will be received at the office of the Chief, Operations Division, Yuma Projects Office, Yuma, Arizona.

E. G. NIELSEN,
Regional Director

[F R. Doc. 55-289; Filed, Jan. 13, 1955;
8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 23]

SOLICITOR AND CHIEF CLERK

DELEGATIONS OF AUTHORITY PERTAINING TO
ENROLLMENT OF INDIANS AND CONTRACTS
FOR SUPPLIES AND SERVICES

JANUARY 7, 1955.

1. A new section 30 reading as follows, is added to Order No. 2509, as amended

(17 F R. 6793, 8634, 19 F R. 433, 2706, 6312, 7417, 9428)

Sec. 30. *Indian enrollment appeals.* The Solicitor is authorized to exercise all of the authority of the Secretary of the Interior with respect to the disposition of appeals pertaining to enrollment of Indians, pursuant to 25 CFR 51.7, 53.8 and 55.8.

2. Section 51 of Order No. 2509, as amended, is further amended to read as follows:

Sec. 51. *Contracts: Office of the Secretary.* (a) The Chief Clerk is authorized to contract for supplies or services (1) for the Office of the Secretary and (2) for bureaus and offices and territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(b) The Solicitor is authorized to contract for supplies or services for the Office of the Solicitor, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

DOUGLAS MCKAY,
Secretary of the Interior

[F R. Doc. 55-290; Filed, Jan. 13, 1955;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4811]

LOUISIANA

LOAN ANNOUNCEMENT

DECEMBER 2, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Louisiana 9 A B Lafayette----- \$995,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator

[F R. Doc. 55-313; Filed, Jan. 13, 1955;
8:50 a. m.]

[Administrative Order 4812]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 3, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Georgia 74W Jefferson----- \$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F R. Doc. 55-314; Filed, Jan. 13, 1955;
8:50 a. m.]

[Administrative Order 4813]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 8, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 11 R Jackson.....	\$514,000

[SEAL]

ANCHER NELSEN,
Administrator[F R. Doc. 55-315; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4814]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 8, 1954.

Inasmuch as West Central Electric Cooperative, Inc. has transferred certain of its properties and assets to Cherry-Todd Electric Cooperative, Incorporated, and Cherry-Todd Electric Cooperative, Incorporated has assumed in part the indebtedness to United States of America, of West Central Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 3069, dated December 18, 1950, as amended by Administrative Order No. 4261, dated June 17, 1953, by changing the project designation appearing therein as "South Dakota 42A Lyman" in the amount of \$3,930,000 to read "South Dakota 42A Lyman" in the amount of \$3,913,386.78 and "South Dakota 41TP2 Todd (South Dakota 42A Lyman)" in the amount of \$16,613.22.

[SEAL]

ANCHER NELSEN,
Administrator[F. R. Doc. 55-316; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4815]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 9, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 21K Brown.....	\$230,000

[SEAL]

FRED H. STRONG,
Acting Administrator[F. R. Doc. 55-317; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4816]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1954.

Inasmuch as Pea River Electric Co-operative has transferred certain of its properties and assets to Alabama Electric Co-operative, Inc., and Alabama Electric Co-operative, Inc. has assumed a part of the indebtedness to United States of America, of Pea River Electric Co-operative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1783, dated January 14, 1949, by changing the project designation appearing therein as "Alabama 26L Barbour" in the amount of \$960,000 to read "Alabama 26L Barbour" in the amount of \$836,109.16 and "Alabama 42TP1 Montgomery (Alabama 26L Barbour)" in the amount of \$123,890.84.

[SEAL]

FRED H. STRONG,
Acting Administrator[F R. Doc. 55-318; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4817]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 10, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 66 "L" Webster.....	\$210,000

[SEAL]

FRED H. STRONG,
Acting Administrator[F R. Doc. 55-319; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4818]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 10, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 34P Jackson.....	\$490,000

[SEAL]

FRED H. STRONG,
Acting Administrator[F R. Doc. 55-320; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4819]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 10, 1954.

Inasmuch as (1) Franklin County Electric Membership Corporation has transferred all of its properties and as-

sets to Franklin County Rural Public Power District, and Franklin County Rural Public Power District has assumed all of the indebtedness of Franklin County Electric Membership Corporation to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Franklin County Electric Membership Corporation with the consent of United States of America, has assigned to Franklin County Rural Public Power District, and Franklin County Rural Public Power District has accepted the assignment of certain rights and obligations of Franklin County Electric Membership Corporation arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1056, dated May 7, 1946, by changing the project designation appearing therein as "Nebraska 91A Franklin" in the amount of \$443,000 to read "Nebraska 102TP1 Franklin District Public (Nebraska 91A Franklin)" in the amount of \$443,000.

(b) Administrative Order No. 1265, dated May 2, 1947, by changing the project designation appearing therein as "Nebraska 91B Franklin" in the amount of \$251,600 to read "Nebraska 102TP1 Franklin District Public (Nebraska 91B Franklin)" in the amount of \$251,600.

(c) Administrative Order No. 1491, dated April 21, 1948, by changing the project designation appearing therein as "Nebraska 91C Franklin" in the amount of \$261,000 to read "Nebraska 102TP1 Franklin District Public (Nebraska 91C Franklin)" in the amount of \$261,000; and

(d) Administrative Order No. 2071, dated May 3, 1949, by changing the project designation appearing therein as "Nebraska 91D Franklin" in the amount of \$215,000 to read "Nebraska 102TP1 Franklin District Public (Nebraska 91D Franklin)" in the amount of \$171,280.38 and "Nebraska 102TA1 Franklin District Public (Nebraska 91D Franklin)" in the amount of \$43,719.62.

[SEAL]

FRED H. STRONG,
Acting Administrator[F R. Doc. 55-321; Filed, Jan. 13, 1955;
8:51 a. m.]

[Administrative Order 4820]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 13, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 32V Butler.....	\$385,000

[SEAL]

ANCHER NELSEN,
Administrator[F R. Doc. 55-322; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4821]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 13, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
North Dakota 30G Steele..... \$198,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-323; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4822]

CALIFORNIA

LOAN ANNOUNCEMENT

DECEMBER 14, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
California 35D Sacramento Dis-
trict Public..... \$809,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-324; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4823]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 14, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
Kentucky 27V Boyle..... \$335,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-325; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4824]

NEBRASKA

LOAN ANNOUNCEMENT

DECEMBER 14, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed

on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Nebraska 102A Franklin District
Public..... \$94,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-326; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4825]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 16, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
North Carolina 46Y Madison..... \$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator

[F R. Doc. 55-327; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4826]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 16, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 107Z Martin..... \$50,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator

[F R. Doc. 55-328; Filed, Jan. 13, 1955;
8:52 a. m.]

[Administrative Order 4827]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 17, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 70S Hamilton..... \$445,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator

[F R. Doc. 55-329; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4828]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 17, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
Texas 94U Gonzales..... \$1,000,000

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator

[F R. Doc. 55-330; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4829]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 21, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kansas 46 M Meade..... \$390,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-331; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4830]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 21, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
Iowa 82G Monroe..... \$15,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-332; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4831]

NEW JERSEY

LOAN ANNOUNCEMENT

DECEMBER 21, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through

NOTICES

the Administrator of the Rural Electrification Administration.

Loan designation: *Amount*
New Jersey 4P Monmouth..... \$138,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-333; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4832]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 22, 1954.

Inasmuch as Atchison-Holt Electric Cooperative has transferred certain of its properties and assets to N. W. Electric Power Cooperative, Inc., and N. W. Electric Power Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Atchison-Holt Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2179, dated June 15, 1949, by changing the project designation appearing therein as "Missouri 32M Atchison" in the amount of \$570,000 to read "Missouri 32M Atchison" in the amount of \$160,393.99 and "Missouri 72TP1 Gentry (Missouri 32M Atchison)" in the amount of \$409,606.01.

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-334; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4833]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 23, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 50S Grayson..... \$105,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-335; Filed, Jan. 13, 1955;
8:53 a. m.]

[Administrative Order 4834]

OKLAHOMA

LOAN ANNOUNCEMENT

DECEMBER 27, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oklahoma 24T Lincoln..... \$265,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-336; Filed, Jan. 13, 1955;
8:54 a. m.]

[Administrative Order 4835]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 27, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Indiana 60S Morgan..... \$375,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-337; Filed, Jan. 13, 1955;
8:54 a. m.]

[Administrative Order 4836]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 27, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Indiana 26M Davless..... \$165,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-338; Filed, Jan. 13, 1955;
8:54 a. m.]

[Administrative Order 4837]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 28, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Iowa 50K Lyon..... \$83,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-339; Filed, Jan. 13, 1955;
8:54 a. m.]

[Administrative Order 4838]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 28, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 23N Taylor..... \$385,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-340; Filed, Jan. 13, 1955;
8:54 a. m.]

[Administrative Order 4839]

OKLAHOMA

LOAN ANNOUNCEMENT

DECEMBER 31, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oklahoma 32F Comanche..... \$1,424,000

[SEAL] ANCHER NELSEN,
Administrator

[F R. Doc. 55-341; Filed, Jan. 13, 1955;
8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE (W I. N. A. C.) ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 2846-6, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W I. N. A. C.) modifies the basic agreement of that conference (No. 2846) to provide for the extension of the agreement to include within its scope Italian ports in the Ionian Sea and Sardinian ports. Agreement 2846 presently covers the trade from West Coast of Italy ports (between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports) and ports on the Adriatic Sea to North Atlantic ports of the United States (Hampton Roads/Portland range)

(2) Agreement No. 4188-19, between the member lines of the Gulf and South Atlantic Havana Steamship Conference modifies the basic agreement of that conference (No. 4188) to provide for an increase in the amount of the deposit of each member, to guarantee faithful performance of the agreement, from \$10,000 to \$20,000.

(3) Agreement No. 7190-2, between the member lines of the Del New York Rate Agreement, modifies the basic agreement of that conference (No. 7190) to include a new provision prohibiting

the divulgence to any one except to another member and to the Federal Maritime Board of information concerning matters coming before the conference, and providing that non-compliance therewith shall subject any offending member to a fine to be determined by the other members.

(4) Agreement No. 7981-1, between The West Indian Company, Limited, and Waterman Steamship Corporation, modifies approved transshipment Agreement No. 7981 to record the basis for absorption of brokerage payable in accordance with the applicable tariff of the parties. Agreement No. 7981 covers the transportation of cargo under through bills of lading between Virgin Islands ports and U. S. Gulf ports, with transshipment at San Juan, P. R.

(5) Agreement No. 7995 (revised) between Iino Kaun Kaisha, Ltd., and Mitsubishi Kaun Kaisha, Ltd., provides for the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Kokusai Line in various world wide trades. This agreement will supersede and cancel Agreement No. 7816, between Iino Kaun Kaisha, Ltd., Mitsubishi Kaun Kaisha, Ltd., Nissan Kisen Kaisha, Ltd., Toho Kaun Kaisha, Ltd., and Kokusai Kaun Kaisha, Ltd., covering the same trading area.

(6) Agreement No. 8009 between the Mexican Line, "Th. Brovig" and Alcoa Steamship Company Inc., covers the transportation of general cargo under through bills of lading from ports in Mexico to ports in Puerto Rico, with transshipment at New York.

(7) Agreement No. 8012, between Naviera Aznar, S. A., Bilbao, and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Spain and Portugal to Puerto Rico, with transshipment at New York, Baltimore or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 11, 1955.

By order of the Federal Maritime Board,

[SEAL] A. J. WILLIAMS,
Secretary.

[F R. Doc. 55-359; Filed, Jan. 13, 1955;
8:58 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF THE TREASURY

Pursuant to section 3304 (a) of the Internal Revenue Code, the unemployment compensation laws of the follow-

ing States have heretofore been approved:

Alabama.	Missouri.
Alaska.	Montana.
Arizona.	Nebraska.
Arkansas.	Nevada.
California.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia.	North Carolina.
Florida.	North Dakota.
Georgia.	Ohio.
Hawaii.	Oklahoma.
Idaho.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
	Wyoming.

In accordance with the provisions of section 3304 (c) of the Internal Revenue Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Acting Secretary of Labor, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1954.

ARTHUR LARSON,
Acting Secretary of Labor

DECEMBER 31, 1954.

[F R. Doc. 55-291, Filed, Jan. 13, 1955;
8:46 a. m.]

CERTIFICATION OF STATE LAWS TO SECRETARY OF THE TREASURY PURSUANT TO SECTION 3303 (b) (1) OF THE INTERNAL REVENUE CODE

Whereas, as Acting Secretary of Labor, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1954, as provided in section 3304 of the Internal Revenue Code; and

Whereas, reduced rates of contributions were allowable under the law of each of said States with respect to the taxable year 1954 only in accordance with the provisions of subsection (a) of section 3303 of said Code;

Now, therefore, pursuant to section 3303 (b) (1) of said Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, Acting as Secretary of Labor, hereby certify to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1954.

Alabama.	Hawaii.
Alaska.	Idaho.
Arizona.	Illinois.
Arkansas.	Indiana.
California.	Iowa.
Colorado.	Kansas.
Connecticut.	Kentucky.
Delaware.	Louisiana.
District of Columbia.	Maine.
Florida.	Maryland.
Georgia.	Massachusetts

Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.

Oregon.
Pennsylvania.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

ARTHUR LARSON,
Acting Secretary of Labor

DECEMBER 31, 1954.

[F R. Doc. 55-292; Filed, Jan. 13, 1955;
8:46 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326)

American Modes, Inc., Roodhouse, Ill., effective 12-28-54 to 12-27-55; 10 learners for normal labor turnover purposes (inexpensive cotton dresses).

American Modes, Inc., White Hall, Ill., effective 12-28-54 to 12-27-55; 10 learners for normal labor turnover purposes (inexpensive cotton dresses).

Big Winston Garment Co. Inc., 924 South Main Street, Winston-Salem, N. C., effective 12-31-54 to 12-30-55; 6 learners for normal labor turnover purposes (men's and boys' denim work clothes)

Capitol City Manufacturing Co., 925 Ruger Street, Columbia, S. C., effective 12-31-54 to 12-30-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's cotton dresses).

Chetopa Manufacturing Co. Inc., Chetopa, Kans., effective 1-16-55 to 1-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and waistband overalls)

Danny Dare Manufacturing Co., 1005-07 Central Street, 1116 J Street, 803-11 Central, Auburn, Nebr., effective 12-29-54 to 12-28-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (infants, toddlers' and boys' wear of cotton, wool and rayon) (replacement certificate).

Danny Dare Manufacturing Co., 1005-07 Central Street, 1116 J Street, 803-11 Central Street, Auburn, Nebr., effective 12-29-54 to 6-5-55; 10 learners for plant expansion purposes (infants' toddlers' and boys' wear of cotton, wool and rayon) (replacement certificate).

Portex Manufacturing Co., Inc., Fort Deposit, Ala., effective 1-3-55 to 7-2-55; 25 learners for plant expansion purposes (men's and boys' pajamas)

Gross Galesburg Co., Lewistown, Ill., effective 1-3-55 to 7-2-55; 40 learners for plant expansion purposes (men's and boys' waistband overalls).

Hanover Shirt Co., Inc., Ashland, Va., effective 1-27-55 to 1-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton flannel sport shirts).

Hartsville Garment Corp., P O. Box 215, Hartsville, Tenn., effective 1-22-55 to 1-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Hollywood Maxwell Co., 437 South Pleasant Street, Princeton, Ill., effective 1-23-55 to 1-22-56; 10 learners for normal labor turnover purposes (brassieres).

Hollywood-Maxwell Co., 302 North Walnut Street, Cameron, Mo., effective 1-23-55 to 1-22-56; 10 learners for normal labor turnover purposes (brassieres).

Hollywood-Maxwell Co., East Union Street, Minden, La., effective 1-25-55 to 1-24-56; 10 learners for normal labor turnover purposes (brassieres).

Hollywood Corset Co., 301 Mulberry Street, Eastland, Tex., effective 1-21-55 to 1-20-56; 10 learners for normal labor turnover purposes (brassieres).

F Jacobson & Sons, Inc., Jay and River Streets, Troy, N. Y., effective 1-11-55 to 1-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

F Jacobson & Sons, Inc., 127 Arch Street, Albany, N. Y., effective 1-14-55 to 1-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

F Jacobson & Sons, Inc., Smith and Cornell Streets, Kingston, N. Y., effective 12-31-54 to 12-30-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Jayson-York Inc., East Street and Pennsylvania Avenue, York, Pa., effective 1-4-55 to 1-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

The H. D. Lee Co. Inc., 600 East State Street, Trenton, N. J., effective 1-9-55 to 1-8-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Myles Manufacturing Co., Pennsboro, W. Va., effective 1-12-55 to 1-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's cotton blouses).

Nash Garment Co. Inc., Nashville, N. C., effective 12-28-54 to 6-27-55; 25 learners for plant expansion purposes (children's dresses).

Oberman Manufacturing Co., Valdosta, Ga., effective 12-29-54 to 6-28-55; 75 learners for plant expansion purposes (dungarees).

Rice Stix Factory No. 20, Slater, Mo., effective 1-26-55 to 1-25-56; 10 percent of the total number of factory production workers

for normal labor turnover purposes (men's and boys' sport shirts).

Salant & Salant, Inc., First Street, Lawrenceburg, Tenn., effective 1-20-55 to 1-19-56; 10 percent of the total number of factory production workers, for normal labor turnover purposes (work shirts).

Henry I. Siegel Co. Inc., Hohenwald, Tenn., effective 12-29-54 to 6-28-56; 100 learners for plant expansion purposes (work shirts and pants).

Southern Garment Manufacturing Co. Inc., Culpeper, Va., effective 12-28-54 to 12-27-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cheaper grade cotton work trousers and jackets).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y., effective 12-31-54 to 12-30-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts).

Wilmore Manufacturing Co., Wilmore, Ky., effective 12-31-54 to 12-30-55; 7 learners for normal labor turnover purposes (ladies' tailored cotton blouses, boys' dress and sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F R. 8633)

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa., effective 12-27-54 to 12-26-55; 10 percent of the total number of factory production workers engaged in the following occupations: cigar machine operating and packing (cigars retailing for over 6 cents each 320 hours); packing cigars retailing for 6 cents or less) and machine stripping, each 160 hours. All at 65 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F R. 1761)

Barber Hosiery Mills, Inc., 1078 South Main Street, Mount Airy, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (anklets, seamless hosiery).

Durham Hosiery Mills, 109 South Corcoran Street, Durham, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

James Hosiery Mills, Inc., Greenville, Tenn., effective 1-25-55 to 1-24-56; 5 learners for normal labor turnover purposes (full-fashioned).

O. E. Kearns & Son, Inc., High Point, N. C., effective 1-18-55 to 1-17-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F R. 12866)

Lexington Industries, Lexington, Miss., effective 12-31-54 to 6-29-55; 15 learners for expansion purposes (women's and misses' underwear, nightwear, and negligees).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F R. 1500)

B. E. Cole Co., Beal & Lynn, Norway, Maine, effective 1-4-55 to 1-3-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Francine Shoe Co., Beal Street, Norway, Maine, effective 1-4-55 to 1-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's casual shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

Conway Hats, Inc., Conway, N. C., effective 1-3-55 to 7-2-55; 25 learners for plant expansion purposes; hand sewers and machine operators (except cutting) each 240 hours. All at least 65 cents per hour for the first 120 hours and at least 70 cents per hour for the remaining 120 hours (ladies' fabric hats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 4th day of January 1955.

MILTON BROOKE,
*Authorized Representative
of the Administrator*

[F R. Doc. 55-294; Filed, Jan. 13, 1955; 8:46 a. m.]

GOVERNMENT CONTRACTS COMMITTEE

Office of the Chairman

EXEMPTIONS AUTHORIZED FOR PURCHASE ORDERS AND CONTRACTS PURSUANT TO EXECUTIVE ORDERS NOS. 10479 AND 10557

Pursuant to the authority vested in the President's Committee on Government Contracts by Executive Order No. 10479 (18 F R. 4899, 3 CFR, 1953 Supp.) approved August 13, 1953, and section 2 (b) of Executive Order No. 10557 (19 F R. 5655) approved September 3, 1954, and to effectuate the purposes of said orders, it is hereby recommended as follows:

1. *Purchase orders.* (a) All purchase orders (except Standard Form 44 or other authorized pocket-size purchase order forms) should contain the non-discrimination clause set forth in Executive Order 10557. The clause may be modified to exclude from purchase orders which do not exceed \$5,000 the posting requirement and reference to subcontractors and may read as follows:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

2. *Contracts.* (a) The head of each contracting agency is authorized to exempt contracts which do not exceed

\$5,000 from the requirement for posting the notice, if he determines that it would be impracticable to require such posting. In exercising discretion with reference to posting the notice, the head of the contracting agency should be guided by such criteria as the length of time necessary for the performance of the contract, the number of employees working on the contract, whether the contract is security classified, whether the company receives a large number of small contracts, and such other factors as would make the posting requirement impracticable.

(b) The head of the contracting agency in exercising discretion should be guided by a presumption in favor of the practicability of posting the notice.

Dated: January 10, 1955.

RICHARD NIXON,
Chairman.

[F R. Doc. 55-389; Filed, Jan. 13, 1955;
9:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-257]

FAWICK CORP.

NOTICE OF APPLICATION TO WITHDRAW
FROM LISTING AND REGISTRATION AND OF
OPPORTUNITY HEARING

JANUARY 10, 1955.

Fawick Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, \$2 Par Value, from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: Only a very small percentage of transactions in applicant's stock have taken place on the Detroit Stock Exchange, the overwhelming majority of such transactions having taken place on the New York Stock Exchange. Applicant will continue the listing of its Common Stock on the New York Stock Exchange, but believes that continued listing on the Detroit Stock Exchange for the small use that has been made thereof does not justify the expense of maintaining such listing. Furthermore, applicant, on June 30, 1954, sold its plant and business located in Detroit, Michigan and its operations since that date have been centered in Cleveland, Ohio. Withdrawal of applicant's Common Stock from listing on the Detroit Stock Exchange will permit applicant to terminate the services of its Detroit transfer agent and registrar, resulting in further reductions in expenses.

Upon receipt of a request, prior to January 31, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position

he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F R. Doc. 55-311; Filed, Jan. 13, 1955;
8:50 a. m.]

[File No. 70-3329]

DUQUESNE LIGHT CO.

ORDER AUTHORIZING ISSUE AND SALE AT
COMPETITIVE BIDDING OF COMMON STOCK
AND PREFERRED STOCK

JANUARY 10, 1955.

Duquesne Light Company ("Duquesne") a public utility company which is a subsidiary of Philadelphia Company Standard Gas and Electric Company and Standard Power and Light Corporation, all registered holding companies, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, in respect of the following proposed transactions:

Duquesne proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, 450,000 shares of its Common Stock, par value \$10 per share, and subsequently 160,000 shares of a new series of preferred stock, par value \$50 per share.

The dividend rate of the new preferred stock (which shall be a multiple of 1/20 of 1 percent) and the price to be paid to Duquesne for the new preferred stock (which shall be not less than \$50 nor more than \$51,375 per share) will be determined by competitive bidding.

Applicant represents that the proceeds will be used to finance, in part, Duquesne's 1955-57 construction program, including the payment of bank loans to be incurred for construction purposes. Duquesne states that studies of future growth in the company's load indicate that, if the general level of business in the years 1955, 1956 and 1957 is not very substantially below the level of business which prevailed during the year 1954, the company may expend for construction approximately \$35,000,000 in 1955, \$25,000,000 in 1956 and \$20,000,000 in 1957.

The Pennsylvania Public Utility Commission has issued an order registering security certificates filed by Duquesne with respect to the issuance of the shares of common and preferred stocks.

Due notice of the filing of the application having been given in the manner

provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; it appearing that the record has not been completed with respect to the fees and expenses for legal and accounting services; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted, effective forthwith, subject, however, to the terms and conditions below set out:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and the rules thereunder, that the application as amended be, and it hereby is, granted, effective forthwith, subject to the provisions of Rule U-50 and Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved over all fees and expenses for legal and accounting services, including those of counsel to the underwriters.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F R. Doc. 55-310; Filed, Jan. 13, 1955;
8:50 a. m.]

[File No. 7-1669]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January 1955.

The Los Angeles Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$1 Par Value, of New England Electric System, a security listed and registered on the Boston and New York Stock Exchanges.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 26, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the of-

ficial file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F R. Doc. 55-309; Filed, Jan. 13, 1955;
8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8258, 8753; FCC 55M-23]

TEXAS STAR BROADCASTING CO. AND KTRH
BROADCASTING Co. (KTRH)

ORDER CONTINUING HEARING

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; KTRH Broadcasting Company (KTRH), Houston, Texas, Docket No. 8753, File No. BP-6525, for construction permits.

The Commission having under consideration a joint petition, filed on January 5, 1955, on behalf of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, KTRH Broadcasting Company applicants, and Democrat Printing Company intervenor, in the above-entitled proceeding, requesting that the further hearing in the said proceeding, now scheduled to be held on January 17, 1955, be postponed until March 15, 1955; and

It appearing that counsel for the Broadcast Bureau, the only other party to the said proceeding, has orally consented to a grant of the above petition; and

It further appearing that sufficient good cause has been shown in the said petition to warrant a grant of the relief requested therein;

It is ordered, This 7th day of January 1955, that the above petition be, and it is hereby, granted, and that the further hearing in the above-entitled proceeding is hereby continued until 10:00 a. m., on Tuesday, March 15, 1955, at the offices of this Commission.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-343; Filed, Jan. 13, 1955;
8:54 a. m.]

[Docket No. 10944; FCC 55M-22]

PORT HURON BROADCASTING Co. (WLEW)

ORDER SCHEDULING HEARING

In re application of Harmon LeRoy Stevens, Herman LeRoy Stevens & John F. Wismer, d/b as Port Huron Broadcasting Company (WLEW) Bad Axe, Michigan, for construction permit; Docket No. 10944, File No. BP-8958.

Respondents in this proceeding having withdrawn their appearances at the conference held January 7, 1955, thereby leaving only the applicant and the Broadcast Bureau as parties, and these parties having agreed that further conferences herein and the exchange of exhibits pursuant to § 1.841 of the Com-

mission's rules are unnecessary and are waived, and that a date for the hearing might be scheduled as provided in the ensuing paragraph;

It is ordered, This 7th day of January 1955, that the hearing herein is scheduled to commence at 9:00 a. m. Friday, January 21, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-344; Filed, Jan. 13, 1955;
8:55 a. m.]

[Docket Nos. 11009, 11010, 11012;
FCC 55M-21]

INDEPENDENT TELEVISION, INC., ET AL.

ORDER CONTINUING CONFERENCE

In re applications of Independent Television, Inc., Whitefish Bay Wisconsin, Docket No. 11009, File No. BPCT-1831, Cream City Broadcasting Company, Inc., Whitefish Bay Wisconsin, Docket No. 11010, File No. BPCT-1832; The Hearst Corporation, Whitefish Bay, Wisconsin, Docket No. 11012, File No. BPCT-1833; for construction permits for new television broadcast stations (channel 6)

The Commission having under consideration a Motion for Continuance filed January 5, 1955, by all applicants herein, requesting that the further conference in this proceeding be continued from 10:00 a. m., Tuesday, January 11, 1955, to 10:00 a. m., Tuesday, March 1, 1955, for the reason that negotiations are now in progress which may result in the withdrawal of one of the applications, and perhaps of the intervenor's contentions; and

It appearing that counsel for the intervenor and for the Chief of the Broadcast Bureau have informally expressed their consent to the immediate consideration and grant of the instant motion, and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

Now therefore it is ordered, This 7th day of January 1955, that the above motion for continuance be and it is hereby granted and the further conference in this proceeding is continued from 10:00 a. m., Tuesday, January 11, 1955, to 10:00 a. m., Tuesday, March 1, 1955, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-345; Filed, Jan. 13, 1955;
8:55 a. m.]

[Docket No. 11227; FCC 55M-20]

MUNICIPAL BROADCASTING SYSTEM
(WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

ORDER CONTINUING HEARING

In re application of City of New York Municipal Broadcasting System

(WNYC) New York, New York, for special service authorization to operate additional hours from 6:00 a. m., e. s. t., to sunrise New York City and from sunset Minneapolis, Minnesota, to 10:00 p. m., e. s. t. In re petition of Midwest Radio-Television, Inc. (WCCO) Minneapolis, Minnesota, to cancel SSA and deny or withhold action on application for extension of SSA without hearing; and, in any event, to hold any hearing on limited, noncomparative issues; Docket No. 11227, File No. BSSA-266.

The Commission having under consideration a joint petition filed on January 6, 1955, by City of New York Municipal Broadcasting System (WNYC) Midwest Radio-Television, Inc. (WCCO) and Chief, Broadcast Bureau, being all the parties to the above-styled proceeding, requesting that the hearing in such proceeding, presently scheduled to commence on January 17, 1955, be continued until April 18, 1955, in order to allow time necessary for the preparation of the exhibits for the hearing; and

It appearing that good cause has been shown for the grant of the instant petition;

It is ordered, This 7th day of January 1955, that the petition for continuance be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to April 18, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-346; Filed, Jan. 13, 1955;
8:55 a. m.]

[Docket Nos. 11244, 11245]

SOUTHWESTERN BELL TELEPHONE Co.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Glenn A. Atkins and Ruby E. Atkins d/b as Rogersville Telephone Company Rogersville, Missouri; Docket No. 11244, File No. P-C-3521.

In the matter of the application of Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Tomball Telephone Company Tomball, Texas; Docket No. 11245, File No. P-C-3530.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Glenn A. Atkins and Ruby E. Atkins d/b as Rogersville Telephone Company and of Tomball Telephone Company furnishing telephone service in and around Rogersville, Missouri, and Tomball, Texas, respectively, will be of advantage to the persons to whom serv-

ice is to be rendered and in the public interest;

It is ordered, This 7th day of January 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 7th day of February 1955, and that a copy of this order shall be served upon Southwestern Bell Telephone Company Glenn A. Atkins and Ruby E. Atkins d/b as Rogersville Telephone Company Tomball Telephone Company, the Governors of Missouri and Texas, the Missouri Public Service Commission and the Postmasters of Rogersville, Missouri, and Tomball, Texas;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Rogersville, Missouri, and Tomball, Texas, and shall furnish proof of such publication at the hearing herein.

Released: January 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F R. Doc. 55-347; Filed, Jan. 13, 1955; 8:55 a. m.]

and their merger or consolidation with those of P P & L., (3) the acquisition by P P & L. of 87,720 shares of the common stock of Consolidated Gas Electric Light and Power Company of Baltimore, and (4) the acquisition by P P & L. of the short-term promissory note of Penn Water in the estimated amount of \$7,590,000, which will evidence P P & L.'s proposed loan to Penn Water for the purpose of redeeming all the outstanding Preferred Stock of Penn Water.

By the terms of the agreement of merger Penn Water will call all of its outstanding shares of Preferred Stock for redemption. Each holder of Common Stock of Penn Water will receive shares of stock in P P & L. in the ratio of one-quarter share of 4.40 percent Series Preferred and one-half share of Common Stock for each share of Penn Water Common Stock. Upon the merger becoming effective P P & L. will assume all the debts, duties and liabilities of Penn Water including those in connection with its outstanding mortgage bonds.

As a result of the transaction Penn Water's generating and transmission facilities will be operated as a part of P P & L.'s present system. According to P P & L.'s application the transaction will result in an overall settlement of litigated matters in dispute between Penn Water and Consolidated, both before this Commission and in the courts

and settlement of certain other matters in dispute; all as more fully appears in the applications on file with the Commission.

Any person desiring to be heard or to make any protest or petition to said applications should on or before January 24, 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, Secretary.

[F R. Doc. 55-302; Filed, Jan. 13, 1955; 8:48 a. m.]

[Docket No. G-6821]

KNOX OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Knox Oil Company on December 13, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date ¹
Notice of change, dated Dec. 1, 1954.	Montana-Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 1.	Jan. 12, 1955
Letter, dated Oct. 11, 1954.do.....	Supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.	Do.

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955.

Issued: January 7, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F R. Doc. 55-296; Filed, Jan. 13, 1955; 8:47 a. m.]

[Docket No. G-6822]

SUNRAY OIL CORP

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sunray Oil Corporation on December 9, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

FEDERAL POWER COMMISSION

[Docket Nos. E-6597, E-6598]

PENNSYLVANIA WATER & POWER CO. AND PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF APPLICATIONS

JANUARY 4, 1955.

In the matters of Pennsylvania Water & Power Company Docket No. E-6597 and Pennsylvania Power & Light Company, Docket No. E-6598.

Take notice that on December 30, 1954, applications were filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pennsylvania Water & Power Company (Penn Water) a corporation organized in Pennsylvania and doing business in that State with its principal place of business at Baltimore, Maryland, and by Pennsylvania Power & Light Company (P P & L.) a corporation also organized in Pennsylvania and doing business in that State with its principal place of business at Allentown, Pennsylvania, seeking an order authorizing (1) Penn Water to dispose of all of its facilities, subject to the jurisdiction of the Commission, to P P & L. in the course of a corporate merger of Penn Water with P P & L., (2) the acquisition of such facilities by P P & L.

Description	Purchaser	Rate schedule designation	Effective date ¹
Notice of change dated Dec. 7, 1954.	Transcontinental Gas Pipe Line Co.	Supplement No. 9 to FPC gas rate schedule No. 13.	Jan. 8, 1955

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until February 1, 1955, and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37

(f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955.

Issued: January 7, 1955.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-297; Filed, Jan. 13, 1955;
8:47 a. m.]

[Docket No. G-6823]

WYOPARK OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Wyopark Oil Company on December 13, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date ¹
Notice of change, dated Dec. 1, 1954.	Montana-Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 1.	Jan. 12, 1955
Letter, dated Oct. 11, 1954.do.....	Supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.	Do.

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas

Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955.

Issued: January 7, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-298; Filed, Jan. 13, 1955;
8:47 a. m.]

[Docket No. G-2462]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed June 21, 1954 and

supplemented on December 1, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 13, 1954 (19 F R. 4286)

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 31, 1955 at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the application. *Provided, however* That the Commission may after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: January 5, 1955.

Issued: January 7, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-295; Filed, Jan. 13, 1955;
8:47 a. m.]

[Docket No. G-3915]

BASIL WAMBLADE

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 7, 1955.

Take notice that Basil Wamblade (Applicant) an individual whose address is 310 Welsh Street, Kane, Pennsylvania, filed an application on October 1, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Warren County Pennsylvania, which it sells to Pennsylvania Gas Company in interstate commerce for resale.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the

Commission's rules of practice and procedure, a hearing will be held on February 7, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of January 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-300; Filed, Jan. 13, 1955;
8:48 a. m.]

[Docket No. G-6060]

UNITED GAS PIPE LINE Co.

NOTICE OF APPLICATION

JANUARY 7, 1955.

Take notice that on December 9, 1954, United Gas Pipe Line Company (Applicant) filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render direct natural gas service to certain industrial consumers in Mobile County Alabama. On January 3, 1955, Applicant filed a supplement to its application in this proceeding.

Applicant proposes to abandon service to Mobile Gas Service Corporation (Mobile) so far as its relates to sales to Mobile for resale to nine industrial consumers in Mobile County, Alabama. Applicant proposes to render the service directly. However, Applicant would deliver natural gas for industrial use to Mobile at the same delivery point as it now delivers the gas to Mobile for resale to the industrial consumers. Mobile would transport the natural gas to the industrial customers of Applicant for a transportation charge of 2 cents per Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-303; Filed, Jan. 13, 1955;
8:48 a. m.]

[Docket No. G-6339]

SINCLAIR OIL AND GAS Co.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 7, 1955.

Take notice that Sinclair Oil and Gas Company (Applicant) a Maine corporation whose address is Tulsa, Oklahoma, filed on December 17, 1954, an application for permission to abandon service, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is presently selling natural gas produced in the Golden Trend, Gibson Hart Field, Garvin County Oklahoma, to Lone Star Gas Company (Lone Star) under a contract dated November 15, 1951, the primary term of which is three years. Applicant proposes to terminate the sale to Lone Star pursuant to the terms of the aforesaid contract. The service herein sought to be abandoned was authorized by Commission order issued December 22, 1954, in Docket No. G-2918.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 2, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-301; Filed, Jan. 13, 1955;
8:48 a. m.]

[Docket No. G-6824]

OXFORD OIL Co.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Oxford Oil Company on December 10, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date ¹
Notice of change, undated...	Montana-Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 1.	Jan. 9, 1955
Letter, dated Oct. 11, 1954....do.....	Supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.	Do.

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order concerning the lawfulness of said proposed changes in rates and charges; and,

pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: January 5, 1955.

Issued: January 7, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-299; Filed, Jan. 13, 1955;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30102]

GRAIN FROM OKLAHOMA TO TEXAS
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 this tariff I. C. C. No. 3941.

Commodities involved: Grain, grain products, and related articles; also seeds, carloads.

From: Points in northwest Oklahoma.
To: Points in Texas.

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

Schedules filed containing proposed rates: Agent Kratzmeir's I. C. C. No. 3941, Supp. No. 96.

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. 55-270; Filed, Jan. 12, 1955;
8:49 a. m.]

[4th Sec. Application 30103]

SUGAR FROM NEW YORK, N. Y., AND BOSTON, MASS., TO PITTSBURGH, PA.

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 and C. R. Goldrich, Agents, for carriers parties to their tariffs I. C. C. Nos. A-874 and 573 respectively.

Commodities involved: Sugar, beet or cane (dry) carloads.

From: New York, N. Y., and Boston, Mass., and points taking the same rates.

To: Pittsburgh, Pa., and points taking the same rates.

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

Schedules filed containing proposed rates: Agent C. W. Boin's I. C. C. No. A-874, Supp. No. 33, Agent C. R. Goldrich's I. C. C. No. 573, Supp. No. 24, B&M RR Tariff I. C. C. No. A-3230, Supp. No. 26, NYC RR Tariff I. C. C. No. 1531, Supp. No. 38, NYNH&H RR Tariff I. C. C. No. F-4346, Supp. No. 9.

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. 55-271; Filed, Jan. 12, 1955;
8:49 a. m.]

[4th Sec. Application 30109]

BENZENE HEXACHLORIDE FROM SOUTH CHARLESTON, W VA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JANUARY 11, 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 H. R. Hinsch's tariff I. C. C. No. 4367.

Commodities involved: Benzene hexachloride, in packages, carloads.

From: South Charleston, W Va.

To: New Orleans, La.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: Agent Hinsch's I. C. C. No. 4367, Supp. No. 71.

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. 55-304; Filed, Jan. 13, 1955;
8:49 a. m.]

[4th Sec. Application 30111]

TIRE FABRIC BETWEEN POINTS IN SOUTHERN TERRITORY AND POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 11, 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 schedules listed below.

Commodities involved: Tire fabric, tire cord, hose cord, belting cord, hose yarn, hose fabric, and belting fabric, carloads.

Between: Points in southern territory and points in official (including Illinois) territory.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 856, supp. 200; C. A. Spaninger, Agent, I. C. C. No. 1455, supp. 1, H. R. Hinsch, Agent, I. C. C. No. 4367, supp. 71, H. R. Hinsch, Agent, I. C. C. No. 4510, supp. 60; C. W. Boin, Agent, I. C. C. No. A-968, supp. 58.

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. 55-306; Filed, Jan. 13, 1955;
8:49 a. m.]

[4th Sec. Application 30110]

STEEL SHEET AND PLATE FROM INDIANA AND ILLINOIS TO BEARDSTOWN, ILL.**APPLICATION FOR RELIEF**

JANUARY 11, 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. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Steel sheet and steel plate, carloads.

From: Chicago, Ill., East Chicago, Gary, and Indiana Harbor, Ind., and South Chicago, Ill.

To: Beardstown, Ill.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 749, supp. 34.

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. 55-305; Filed, Jan. 13, 1955; 8:49 a. m.]

[4th Sec. Application 30112]

BLACKSTRAP MOLASSAS FROM POINTS IN SOUTHERN TERRITORY TO CERTAIN STATES**APPLICATION FOR RELIEF**

JANUARY 11, 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 schedules listed below.

Commodities involved: Blackstrap molasses, in tank-car loads.

From: Points in Alabama, Florida, Georgia, Louisiana, and Mississippi.

To: Points in Georgia, Indiana, Kentucky, Ohio, Tennessee, and West Virginia.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1296, supp. 21, W P Emerson, Jr., Agent, I. C. C. No. 395, supp. 156.

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. 55-307; Filed, Jan. 13, 1955; 8:49 a. m.]

[4th Sec. Application 30113]

BITUMINOUS FINE COAL FROM INDIANA TO CHICAGO, ILL.**APPLICATION FOR RELIEF**

JANUARY 11, 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 Southern Railway Company for itself and on behalf of Pennsylvania Railroad Company and Algers, Winslow and Western Railway Company

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Indiana.

To: Chicago, Ill., and points in Chicago Switching district.

Grounds for relief: Rail competition, circuitry, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Southern Railway Company, I. C. C. No. C-2230, supp. 148.

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. 55-308; Filed, Jan. 13, 1955; 8:49 a. m.]

