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TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice, Revised]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

The 1955 C. C. C. Grain Price Support Bulletin 1, (20 F. R. 3017 and 4563) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 was supplemented by 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rice, (20 F. R. 6233) containing the specific regulations applicable to price support operations on rice of the 1955 crop. Supplement 1 is revised as follows: (1) To permit delivery of rice to CCC in bags; (2) to change the maturity date in all States except Arizona and California; (3) to amend the provisions pertaining to location differentials; (4) to extend the period in which official weight and inspection certificates must be furnished; and (5) to provide, under specific conditions, for the acceptance by CCC of modified commingled warehouse receipts under the purchase agreement program.

Sec.	
421.1336	Purpose.
421.1337	Availability of price support.
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421.1346	Settlement.

AUTHORITY: §§ 421.1336 to 421.1346 Issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.1336 *Purpose.* Sections 421-1336 to 421.1346 state additional specific requirements which, together with the general requirements contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563), comprise the regulations governing loans and purchase agreements under the 1955-Crop Rice Price Support Program.

§ 421.1337 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to eligible producers on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

(c) *Where to apply.* Application for rice price support must be made at the office of the County Committee which keeps the farm program records for the farm. In the case of eligible cooperative marketing associations of producers, application for price support shall be made in the county where the main office of the cooperative marketing association of producers is located or in such other county as the State Committee determines the application can be more expeditiously handled.

(d) *When to apply.* Loans and purchase agreements will be available from time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the County Committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1955 as landowner, landlord, tenant, or sharecropper, including a person owning and operating his own farm, a tenant operat-

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(For use during 1955)

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- Parts 800-1099 (\$5.00)
- Part 1100 to end (\$4.50)
- Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) (\$2.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32: Parts 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

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(1) The terms and conditions under which producer members' rice is marketed through the association must be set out in a uniform marketing agreement and must be applicable to all rice delivered to the association by producer members.

(2) The major part of the rice marketed by the association must be produced by members who are eligible producers.

(3) The members must share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association. This provision shall not be construed to prohibit the association from establishing separate pools.

(4) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(5) The association must maintain a record by varieties, grade and milling yields of the total quantity of rough rice acquired by or delivered to the association from all sources and must maintain a separate record of all such rice which is ineligible for price support. The association must keep in inventory at all times a quantity of rough rice of the varieties, average grade and milling yield equal to its outstanding warehouse receipts for commingled rice, plus a quantity of rough rice of the varieties, average grade and milling yield equal to the quantity of rice represented by outstanding warehouse receipts (including receipts held by CCC) for rice stored modified commingled and identity preserved. Rice stored modified commingled or identity preserve must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(6) Not later than December 1, 1955, the association must have set aside in segregated storage, quantities of rough rice by varieties, grade and milling yield, equivalent to the quantities by varieties, grade and milling yield of rough rice which does not meet the eligibility requirements of § 421.1333, hereinafter referred to as "ineligible" rough rice (except rough rice in inventory on July 31, 1955, and rough rice received from CCC and placed in inventory subsequent to July 31, 1955) received by the association from all sources up to such date. All ineligible rough rice received by the association on or after the date of such segregation must also be set aside in segregated storage together with other rough rice required to be set aside in segregated storage. The association must keep a detailed record of the disposition made of the rough rice required to be so set aside. In addition, all rough rice in inventory on July 31, 1955, and all rough rice received from CCC and placed in inventory subsequent to July 31, 1955, must be physically segregated in storage from other rice and a separate record kept of the disposition of such rice. Price support may be obtained only on that rough rice not required to be segregated in storage by this paragraph. The association shall not be entitled to obtain price support until such ineligible rice

has been segregated in accordance with this paragraph.

(7) In making settlement with producer members the association shall make settlement with respect to the millable rice separately from the settlement made on eligible rice in accordance with the quantity and quality and sales proceeds from each.

(8) Rough rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price support and the books and records of the association must be made available to CCC for inspection at all reasonable times through May 1, 1961.

§ 421.1333 *Eligible rice.* To be eligible for price support, rice must meet the following requirements:

(a) The rice must have been produced in 1955 by an eligible producer on a farm on which the rice acreage allotment was not exceeded in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas.

(b) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under a purchase agreement, must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice) and (2) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State Committee.

(f) Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

§ 421.1339 *Bagged and bulk rice.* (a) As specified in § 421.1333 (f) rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(b) It is a requirement of the 1955-Crop Rice Price Support Program that rice acquired by CCC under this program shall be in the same form as when placed under loan. Therefore, if a loan is made on rice in bags, the rice is to be in bags at the time of acquisition by CCC under the program, and if a loan is made on rice in bulk, the rice is to be in bulk at the time of acquisition under the program by CCC.

ing a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop: *Provided*, That a producer shall not be an eligible producer unless he satisfies the compliance requirements of the regulations pertaining to acreage allotments for the 1955 crop as provided in 1955 C. C. C. Rice Bulletin A and any amendments thereto.

(f) *Cooperative associations.* A cooperative marketing association of producers which satisfies the following conditions shall be deemed an eligible producer and shall be eligible for warehouse-storage loans and purchase agreements:

(c) Settlement with respect to rice placed under loan in bulk or purchased under a purchase agreement in bulk shall be on the basis of the net weight of the bulk rice acquired.

(d) Settlement with respect to rice which was placed under loan in bags or purchased under purchase agreements in bags, shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 421.1340 *Warehouse receipts.* Warehouse receipts representing rice in approved warehouse storage to be placed under loan or to be delivered to CCC under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks). Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity-preserved" or "modified commingled." In the case of rice stored identity-preserved, the warehouseman is not a guarantor but is required to re-deliver the identical rice on which the warehouse receipt was issued. In the case of bulk rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice of two or more owners is stored together in one lot, the identity of which the warehouseman is required to maintain.

(b) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on modified commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must

also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(c) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, weight, method of storage and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified commingled rice and by the producer for identity-preserved rice.

(d) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be as stated in § 421.1015 of the 1955 C. C. C. Grain Price Support Bulletin 1. The producer's responsibility for modified commingled rice shall be the same as stated in § 421.1015 of 1955 C. C. C. Grain Price Support Bulletin 1 for farm-stored and identity-preserved rice except that he shall not be responsible for the quantity.

(e) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(f) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is stored in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice if such rice is acquired under the price support program.

(g) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

§ 421.1341 *Determination of quantity.*

(a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	Percent
45 pounds or over-----	100
44 pounds or over, but less than 45 pounds-----	98
43 pounds or over, but less than 44 pounds-----	96
42 pounds or over, but less than 43 pounds-----	93
41 pounds or over, but less than 42 pounds-----	91
40 pounds or over, but less than 41 pounds-----	89

Proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, loans will be made and settlement with the producer will be made on 100 percent of the quantity of rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, loans will be made on 95 percent of the quantity of rice determined in accordance with this section, and the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of bulk rice stored modified commingled, settlement with the producer will be made on the basis of 100 percent of the quantity shown on the warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the County Committee of his intention to sell rice to CCC in accordance with § 421.1018 (d), specify the quantity of each class or variety of rice included in the total quantity to be sold.

§ 421.1342 *Determination of quality.*

(a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) In the case of commingled rice, loans will be made and settlement with the producer, either on loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on an official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the County Committee for each lot of rice at the time application is made for the loan, and settlement with the producer, both with respect to loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for loans, and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC. Lot inspection fees incurred in connection with the

acquisition of rice by CCC will be for the account of the producer.

§ 421.1343 *Maturity of loans.* Unless demand is made earlier, loans on rice stored in California and Arizona will mature on April 30, 1956, and loans on rice stored in other States will mature on March 16, 1956.

§ 421.1344 *Support rates.* Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rough rice in approved storage and with all accrued charges paid through the applicable maturity date for loans, including all receiving and loading out charges, accrued or to accrue, shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety) Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I.....	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	\$.0333	\$.0400
II.....	Blue Bonnet, Nira and Rexark.	.0304	.0400
III.....	Century Patna, Fortuna, R. N., and Edith.	.0351	.0400
IV.....	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose and Arkrose), Magnolia, Zenith, Prelude and Lady Wright.	.0740	.0400
V.....	Pearl, Calrose, Early Profit, Calady, and other varieties.	.0688	.0400

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

- Grade U. S. No. 1: Premium of 20 cents per 100 pounds.
- Grade U. S. No. 2: Premium of 10 cents per 100 pounds.
- Grade U. S. No. 3: Discount of 5 cents per 100 pounds.
- Grade U. S. No. 4: Discount of 20 cents per 100 pounds.
- Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however* That such

location differentials shall not apply to rice produced in these areas if the rice is placed under loan or delivered to CCC under a purchase agreement in a rice producing area where no location differential is applicable:

Area	Discount per 100 pounds
State of Florida.....	00.02
States of South Carolina and North Carolina.....	77
Counties of Lafayette, Little River and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana.....	.30
Imperial County, Calif., and adjacent counties in Arizona and California.....	.98
Counties of Holt, Lincoln, Marion, and Pike in Missouri, and Adams in Illinois.....	43

§ 421.1345 *Warehouse charges.* On rice stored in an approved warehouse prior to acquisition by CCC and acquired by CCC in such approved storage, with receiving and loading out charges paid by the producer, CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer. Inspection and weighing fees and any special charges assessed by the warehouseman, such as for unpling and repiling required in order to obtain weights or grade samples in connection with acquisition of the rice by CCC from the producer, shall be for the account of the producer.

§ 421.1346 *Settlement—(a) Farm-storage and identity preserved warehouse-storage loans.* (1) For settlement on loans on farm-stored or identity-preserved warehouse-stored rice the producer shall, at his own expense, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. On farm-storage loans such certificates shall be furnished at the time of delivery of the rice. On identity-preserved warehouse-storage loans such certificates shall be furnished within 10 days after the maturity date. However, notwithstanding the foregoing provisions of this subparagraph, if at the time of delivery to CCC of rice covered by a farm-storage loan or if at the time of acquisition by CCC of rice covered by an identity-preserved warehouse-storage loan the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage or identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity preserved or covered by a farm-storage loan, shows

that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(b) *Modified commingled warehouse-storage loans.* (1) For settlement on loans on modified commingled warehouse-stored rice the producer shall, at his own expense and within 10 days after maturity, furnish to the County Committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified commingled lot against which the warehouse receipt representing the rice under loan was issued. Settlement on such loans shall be made at the applicable support rate for the grade and quality of the rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under modified commingled warehouse-storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection certificate, or commingled receipt, is delivered to the County Committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(c) *Commingled warehouse-storage loans.* Settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(d) *Purchase agreements.* Eligible rice sold to CCC under a purchase agree-

ment will be purchased in accordance with § 421.1018 (d) at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the County Committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for loans. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the County Committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date for loans. Where the rice sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(e) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of 2½ cents per cwt., for each 30 days or fraction thereof for the eligible rice accepted for delivery by CCC.

(f) In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on loans shall be for the account of the producer.

Issued this 21st day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8661; Filed, Oct. 25, 1955;
8:54 a. m.]

TITLE 21—FOOD AND DRUGS

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

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1954 Supp., Parts 146, 146c, 146d; 20 F. R. 5421) are amended as indicated below:

1. Section 146.26 *Animal feed containing penicillin* * * * is amended as follows:

a. Paragraph (b) (16) is amended by adding the following new sentence at the end thereof: "When intended for such uses it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed."

b. Paragraph (b) (17) is amended by adding the following new sentence at the end thereof: "When intended for such uses it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed."

2. In § 146c.226 *Tetracycline and vasoconstrictor suspension* * * * paragraph (a) *Standards of identity* * * * is amended by changing the number "4.0" to read "3.0"

3. In § 146d.307 *Chloramphenicol solution* * * * paragraph (c) (1) (iii) is amended by changing the number "24" to read "48"

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry,

since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing bacitracin in the amounts designated in amendment 1 need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy provided they are used in the amounts and for the purposes specified in these amendments.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 607, 69 Stat. 463 as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: October 20, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8616; Filed, Oct. 25, 1955;
8:45 a. m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T. D. 54, Narcotic Regs. 2]

PART 202—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

MISCELLANEOUS AMENDMENTS

Narcotic Regulations 2 are amended to delete therefrom all reference to certified consular invoices.

By virtue of the authority vested in me by Treasury Order No. 120 (15 F. R. 6521) Narcotic Regulations 2 (21 CFR Part 202) relating to the importation and exportation of narcotic drugs are amended as follows:

PARAGRAPH 1. Article 4 (21 CFR 202.4) is amended to read as follows:

§ 202.4 *Alternative foreign ports.* If desired, alternative foreign ports of exportation within the same country may be indicated upon the application, thus, (a) Calcutta, (b) Bombay. If a formal permit is issued pursuant to such application it will bear the names of the two ports in the order given in the application and will authorize shipment from either port. Alternate ports in different countries will not be authorized in the same permit.

PAR. 2. Article 5 (21 CFR 202.5) is amended by striking out the word "sextuplet" in the first sentence and inserting in lieu thereof the word "quintuplicate."

PAR. 3. Article 6 (21 CFR 202.6) is amended by striking out the word "six" in the first sentence and inserting in lieu thereof the word "five."

PAR. 4. Article 9 (21 CFR 202.9) is amended to read as follows:

§ 202.9 *Cancellation of permit.* A permit may be canceled after being issued at the request of the importer, provided no shipment has been made thereunder.

In the event that a permit is lost, the Commissioner may upon the production by the importer of satisfactory proof, by affidavit or otherwise, issue a duplicate permit. Nothing in this subpart shall affect the right, hereby reserved by the Commissioner, to cancel a permit at any time for proper cause.

PAR. 5. Article 10 (21 CFR 202.10) is amended to read as follows:

§ 202.10 *Disposition of copies of permit.* If it is decided to approve an application for permission to import crude opium or coca leaves, an import permit shall be prepared in quintuplicate, each copy of which shall be signed by the Commissioner. The five copies of each permit are designated respectively as original, duplicate, triplicate, quadruplicate, quintuplicate. After being signed these copies shall be distributed and shall serve purposes as follows:

(a) The original copy, together with the quintuplicate copy, shall be transmitted to the importer, who will retain the quintuplicate copy on file as his record of authority for the importation, and he shall transmit the original copy of the permit to the foreign exporter. The foreign exporter will submit the original copy of the permit to the proper governmental authority in the exporting country, if required as a prerequisite to the issuance of an export authorization. This copy of the permit will accompany the shipment. Upon arrival of the imported merchandise the collector of customs at the port of entry will forward the original copy of the permit with the bill of lading to the appraiser for the port, who, after appraising the merchandise, will return the original copy of the permit to the Commissioner with a report on the reverse side of such original copy, showing the name of the port of importation, date prepared, net quantity and kind, and report of analysis of the merchandise entered.

(b) The duplicate copy shall be forwarded to the proper governmental authorities of the exporting country.

(c) An additional copy shall be forwarded to the collector of customs at the United States port of entry, which shall be the customs port of destination in the case of shipments transported under immediate transportation entries, in order that said collector may compare it with the original copy and the bill of lading upon arrival of the merchandise.

(d) The other copy of the permit shall be retained on file in the office of the Commissioner.

If a discrepancy is noted between corresponding items upon different copies of a permit bearing the same serial number when compared by the United States collector of customs, the officer shall refuse to permit entry of the importation until the facts are communicated to the Commissioner and further instructions are received.

PAR. 6. Article 11 (21 CFR 202.11) is hereby revoked.

(Sec. 2, 35 Stat. 614, as amended, 21 U. S. C. 173)

Because the amendments made by this Treasury Decision relieve restric-

tions it is found unnecessary to issue the decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury Decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

G. W. CUNNINGHAM,
Commissioner of Narcotics.

Approved: October 19, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.
[F. R. Doc. 55-8657; Filed, Oct. 25, 1955;
8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration¹

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

MISCELLANEOUS AMENDMENTS

Pursuant to Executive Order No. 10610, effective at the close of June 30, 1955, and Department of State Delegation of Authority No. 85, FOA Regulation 1, as revised October 15, 1954, is redesignated ICA Regulation 1 as of July 1, 1955, and will continue in effect with the following revisions and amendments:

1. The terms "International Cooperation Administration" and "ICA" are substituted for "Foreign Operations Administration" and "FOA" respectively, wherever the latter terms appear in the regulation.

2. Section 201.1 (a) is amended to read as follows:

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" means the Mutual Security Act of 1954 (Pub. Law 635, 83d Cong.), as amended.

3. Section 201.6 (h) is amended by striking out the second sentence of subparagraph (2) by striking out subparagraphs (3) and (4) and by adding the following new subparagraphs (3), (4), and (5)

§ 201.6 *General provisions incorporated in PAs and PIOs.* * * *

(h) *Insurance.* * * *

(3) In authorizing or subauthorizing procurement under a commodity PA or PIO, the cooperating country will instruct each importer that, with respect to commodities procured in the United States pursuant to the PA or PIO, dollar funds made available under the authorization or subauthorization may, at the election of the importer, be used to purchase in the United States marine insurance for such commodities.

(4) As documentation to support ICA reimbursement for marine insurance

¹Formerly designated as Foreign Operations Administration.

dollar premiums, the insurer, insurance broker, or underwriter will execute a supplier's certificate (Form ICA-280) in accordance with § 201.18 (a) (2) (i) (c)

(5) In the event a cooperating country, by statute, decree, rule or regulation, discriminates with respect to ICA financed procurement against any marine insurance company authorized to do business in any State of the United States, then commodities procured in the United States with ICA funds, destined for such country, and insured against marine risk, shall be so insured in the United States with a company or companies authorized to do a marine insurance business in any State of the United States.

4. Section 201.7 (e) is amended to read as follows:

§ 201.7 *Ocean transportation.* * * *

(e) The requirements for use of United States flag vessels are contained in section 509 of the act and section 901 (b) of the Merchant Marine Act, 1936, added by Pub. Law 664, 83d Congress. These provisions generally require that at least 50 percent of the tonnage of ICA-financed commodities transported on ocean vessels be so transported on United States flag commercial vessels.

5. Section 201.10 (a) is amended to read as follows:

§ 201.10 *Information to be furnished by importer to supplier.* (a) Each importer must inform his supplier that the transaction is to be financed by ICA, and must give to his supplier the PA or PIO number that has been given to him, together with all instructions given to him by the cooperating country which will affect the supplier in carrying out the transaction, such as, for example, eligible source of commodities, periods during which contracts and deliveries must be made, shipping provisions, and documentation requirements. The supplier should request the importer to furnish the foregoing information, and the importer must furnish such information.

6. Section 201.13 is amended to read as follows:

§ 201.13 *Information for Office of Small Business/ICA.* (a) To permit ICA, in accordance with section 504 of the act, to give United States suppliers (particularly small independent enterprises) an opportunity to participate in supplying commodities and services financed by ICA, the importer (if not a United States Government Agency) shall insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of the Act furnish the following information in the following form so as to reach the Office of Small Business, ICA, Washington, D. C., at least 30 days prior to placing any order in excess of \$5,000 (unless a shorter time is approved by the Office of Small Business, ICA, Washington, D. C.) This form will be submitted in duplicate in the English language, and specifications for commodities must be stated in terms of U. S. standards.

Name and Address of Importer	IOA PA or PIO/O Number (if known)	Quotations will be accepted until ----- (Date)
Subauthorization or Import License Number (if known)	Cabled quotations () will () will not be accepted (check one). If yes, give cable address	Approximate dollar amount of the proposed purchase

Full description of commodities and services (excluding ocean transportation and marine insurance) to be imported, including sizes, quantities, etc., and any special conditions:

Name of Importer _____
By _____
(Authorized signature)

(b) Where procurement is undertaken directly by a cooperating country government or its governmental agency on the basis of formal sealed bids, the importer, in addition to furnishing the information required in paragraph (a) of this section, shall at the same time furnish to the Office of Small Business, ICA, Washington, D. C., the closing hour and date for bids, the applicable invitation number, and the address where invitation forms and complete specifications may be obtained.

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to imports of agricultural commodities except as otherwise specifically provided for in any PA or PIO covering agricultural commodities.

(d) Where ICA-financed purchases are made on the basis of sealed bids, the importer shall, within thirty days after making the award, furnish the Office of Small Business, ICA, Washington, D. C., an abstract of the bids submitted showing the names and addresses of all bidders the bids they submitted in terms of commodities, quantity, and prices, and the name and address of the successful bidder or bidders. The abstract of bids shall not be required in any cases either where the supplier and importer are private commercial operators or where the supplier is a United States Government Agency unless the Office of Small Business, ICA, Washington, D. C., specifically requests the importer for such an abstract.

7. In § 201.18 that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 201.18 Documents required for reimbursement. * * *

(a) For cost of any commodity, including ocean freight in c. & f. (cost and freight) marine insurance in c. & i. (cost and insurance), and ocean freight and marine insurance in c. i. f. (cost, insurance, and freight) transactions:

* * * * *

8. In § 201.18 (a) (2) (i), (a) is amended to read as follows:

(a) The cost of the commodity, including ocean freight in c. & f., marine insurance in c. & i., and ocean freight

and marine insurance in c. i. f. transactions, to be executed by the supplier of the commodity.

9. In § 201.18 (a) (2) (i), (c) is added to read as follows:

(c) The cost of marine insurance in c. & i. and c. i. f. transactions, to be executed by the insurer, insurance broker, or underwriter.

10. Section 201.18 (a) (3) is amended by adding the following subdivision (iv)

(iv) In the case of shipments, other than by ocean vessel or aircraft, to a cooperating country from an authorized source country or area other than the continental United States but including Alaska, if the banking institution furnishes a certificate to the effect that it has been informed by the approved applicant or the supplier that it is impracticable to furnish any of the documents described in subdivision (i) of this subparagraph, such other documents evidencing shipment to or receipt by the cooperating country as are acceptable under good commercial practice, such as railway, barge, or truck bills of lading, or importers' receipts.

11. Section 201.18 (a) (4) is amended by adding the following at the end thereof: "In the case of commodities shipped from a free port or bonded warehouse, a statement by the supplier shall be endorsed on, or attached to, the copy (or photostat) of the supplier's invoice indicating (a) shipment from either a free port or bonded warehouse, in accordance with the facts, and (b) the country or area from which the commodity was shipped into such free port or bonded warehouse."

12. In § 201.18 that part of paragraph (c) preceding subparagraph (1) is amended to read as follows:

(c) For the cost of services (other than ocean transportation and marine insurance)

13. In § 201.22 (e) the first sentence is amended by adding the following at the end thereof:

(e) Source. * * * unless a statement furnished under § 201.18 (a) (4) indi-

cates that the "source" is not the one shown in the PA or PIO.

14. Section 201.24 is amended to read as follows:

§ 201.24 Continuation in effect of certain prior issuances. Cooperating country allotments, PAs or PIOs, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended, and by MSA under MSA Regulation 1, as amended, and by FOA under FOA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. The provisions of this part may be satisfied by the submission of a certificate or writing in a form: (a) Prescribed by or provided for by corresponding provisions of ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number; or (b) prescribed by or provided for by corresponding provisions of MSA Regulation 1, as in effect on July 31, 1953, or authorized by MSA on that date, or referring to an MSA Commodity Code number; or (c) or prescribed by or provided for by corresponding provisions of FOA Regulation 1, as in effect on June 30, 1955, or authorized by FOA on that date, or referring to an FOA Commodity Code number; or (d) prescribed by or provided for by corresponding provisions of ICA Regulation 1, as in effect on October 24, 1955, or authorized by ICA on that date, or referring to an ICA Commodity Code number. Authorizations, bank contracts, letters of guaranty to banking institutions or suppliers issued by The Institute of Inter-American Affairs, the Technical Cooperation Administration, the Foreign Operations Administration, and the International Cooperation Administration, all prior to October 25, 1955, are reaffirmed and will continue in effect subject to the terms and conditions thereof. Amendments to any of the above documents may continue to be made in accordance with the procedures in effect prior to October 25, 1955.

15. Section 201.25 is amended to read as follows:

§ 201.25 Transitory provision. This redesignation of FOA Regulation 1 as ICA Regulation 1 will take effect as of July 1, 1955; the amendments thereto will take effect as of October 25, 1955, but will not be applicable to claims for reimbursement from, or payments made to, a supplier pursuant to letters of credit issued, confirmed or advised, or payment instructions received, prior to October 25, 1955.

(Sec. 525, 68 Stat. 856; 22 U. S. C. 1785)

D. A. FITZGERALD,
Acting Director, International
Cooperation Administration.

[F. R. Doc. 55-8677; Filed, Oct. 24, 1955;
3:32 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 167]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

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

Part 609 is amended as follows:

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility or final approach course (ft.)	Course and distance to facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	
							Condition	Type aircraft		
1	2	3	4	5	6	7	8	9	10	11
OSHSUN, IND Municipal, 827. SBRK/VDT-QSH Procedure No. 1 Amendment No. 5. Effective date: November 23, 1955. Supersedes Amendment No. 4, dated July 9, 1954. Major changes: (1) Course and distance revised. (2) Final distance information added from VOR; (3) Distance revised. (4) Minimum altitudes revised. (5) Minimum altitudes revised. (6) Minimum altitudes revised. (7) Minimum altitudes revised. (8) Minimum altitudes revised. (9) Minimum altitudes revised. (10) Minimum altitudes revised. (11) Minimum altitudes revised.	OSHSUN VOR	091-0.0 final	1,420	S side of VOR course: 200' outbound, 200' inbound, 2,000' within 10 miles.	1,420	057-2.7	T-dn 2 engines or less C-dn 200-1 S-dn 200-1 A-dn 200-1 More than 2 engines Not authorized	More than 76 m p b	10	Within 2.7 miles climb to 2,000' on D course within 25 miles
MUSKIEGON, MICH. Muskegon County, 625. SBRK/VDT-MISU Procedure No. 1 Amendment No. 7. Effective date: November 23, 1955. Supersedes Amendment No. 6, dated December 2, 1953. Major changes: (1) Distance and altitude revised. (2) Minimum altitudes revised. (3) Minimum altitudes revised. (4) Minimum altitudes revised. (5) Minimum altitudes revised. (6) Minimum altitudes revised. (7) Minimum altitudes revised. (8) Minimum altitudes revised. (9) Minimum altitudes revised. (10) Minimum altitudes revised. (11) Minimum altitudes revised.				E side SP course: 1370' outbound, 3170' inbound, 1,600' within 10 miles	1,400	317-2.4	T-dn 2 engines or less C-dn 300-1 S-dn 300-1 A-dn 300-2 More than 2 engines Not authorized	More than 76 m p b	10	Within 2.4 miles climb to 2,000' on NW course MKU LFR within 10 miles

LFR STANDARD INSTRUMENT APPROACH PROCEDURE--Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from--	Course and distance	Minimum altitude (ft.)	Procedure turn (---) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	
							Condition	Type aircraft		
1	2	3	4	5	6	7	8	9	10	11
PROCEDURE CANCELED SEPTEMBER 20 1955 AIRPORT ABANDONED (REF: AIRMAN'S GUIDE, SEPTEMBER 20, 1955, PAGE 16)										
PHILIPSBURG, PA Albert, 1,760' Procedure No. 1 Amendment 1 Effective date August 1, 1950										
RALEIGH, N. C. Raleigh-Durham, 435' SBR-AZ-DTV-RDU Procedure No. 1 Amendment No. 8, Effective date: November 20, 1955. Supersedes Amendment No. 7, March 24, 1954 Major changes: Lower final approach altitude. Reduce procedure turn distance. Indicate new format for ceiling and visibility minimums	Raleigh BYOR Knightsdale FM (final)	343-9 0 299-11	2,000 1,200	N side of SE course: 118° outbound, 299 inbound, 1 900' within 10 miles	1 200	260-4, 0	T-dn 300-1 C-dn 400-1 S-dn 32 400-1 More than 2 engines T-dn 200-1/4 C-dn 300-1 1/2 S-dn 32 400-1 All aircraft 800-2	300-1 600-1 400-1	Within 4 miles, climb to 2,000' on NW course within 25 miles, or when directed by ATIS climb to 1 800' on NE course within 25 miles	
ROSWELL, N. MEX Roswell 3,021' SBM-AZ-DTV-ROW Procedure No. 1 Amendment No. 5 Effective date: November 20, 1955. Supersedes Amendment 4, dated January 29 1954. Major changes: Add transition from ROW-VOR; limit procedure turn distance; reduce missed approach altitude. Variation changed to 12° E	Roswell VOR	094-10 0	6 600	E side of S course: 123° outbound, 303 inbound, 5,000' within 10 miles	4 600	311-9 1	T-dn 300-1 C-dn 500-2 A-dn 800-2 More than 2 engines T-dn 200-1/2 C-dn 300-2 A-dn 400-2	300-1 600-2 800-2	Within 0.1 miles, climb to 5,600' on NW course Roswell LFR within 25 miles *300-1 on Runway 12	

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

A.D.F. STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name; elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course; (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance to airport	Ceiling and visibility minimums		If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished	
							Condition	Type aircraft		
1	2	3	4	6	6	7	8	0	10	11
JACKSON, MISS. Reynolds 1,400' BHM-TW-SXN Procedure No. 1 Amendment No. 6 Effective date: November 20, 1955. Supersedes Amendment 5 dated July 1, 1954. Major changes: (1) Initial approach procedures revised, columns 2, 3, 4; (2) Procedure turn limited to 10 miles (criteria), column 5; (3) Ceiling and visibility format revised (criteria), columns 8, 9, 10.	Litchfield VOR Manchester Intersection Intersection SE course LAN LFR and 210° bearing to "H" Wolf Lake Intersection on Intersection W course RML LFR and 030° bearing to "H" Leath Intersection	053-21.0 203-21.0 210-15.0 252-10.0 053-18.0 185-11.0	2,300 2,300 2,300 2,300 2,300 2,300	W side of course: 315° outbound 135° inbound. 2 200' within 10 miles	1,600	Facility on airport	T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 800-2 300-1/2 600-1/2 800-2	Within 0 mile, climb immediately to 2 300' on track of 135° within 5 miles. OAUROS: Radio tower 1,330' mean sea level 2.3 miles SE of "H" facility	
PELLETON, MISS. Emmet County 720' BHM-TW-PLN Procedure No. 1 Amendment No. 4 Effective date: November 20, 1955. Supersedes Amendment 3, dated December 20, 1953. Major changes: (1) conditions deleted, columns 2, 3, 4; (2) column 5, revised, flight deck; (3) column 6 revised, flight deck; (4) minimums in format revised.	---	---	---	E side of course: 185° outbound 315° inbound, 1,600' within 10 miles.	1,400	0.0—on airport	T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	500-1 700-1 800-2 500-1 700-1/2 800-2	Within 0 mile, climb to 2 200' on course of 315° within 25 miles	
SEATTLE, WASH. Boeing Field 17' SBRAZ-SBA Procedure No. 1 (for high speed aircraft) Amendment Original Effective date: November 20, 1955. Major changes: None Supersedes: Establishes procedure for high speed (jet) aircraft.	---	---	---	E side of R. course: 170° outbound 320° inbound 4 200' within 20 nautical miles	1,500*	20-21 nautical miles	T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 1,500-2 1,500-2 300-1 1,500-2 1,500-2	Within 2.1 nautical miles turn left, climb to 2 000' on 200° course outbound from SEA LFR. At 10 nautical miles from SEA LFR commence climb as directed by ATO within 25 miles. "Vee" pattern may be used for procedure turn, in which event 170° outbound course not applicable. *1,500' for 4 nautical miles from SEA VOR-DME) after received minimum altitude over LFR 2 000'	
SEATTLE, WASH. Boeing Field 17' SBRAZ-SBA Procedure No. 2 (for high speed aircraft) Amendment: Original Effective date: November 20, 1955. Supersedes: None Major changes: Establishes procedure for high speed (jet) aircraft	Killsip Intersection (final)	117-12.0 route cal miles	2,000	S side NW course: 270° outbound 117° inbound 4 000' within 20 nautical miles	Over Harbor Island 2 000'	117-3 nautical miles	T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	300-1 1,500-2 1,500-2 300-1 1,500-2 1,500-2	Within 3 nautical miles after pass the Harbor Island VOR turn right, climb to 2 000' in accordance with course of 270° from SEA LFR. At 10 nautical miles commence climb as directed by ATO within 25 nautical miles. "Vee" pattern may be used for procedure turn, in which event 270° outbound course not applicable. *1,500' for 4 nautical miles from SEA VOR-DME) after received minimum altitude over LFR 2 000'	

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance to facility to airport	Condition	Type aircraft	Ceiling and visibility minimums
1	2	3	4	5	6	7	8	9	10
DALLAS, TEX. Love Field, 487. BYOR-DME-DAL Procedure No. 1 Amendment No. 3 Effective date: November 26 1955. Supersedes Amendment No 2 dated June 4, 1955. Major changes: Add DME fixes	Dallas LFR. From 10 nautical miles DME fix to VOR (final) within 5 to 20 nautical miles Radar terminal area transition: Altitude 2,000 feet must provide 3 nautical miles or 1,000' vertical separation or 3 to 5 nautical miles and 600° vertical separation from radio towers, 1,108' mean sea level 20 nautical miles N; 2,349' mean sea level 16 nautical miles SSW; 1,230' mean sea level 10 nautical miles WNW of airport	050-12 243-10	2,000 1,500	N side of course: 063° outbound 243° inbound. 2,000' within 10 miles	1,500 1,300 over 65 nautical miles DME FIX	243-9.5 nautical miles from VOR to DME FIX 243-1.7 nautical miles from 6.5 nautical miles DME FIX to air port	T-dn #C-dn More than 2 engines #C-dn A-dn	300-1 400-1 More than 2 engines 500-1 1/2 600-1 1/2 All aircraft 800-2	11 Within 9.5 miles, turn right return to VOR, climbing to 2,000'. CAUTION: 697' mean sea level tank 1 7 miles SE Runway 31. #1 DME not utilized landing minima are 700-2. AIR CARRIER NOTES: On cargo and ferry flights, no reduction in landing minima authorized
MUSKEGON, MICH. Muskegon County 637 BYOR-MKG Procedure No. 1 Amendment No. 2 Effective date: November 26 1955. Supersedes No 1 dated March 30, 1954. Major changes: (1) Airport elevation revised, column 1; (2) heading distance revised, column 3; (3) procedure turn to 25 miles deleted, column 4; (4) procedure turn altitude raised, column 6 revised; (5) minimums format revised; (6) column 11 revised airport restricted area	Muskegon LFR	275-0 6	1,800	E side of course: 152° outbound 332° inbound. 1,900' within 10 miles	1,400	332-2 0	T-dn C-dn S-dn 32 A-dn More than 2 engines 200-1 1/2 400-1 1/2 600-1 800-2	300-1 400-1 400-1 800-2	Within 2 miles climb to 1,900 on outbound course 332° within 10 miles
SEATTLE, WASH. Boeing Field 17. BYOR-DME-SEA. Procedure No. 1 (for high speed aircraft). Amendment: Original. Effective date: November 26 1955. Supersedes: None Major changes: Establishes procedure for high speed jet aircraft	From 15 nautical miles fix to Harbor Island FM (final)	145-6 nautical miles	2,000	W side of course: 145° outbound 400° within 20 nautical miles of SEA VOR-DME	Over Harbor Island FM# 2,000	117-3 nautical miles from Harbor Island FM	T-dn C-dn A-dn More than 2 engines 300-1 1,500-2 1,500-2	300-1 1,500-2 1,500-2	Within 3 nautical miles of Harbor Island FM turn right climb to 2,000 on 270° radial SEA VOR/DME. At 10 nautical miles commence climb as directed by ATC within 25 nautical miles. "Teardrop Pattern" may be used for procedure turn, in which event 325° outbound course not applicable. #0-9 nautical miles from SEA VOR/DME
SEATTLE, WASH. Boeing Field 17. BYOR-DME-SEA. Procedure No. 2 (for high speed aircraft). Amendment: Original. Effective date: November 26 1955. Supersedes: None. Major changes: Establishes procedure for high speed jet aircraft.	20 nautical miles fix to SEA VOR/DME (final)	040-20 nautical miles	2,000	N side of course: 230° outbound 040° inbound 4,000' within 20 nautical miles	2,000 342-5.0 nautical miles	342-5.0 nautical miles	T-dn C-dn A-dn More than 2 engines 300-1 1,500-2 1,500-2	300-1 1,500-2 1,500-2	Within 5 nautical miles turn left, climb to 2,000' on 270° radial SEA VOR/DME. At 10 nautical miles commence climb as directed by ATC within 25 nautical miles. "Teardrop Pattern" may be used for procedure turn, in which event 220° outbound course not applicable

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS		Procedure turn (-) side of final approach course (outbound; altitude; limiting distances	Minimum altitude at glide slope interception (ft)	Altitude of glide slope and distance to approach at—		Ceiling and visibility minimums		If visual contact not established upon descent to authorized landing minimums or if landing not accomplished				
	From—	To—			Course and distances	Minimum altitude	Outer marker	Middle marker		Condition	Type alternate		
1	2	3	4	5	6	7	8	9	10	11	12	13	
SOUTH BEND, IND., St. Joseph County, 778' ILS-ILSBN. Procedure No. 2. Back course approach Amendment No. 1. Effective date: November 29, 1955. Superseded Original, dated March 30, 1954. Major changes: (1) Transition 2, 3, 4, & (2) Column 6 revised, criteria revised, policy; (3) Column 11 revised to provide more flexible procedure	South Bend LFR	Intersection* or Intersection**	002-0 0	2 000	N side of W course; 205° outbound 985° inbound 2,000' within 10 miles	No outer marker (back course)	No middle marker (back course)	2 engines or less	T-dn 300-1 C-dn 500-1 S-dn 9 500-1 A-dn 500-2	75 m.p.h. or less	More than 76 m p h	Within 3.1 miles, climb to 2,000' on E course SBN LFR within 25 miles. *Intersection W course SBN ILS and N course SBN LFR or IS² bearing to SBN LFR. * Intersection W course SBN ILS and 210° SBN VOR Authorized only when aircraft equipped to receive ILS and VOR or ILS and/or ADF or LFR simultaneously	
	South Bend LOM	Intersection* or Intersection**	203-8 6	2 000		1,600' 3.1° from over interception* or interception**		More than 2 engines	200-1/2 200-1 1/2 200-1 200-2				
	South Bend VOR	Intersection* or Intersection**	216-0 0	2 000									
	Intersection E course ILS and E course SBN LFR	Intersection* or Intersection**	253-4 0	2, 000									
	New Castle, PA (via W course SBN ILS)	Intersection* or Intersection**	88-10 0 (final)	1, 200									

These procedures shall become effective on the dates indicated in Column 1 of the procedures

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

[SEAL]

F B LEE,
Administrator of Civil Aeronautics

[F R. Dec 55-8606; Filed Oct 25 1955; 8:45 a m]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter 1—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act (7 U. S. C. 1-17a), and pursuant to notice published in the FEDERAL REGISTER on August 11, 1955 (20 F R 5829), § 1.35 of Chapter I of Title 17, Code of Federal Regulations

in each commodity and in commodities for future delivery, for the period of time and in the manner prescribed in § 1.31. He shall produce the same for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commodity Exchange Authority.

(b) *Futures commission merchants and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer

all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made

(17 CFR 1.35), is hereby amended to read as follows:

§ 1.35 *Records of cash commodity and futures transactions—(a) Futures commission merchants and members of contract markets.* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records of all commodity and systematic records of all commodity futures transactions and cash commodity transactions, made by or through him, on or subject to the rules of a board of trade. He shall keep such records, including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations and copies of statements of purchase and sale, together with all other data and memoranda, and records of every sort pertaining to transactions

(c) *Clearing members of contract markets.* In the daily record or journal required to be kept under paragraph (b) (3) of this section, each clearing member of a contract market shall also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made. (Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a)

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective December 1, 1955.

Issued this 21st day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8660; Filed, Oct. 25, 1955;
8:54 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

BLUE RIDGE PARKWAY* COMMERCIAL HAULING PROHIBITED

1. Paragraph (f) Commercial Hauling, of § 20.34, entitled *Blue Ridge Parkway*, is hereby created to read as follows:

§ 20.34 *Blue Ridge Parkway* * * *

(f) *Commercial Hauling by Trucks, Station Wagons, Pickups, Passenger Cars, or Other Vehicles.* Commercial hauling on the Blue Ridge Parkway, for any purpose, by trucks, station wagons, pickups, passenger cars, or other vehicles, when such hauling is in no way connected with the operation of the Parkway, is prohibited, except that, in emergencies, special hauling permits may be issued by the Superintendent.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 21st day of September 1955.

[SEAL] SAM P' WEEMS,
Superintendent,
Blue Ridge Parkway.

[F. R. Doc. 55-8643; Filed, Oct. 25, 1955;
8:51 a. m.]

TITLE 7—AGRICULTURE

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

[Lemon Reg. 611, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.718 (Lemon Regulation 611, 20 F. R. 7774) are hereby amended to read as follows:

(ii) District 2: 200 carloads.

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

Dated: October 20, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-8615; Filed, Oct. 25, 1955;
8:45 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Con- tracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

BITUMINOUS COAL INDUSTRY

On August 6, 1955, notice was published¹ in the FEDERAL REGISTER of a proposed decision of the Secretary of Labor in regard to the determination of the prevailing minimum wages pursuant to the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sec. 35, et seq.) for the Bituminous Coal Industry (20 F. R. 5690). The notice allowed a period of 30 days in which interested parties might submit exceptions to the proposed decision.¹

Exceptions and objections to the proposed decision have been received from

¹Two requests were received for an extension of time within which to file exceptions. However, the need for additional time, in view of the variety of issues presented, was anticipated in advance. The proposal, accordingly, granted 30 days for filing instead of the 15-day period provided in the rules of practice. In view of this fact and in view of the many other parties having an interest in this matter, further delay in reaching a final decision was not deemed advisable.

the Central Pennsylvania Open Pit Mining Association, from some 300 operators in the State of Virginia (hereinafter referred to as the Virginia Operators), from the Stearns Coal and Lumber Company on its own behalf and on behalf of 30 other operators in McCreary, Pulaski, and Whitley Counties, Kentucky, from the Laddie Coal and Mining Company, Robbins, Tennessee, from the Hawthorne Coal and Coke Company, Norton, Virginia, and from operators in Clay and Leslie Counties, Kentucky.

It has been contended that no determination should be made, because (1) wages below the prevailing minima are necessary to meet the competition of other fuels, (2) some operators cannot pay the prevailing minimum, (3) the lower wages paid by some are not below the minimum required by the Fair Labor Standards Act, and (4) the proposal would have an adverse effect on employment opportunities of aged workers.

The objections that this industry must compete with other fuels and that some operators will be unable to compete and pay the prevailing minima afford no sound reasons for failing to make a determination. The requirement that the prevailing minimum wage be paid on Government contracts to which the act applies contemplates that those members of the industry who are unable to meet its prevailing minimum wage standards will not be favored with Government business. The fact that a determination for this industry will have this effect is no reason for withholding a determination.

Irrelevant to this proceeding is the fact that wages lower than the prevailing minima paid by some operators are not below the minimum requirements of the Fair Labor Standards Act. As pointed out by the Supreme Court in *Powell v. U. S. Cartridge Co.*, 339 U. S. 497, the Walsh-Healey Act and the Fair Labor Standards Act are "mutually supplementary" rather than "mutually exclusive" and where both acts are applicable, employees are entitled to the advantages of both acts.

The objection that the proposed determination will have an adverse effect on aged workers is without merit. Section 201.1102 of the regulations issued under the Walsh-Healey Public Contracts Act permits the employment of handicapped workers at subminimum wages under certificates issued in accordance with standards and procedures prescribed by the Administrator of the Wage and Hour and Public Contracts Divisions under the Fair Labor Standards Act (29 CFR, Parts 524 and 525). A person may be considered "handicapped" under this regulation because of age, mental or physical deficiency or injury. It is unnecessary and inconsistent with the basic objectives of the act to deny "prevailing minimum" wages to able bodied workers merely because lower rates are paid to handicapped or aged workers.

I have considered all arguments advanced against the issuance of a determination for the Bituminous Coal Industry. In my opinion these arguments do not outweigh the fact that this industry, selling in excess of 13,000,000 tons of coal to the Government in 1954,

is a proper subject for a wage determination. All objections to the issuance of a determination are accordingly overruled.

Several exceptions have been filed with respect to the basis of the determination. Many of these exceptions are directed at the failure of the notice of hearing to make reference to all of the bases for wage determinations set forth in section 1 (b) of the act.

Section 1 (b) of the act provides for determination by the Secretary of Labor of "the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished." The act does not require that the determination of minimum wages be on the basis of all or a combination of the various standards. The act confers discretion on the Secretary of Labor in the choice of the method by which he shall proceed to determine the prevailing minima. No request was received prior to the hearing that the scope of the inquiry go beyond the question of the wages prevailing in the Bituminous Coal Industry. It is apparent from the record that there are ample data as to wages paid in the entire Bituminous Coal Industry and that it has long been recognized as a unique industry with a distinctive wage structure. Accordingly I find that there is no need to go outside the Industry or to consider any of the alternative standards.

Several other objections have been received as to the content and timing of the notice of hearing. These objections are substantially the same as those previously filed and considered in the proposed decision. Many of them are based on the theory that the notice of hearing limited the issue in this proceeding to either adoption or rejection of the proposal of petitioners as set forth in the notice of hearing. This theory is not supported by the language of the notice. The notice did not call solely for data, views, and argument as to the propriety of petitioners' proposals. On the contrary, the notice, in general terms, called for data and evidence which could form the basis of a rule to be proposed subsequent to the hearing. It contemplated a hearing at which various proposals and evidence in support thereof would be submitted.

The notice has also been challenged on the ground that it failed to set forth all of the issues that arose at the hearing. The necessity for some generality of notice in rule-making proceedings has been considered in the proposal. For the reasons stated therein, I consider this objection to be without merit.

I have reviewed my earlier findings as to the content and timing of the notice of hearing and I have considered all objections here raised which are based upon alleged imperfections in the content and timing of the notice. In the light of this review, it is my conclusion that the notice adequately described the subjects and issues involved, and sufficiently in advance of the hearing,

to permit effective public participation. All objections to the content and timing of the notice of hearing, to previous findings concerning the subject, and to specific findings on the grounds of alleged inconsistency with the notice of hearing are therefore overruled.

An objection has been filed to the proposed definition of the industry. It is asserted that captive mines should be specifically excluded from the definition and that wages paid therein should not be considered in determining the prevailing minimum wages in the industry. In support of this contention, it is argued that coal produced in captive mines is not sold to the Government, but is consumed exclusively by the owner for his own purposes. This argument assumes that it is the function of a wage determination to reflect the minimum wage which prevails only among Government contractors in the industry. Section 1 (b) of the act, on the other hand, contemplates that the Secretary of Labor determine the minimum wages which prevail in the entire industry. It was the very purpose of the act that the award of Government contracts should not operate to depress minimum wage standards prevailing in the industry generally. The argument that the determination should ignore the wages paid in a substantial segment of the Bituminous Coal Industry merely because that segment does not currently contract with the Government runs counter to both the terms and the basic purposes of the act.

It has been suggested that the proposed definition itself has the effect of excluding captive mines. This suggestion is based upon that portion of the definition which reads: "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling, and other preparation for market of bituminous coal and activities incidental to these operations.

It is argued that the words "preparation for market" would exclude captive mines since their production cannot be said to be a preparation for market. The phrase "preparation for market" was not used in such a restrictive sense. It was the intention to include preparatory activities regardless of the ultimate use of the coal. Inasmuch as the proposed definition may be subject to misunderstanding on this point, it appears desirable to delete the phrase "for market." The complete definition of the Industry will then read as follows: "The Bituminous Coal Industry is defined as that industry which produces or furnishes all coal (including lignite) except Pennsylvania anthracite. "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling, and other preparation of bituminous coal, and activities incidental to these operations. The term "preparation of bituminous coal" does not include any activities performed at Great Lakes or Tidewater docks."

Exception is also taken to the inclusion of preparatory activities in the proposed definition, it being argued that no evidence was taken on this point. The record clearly shows, however, that

preparation of coal is considered an activity of the Bituminous Coal Industry.² Wage data introduced covered processing plants. The various operations performed to increase coal's marketability or to prepare it for particular uses were repeatedly alluded to. In addition, Government Exhibit 7 (U. S. Bureau of Mines Survey "Bituminous Coal and Lignite in 1953") contains extensive material on various preparatory activities including statistical data concerning these processing practices. In view of the fact that the various preparatory activities referred to in the record as well as the actual mining or extraction of coal are considered activities of the Industry, the Industry is properly defined as including preparation of coal.

The proponents of various geographic units other than production districts as wage determination areas have renewed their arguments in favor of their respective areas. The areas supported in these contentions are the State of Virginia; Clay and Leslie Counties, Kentucky; 21 contiguous counties in Central Pennsylvania; and McCreary, Pulaski and a part of Whitley Counties, Kentucky. All of these areas and the arguments advanced in support thereof were discussed in detail in the proposal.

In taking exception to the choice of production districts as wage determination areas, it is asserted that there exist within individual districts variations in methods of mining, characteristics of the coal, freight rates, and mining conditions generally. These variations, however, are characteristic of the Bituminous Coal Industry and exist to a much greater degree among the different production districts. The existence of these varying economic characteristics and the fact that historically they have been considered in the development of the differentials between the minimum wages prevailing in competing districts are persuasive reasons for using a district approach in this determination rather than alternative areas suggested at the hearing. The fact that differences may exist between mines within a single production district does not affect the conclusion that, generally speaking, common natural economic characteristics which affect the ability of mines to compete prevail within individual districts. That these characteristics do prevail on a district basis is demonstrated not only by evidence of record as to the background and origin of the production districts, but by the existence of well established uniform patterns of prevailing minimum wages according to districts.

The use of production districts is also challenged on the ground that the wage data introduced by the petitioners at the hearing were not collated or assembled on a production district basis and that there is nothing in the record upon which a production district evaluation can be made.

Considerable data introduced by petitioners are on a district basis. Even where this is not the case, mines having UMWA contracts or paying minimum

²T. 283-83.

wages at least equal to those specified in such contracts are identified by name and address and in most cases, the 1953 tonnage and employment are given for each mine. The record also contains the precise boundaries of each production district and the total production and employment on a production district basis for the year 1953. With these basic data, and the aid of such standard works as Rand McNally's Commercial Atlas and a Postal Guide, it is possible to ascertain a minimum percentage for 1953 of both total production and employment for each production district accounted for by UMWA signatories and those non-signatories paying not less than the minimum called for in the UMWA contracts.

In view of the basic data in the record, the charge that there is nothing in the record upon which a district evaluation can be made is unfounded. However, in view of the objections raised, the wage data of record have again been checked on a district basis. This recheck confirms the conclusion that a majority of both tonnage and employment was accounted for by mines paying minimum rates at least equal to those called for in the UMWA contracts in all producing districts except district 12.³

It has also been asserted that a district evaluation cannot be made since the breakdown and evaluation has not been subject to cross examination. However, the evaluation is made from evidence which was subject to cross-examination when it was introduced. Moreover, the parties have had an opportunity to object to the proposed evaluation and have failed to point to, or render, any evidence indicating that it is not accurate.

Exception has been taken to my statement that I do not consider the question of portal-to-portal pay as a matter within these proceedings. It is argued that both the daily wage of shift workers and the tonnage formula for incentive workers are designed to reflect portal-to-portal pay and that if a minimum based on these wage scales is placed in effect, it will have the effect of imposing upon non-union operators the payment of portal-to-portal pay in violation of the Portal Act.

It is true that under the UMWA agreements the pay for both classes of workers includes a certain amount for travel time within the mine. The fact, however, that the daily earnings include compensation for travel times does not increase the hourly rate nor make it any less "prevailing" than does the fact that

³There are a few instances where doubt exists as to whether a particular mine is located in one or the other of two adjoining districts. Careful consideration has been given to this problem, however, and in no instance could the location of such mines in one district or the other affect the conclusion that in all producing districts except district 12 a majority of both tonnage and employment was accounted for by the mines paying minimum rates at least equal to those called for in the UMWA agreements. This conclusion is not affected even if all mines operating under the union agreement in 1953 which are shown by the record to have been out of operation at the time of the hearing, or though operating, were no longer signatories to the union agreement, are excluded in arriving at union totals.

the rate reflects other factors considered in the process of wage bargaining. The minimum hourly rates set forth in the proposal are those rates which prevail for one hour's work. Whether a particular operator is required to pay this rate portal-to-portal or only for time spent at the mine face is dependent entirely on those circumstances governing the compensability of travel time under the Portal-to-Portal Act of 1947. In view of this fact, all exceptions to the use of UMWA data on the ground that its use violates the Portal Act are overruled.

Exception is taken to the special provision for payment of incentive workers. This part of the proposal is said to be "unreasonable, arbitrary, and unjustified" and to be administratively unworkable.

Special provision was made for tonnage workers at the specific request of numerous representatives, including both labor and management. Some problems of administration of an hourly rate requirement with respect to incentive workers are present in any determination under the act. I do not anticipate any great difficulty in administering the proposed order. However, I am instructing the Administrator of the Wage and Hour and Public Contracts Divisions to report to me any difficulties in administration that may arise. In the event that such action appears to be in the public interest, proceedings will be instituted to amend the order.

Several other objections have been filed which are based on issues fully covered in the proposal. These include consideration of the "open market" exemption contained in the act, conclusions as to the conflict of the proposal with existing employment contracts, the nature and adequacy of the prevailing wage data, the propriety of basing the determination on 1953 production and employment data, questions as to the minimum rate prevailing in various areas, and the question raised on the record as to whether union mines were in fact living up to their contractual obligations. I have again reviewed each and every issue previously raised and for the reasons stated in the proposal, overrule these objections.⁴

⁴With respect to the necessity for using 1953 production data, the Virginia Operators have requested that I take official notice of the 1954 report of the Virginia State Department of Labor and Industry. It is asserted that this demonstrates the availability of more current data with respect to this State. The report, however, does not contain data as to tonnage and employment of individual mines for the year 1954, nor is it possible to determine from the report the proportion of the State's total tonnage coming from districts 7 and 8.

The Virginia operators have asserted that as a result of decreased production in union mines in 1954, the union minimum no longer prevails in their area. The record shows, however, that even if the total estimated decrease in production and employment in districts 7 and 8, which include the Virginia fields, were attributed to union mines, the union minimum would still prevail in each district. This is also true for districts 1 and 2 concerning which the same assertion was made by the Pennsylvania Open Pit Mining Association.

In addition to exceptions to the substance of the proposal, numerous objections have been made to the failure of the proposed decision to refer to certain testimony and documents of record, to various statements in the proposal, and to certain rulings of the hearing examiner.

While the proposal did not refer specifically to each individual piece of evidence or document of record, all evidence of record and all matters raised were considered in reaching the proposed decision. The proposal was based on the entire record and the presentation and arguments of all interested parties were fully considered in the light of the entire record. Exception to the failure to refer specifically to all evidence of record is accordingly overruled.

I have considered the exceptions to rulings of the hearing examiner but find that the charge that those rulings were unreasonable, arbitrary, capricious and prejudicial has not been substantiated.

Although many of the objections to various statements in the proposal do not raise material questions of fact or law, all such statements have been reviewed. One minor objection raised by the Virginia Operators I find is well taken. There was an erroneous reference to an "association" of coal operators from Virginia, whereas they all made individual appearances and were referred to as the Virginia Operators for convenience only. The remaining objections are based either upon a dispute as to the proper inference to be drawn from the evidence or on a challenge to the credibility of various witnesses. I am convinced that a sound evaluation has been made of all evidence of record. Except for the objection to referring to the Virginia Operators as an association, all objections and exceptions to specific statements in the proposal are overruled.⁵

In addition to objections to the merits of the proposal, the charge that I have prejudged the issues in this proceeding has been renewed. This allegation in connection with a recommendation of the Advisory Committee on Energy and Power Resources was considered in the proposal. A press release of the United States Department of Labor issued on December 17, 1954, has now been advanced as an additional ground for this assertion.

This release, however, did no more than announce my decision that a wage determination should be made for the Bituminous Coal Industry through proceedings in accordance with law. My decision as to the prevailing minimum

⁵In exception No. 17, the Virginia Operators object to the statement that the growth of small truck mines in Virginia was reported to be a recent development in response to the difficulties encountered by the unionized section of the industry in meeting the competition of fuels such as gas and oil.

I have received this statement and the testimony presented by the Virginia Operators. Although I find the statement to be proper in the light of all the testimony of the various witnesses presented by the Virginia Operators, the first footnote reference (footnote No. 27 in the proposal) should have read "T. 702-6" rather than "T. 702-4."

wages and all other issues involved in the proceeding was arrived at only after consideration of all evidence and data of record. The charge that any issue was prejudged is unfounded.

Upon reviewing the entire record in the light of all objections and exceptions filed, it is my conclusion that the proposed decision, amended by deleting the phrase "for market" from the definition of the industry, should be adopted. Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, Title 41, Code of Federal Regulations, Part 202, is hereby amended by addition of the following new section:

§ 202.51 *Bituminous coal industry*—
 (a) *Definition.* The bituminous coal industry is defined as that industry which produces or furnishes all coal (including lignite) except Pennsylvania anthracite. "Produces or furnishes" includes mining or other extraction, and the loading, screening, sizing, washing, oiling and other preparation of bituminous coal, and activities incidental to these operations. The term "preparation of bituminous coal" does not include any activities performed at Great Lakes or tidewater docks.

(b) *Minimum wage.* The minimum wage for employees (other than auxiliary workers) engaged in the performance of contracts with agencies of the United States subject to the provisions of the Act for production or furnishing of bituminous coal (including lignite) shall be the amount indicated for each area as follows:

District 1. Eastern Pennsylvania: \$2.245.

The following counties in Pennsylvania: Bedford, Blair, Bradford, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Fulton, Huntingdon, Jefferson, Lycoming, McKean, Mifflin, Potter, Somerset, Tioga.

Armstrong County, including mines served by the Pittsburgh and Shawmut Railroad on the west bank of the Allegheny River, and north of the Conemaugh division of the Pennsylvania Railroad.

Fayette County, all mines on and east of the line of Indian Creek Valley branch of the Baltimore and Ohio Railroad.

Indiana County, north of but excluding the Saltsburg branch of the Pennsylvania Railroad between Edri and Blairsville, both exclusive.

Westmoreland County, including all mines served by the Pennsylvania Railroad, Torrance, and east.

All coal-producing counties in the State of Maryland.

The following counties in West Virginia: Grant, Mineral, and Tucker.

District 2. Western Pennsylvania: \$2.245.

The following counties in Pennsylvania: Allegheny, Beaver, Butler, Greene, Lawrence, Mercer, Venango, Washington.

Armstrong County, west of the Allegheny River and exclusive of mines served by the Pittsburgh and Shawmut Railroad.

Indiana County, including all mines served on the Saltsburg branch of the Pennsylvania Railroad north of Conemaugh River.

Fayette County, except all mines on and east of the line of Indian Creek Valley, branch of the Baltimore and Ohio Railroad.

Westmoreland County, including all mines except those served by the Pennsylvania Railroad from Torrance, east.

District 3. Northern West Virginia: \$2.245.

The following counties in West Virginia: Barbour, Braxton, Calhoun, Doddridge, Giller, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tyler, Upshur, Webster, Wetzel, Wirt, Wood.

That part of Nicholas County including mines served by the Baltimore and Ohio Railroad and north.

District 4. Ohio: \$2.245.

All coal-producing counties in Ohio.

District 5. Michigan: (No determination.)

District 6. Panhandle: \$2.245.

The following counties in West Virginia: Brooke, Hancock, Marshall, and Ohio.

District 7. Southern Numbered 1: \$2.245.

The following counties in West Virginia: Greenbrier, Mercer, Monroe, Pocahontas, Summers.

Fayette County, east of Gauley River and including the Gauley River branch of the Chesapeake and Ohio Railroad and mines served by the Virginian Railway.

McDowell County, that portion served by the Dry Fork branch of the Norfolk and Western Railroad and east thereof.

Raleigh County, excluding all mines on the Coal River branch of the Chesapeake and Ohio Railroad.

Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of the mouth of Skin Fork of Guyandot River and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

The following counties in Virginia: Montgomery, Pulaski, Wythe, Giles, Craig.

Tazewell County, that portion served by the Dry Fork branch to Cedar Bluff and from Bluestone Junction to Bolsovain branch of the Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Buchanan County, that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad and that portion of said county on the headwaters of Dismal Creek, east of Lynn Camp Creek (a tributary of Dismal Creek).

District 8. Southern Numbered 2: \$2.245.

The following counties in West Virginia: Boone, Clay, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam, Wayne, Cabell.

Fayette County, west of, but not including mines of the Gauley River branch of the Chesapeake and Ohio Railroad.

McDowell County, that portion not served by and lying west of the Dry Fork branch of the Norfolk and Western Railroad.

Raleigh County, all mines on the Coal River branch of the Chesapeake and Ohio Railroad and north thereof.

Nicholas County, that part south of and not served by the Baltimore and Ohio Railroad.

Wyoming County, that portion served by Gilbert branch of the Virginian Railway lying west of the mouth of Skin Fork of Guyandot River.

The following counties in Virginia: Dickenson, Lee, Russell, Scott, Wise.

All of Buchanan County, except that portion on the headwaters of Dismal Creek, east of Lynn Camp Creek (tributary of Dismal Creek) and that portion served by the Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

Tazewell County, except portions served by the Dry Fork branch of Norfolk and Western Railroad and branch from Bluestone Junction to Bolsovain of Norfolk and Western Railroad and Richlands-Jewell Ridge branch of the Norfolk and Western Railroad.

The following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Ell-

ott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Menifee, Morgan, Owsley, Perry, Pike, Pulaski, Rowles, Wayne, Whitley, Wolfe.

The following counties in Tennessee: Anderson, Campbell, Claiborne, Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Roane, Scott.

The following counties in North Carolina: Lee, Chatham, Moore.

District 9. West Kentucky: \$2.03.

The following counties in Kentucky: Butler, Christian, Crittenden, Davies, Hancock, Henderson, Hopkins, Logan, McLean, Muhlenberg, Ohio, Simpson, Todd, Union, Warren, Webster.

District 10. Illinois: \$2.245.

All coal-producing counties in Illinois.

District 11. Indiana: \$2.23.

All coal-producing counties in Indiana.

District 12. Iowa: \$1.40.

All coal-producing counties in Iowa.

District 13. Southeastern: \$2.015.

All coal-producing counties in Alabama.

The following counties in Georgia: Dade, Walker.

The following counties in Tennessee: Marion, Grundy, Hamilton, Bledsoe, Sequatchie, White, Van Buren, Warren, McMinn, Rhea.

District 14. Arkansas-Oklahoma: \$2.63.

The following counties in Arkansas: All counties in the State.

The following counties in Oklahoma: Haskell, LeFlore, Sequoyah.

District 15. Southwestern: \$2.03.

All coal-producing counties in Kansas. All coal-producing counties in Texas. All coal-producing counties in Missouri.

The following counties in Oklahoma: Coal, Craig, Latimer, McIntosh, Muskogee, Okmulgee, Pittsburg, Rogers, Tulsa, Wagoner.

District 16. Northern Colorado: \$2.236.

The following counties in Colorado: Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jackson, Jefferson, Larimer, Weld.

District 17. Southern Colorado: \$2.236.

The following counties in Colorado: All counties not included in northern Colorado district.

The following counties in New Mexico: All coal-producing counties in the State of New Mexico, except those included in the New Mexico district.

District 18. New Mexico: \$2.236.

The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.

All coal-producing counties in California.

District 19. Wyoming: \$2.32.

All coal-producing counties in Wyoming.

The following counties in Idaho: Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Blaine, Power, Caribou, Oneida, Franklin, Bear Lake.

District 20. Utah: \$2.32.

All coal-producing counties in Utah.

District 21. North Dakota-South Dakota: \$2.226.

All coal-producing counties in North Dakota. All coal-producing counties in South Dakota.

District 22. Montana: \$2.346.

All coal-producing counties in Montana.

District 23. Washington: \$2,235.

All coal-producing counties in Washington.
All coal-producing counties in Oregon.

(c) *Tonnage workers.* In the case of employees compensated in whole or in part under a piece rate system, the minimum wage obligations under the Walsh-Healey Public Contracts Act will be fulfilled if a majority of the incentive workers engaged in work for the Government in a contracting establishment receive the applicable prevailing minimum hourly rate as set forth in paragraph (b) of this section during the period of time in which they perform such work, and if the average hourly earnings of the group of incentive workers engaged in work for the Government exceed this minimum during this period. Notwithstanding a mine's failure to meet the foregoing requirement during the particular period in which Government contract work is performed, it will nevertheless be regarded as in compliance with the minimum wage provisions of the act if it can demonstrate that a majority of its incentive workers have or would have earned at least the minimum wage and that the average hourly earnings of such workers as a group have or would have exceeded that minimum under normal mining conditions under the compensation arrangements prevailing during the period in which the mine was producing for the Government.

(d) *Auxiliary workers.* The term "auxiliary workers" as applied to employees in the Bituminous Coal Industry shall include employees who are employed in the following occupations or combinations of occupations:

Engineering:

1. Rodman.
2. Chainman.
3. Assistant transitman.
4. Transitman or transit worker.
5. Corpsman.
6. Surveyor.
7. Junior draftsman.
8. Draftsman.
9. Engineer, mining and civil.
10. Surveyor helper.

Laboratory:

1. Laboratory assistant.
2. Laboratory technician.
3. Sampler.
4. Chemist helper or assistant chemist.
5. Chemist.
6. Laboratory sample grinder.

Shipping:

1. Billing clerk.
2. Shipping clerk.
3. Shipper.
4. Weighmaster or retail weighmaster.
5. Weighman, scaleman, or weighboss.
6. Mine clerk.
7. Payroll clerk.

Supply:

1. Supply clerk, warehouse clerk, or store clerk.
2. Supplyman, warehouseman, storeman, or storekeeper.
3. Supply purchasing agent.

Other:

1. Prospecting driller and assistant driller.
2. Other prospecting crew members.
3. Coal inspector.
4. Coal preparation technician.
5. Dispatcher.
6. Electrician or electrical engineer.
7. Shift maintenance foreman.
8. Machinist foreman.
9. Lampman.
10. Utility truck driver.
11. Machinist.

12. Timekeeper and assistant timekeeper.

13. Powerhouse, sub-station, and pump attendant.

14. Hoisting engineer.

(e) *Subminimum wages authorized.*

(1) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the Regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525 of this title), under section 14 of the Fair Labor Standards Act, as amended.

(2) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(f) *Effect on other obligations.* Nothing in this section shall affect any obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(g) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after November 25, 1955.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 21st day of October 1955.

JAMES P MITCHELL,
Secretary of Labor

[F. R. Doc. 55-8648; Filed, Oct. 25, 1955;
8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11019; FCC 55-1040]

[Rules Amdts. 7-4 and 8-3]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

SPECIFIC AVAILABILITY DATE FOR CERTAIN FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules proposing specific availability date for frequencies in the band 2000-2850 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration the above-captioned matter: It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of

Proposed Rule Making in this matter, which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on May 12, 1954 (19 F. R. 2738) and that the period for filing of comments has now expired; and

It further appearing that the subject rule making proposed to make the frequencies 2482 kc (coast), 2382 kc (ship) available at New York, New York, temporarily on a "day only" basis, and on condition that harmful interference would not be caused to the police radio service by use of 2482 kc; and

It further appearing that the New York Telephone Company submitted comments stating that the police in Nassau County, which adjoins New York City on the east, were using the frequency 2490 kc; that boats in the vicinity of Nassau County and police cars within the County would experience serious interference if 2482 kc and 2490 kc were both operated for coverage of virtually the same area; and that finalization of the Commission's proposal should, therefore, be held in abeyance; and

It further appearing that with respect to both 2482 kc (coast) and 2382 kc (ship) it is now feasible to make the frequencies available for assignment on a full time basis rather than "day only" as proposed, inasmuch as police operations at various locations on the co-channels and channels adjacent to these frequencies either do not conflict or the conflict has been satisfactorily resolved, including the conflict with the police operations at Nassau County, New York; and

It further appearing that in view of the fact that it is not expected that marine use of the frequency 2482 kc will cause interference to police operations, the proposed condition that no interference shall be caused to the Police Radio Service by use of 2482 kc is not necessary; and

It further appearing that a remaining operation on 2384 kc which conflicts with the activation of the frequency 2382 kc in the maritime mobile service will be removed by January 1, 1956, and, therefore, the effective date of this action should be January 1, 1956; and

It further appearing that the public interest, convenience and necessary will be served by the amendments herein ordered, the authority for which is contained in sections 4 (i) 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective January 1, 1956, Parts 7 and 8 of the Commission's rules are amended as set forth below.

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

Released: October 21, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b) is amended by changing the New York, New York, portion of the table of frequencies to read:

New York, N. Y.	2522	None	2163	None
	2590	None	2193	None
	2452	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
C.	2553	None	2163	None
	4406.9	None	4087.7	None
	4434.5	Available for use annually during period Dec. 15 to March 15.	4129.1	Available for use annually during period Dec. 15 to March 15.
	4752.5	None	4101.5	None

Lorain installs eight channel VHF equipments, "virtually none of the operators ordering such sets have had the necessary equipment installed to operate on [the business and operational frequency 156.5 Mc] since they had not secured individual licenses authorizing use by them of said frequency * * * that the principal deterrent to the securing of such licenses is the additional and unfamiliar filing and administrative complications involved"

6. It is not clear from any of the comments filed nor from the petition of the Lake Carriers' Association why a so-called "dual licensing procedure" is made necessary by the provisions of § 8.301 (b) of the Commission's rules. The vessel owner may, if he chooses, become the sole licensee of all radio transmitting equipment aboard his vessel. It is not clear why all the services rendered by third persons to ship owners in connection with applications, licensing, servicing, etc., cannot continue to be provided under an arrangement whereby the ship owner instead of the third person is the licensee. On the other hand, regardless of the validity of the reason therefor, one year's experience with the rule has shown, according to the comments received, that the effect of the rule has been to deter the use of the involved frequencies in both the Great Lakes and the seaboard areas.

7. Because of the extremely congested situation which exists in the lower frequencies, the Commission has consistently sought to encourage the use of very high frequencies in the maritime radio service to a maximum extent. These frequencies are in heavy demand. Failure of the maritime mobile service to utilize fully the frequencies allocated to it can lead ultimately only to a re-examination of their allocation. On the other hand, as stated in the Commission's Report and Order in Docket No. 10914, which adopted § 8.301 (b), such a re-examination could be brought about if the frequencies were not utilized in accordance with the purpose for which they were allocated.

8. Under the circumstances, a difficult choice is presented as to action on the instant petition. It has been decided, however, to grant the petition on the basis that ship owners and operators and third person licensees, being fully aware of the difficulties pointed out above, will be alert to the necessity of precluding any tendency toward use of the frequencies in a manner which would impair the basis of their allocation.

9. In view of the foregoing, it is ordered, pursuant to section 303 (a) (b) (c) and (r), and effective immediately, that § 8.301 is amended by deleting paragraph (b) thereof.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U. S. C. 303)

Adopted: October 19, 1955.

Released: October 21, 1955.

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

[F. R. Doc. 55-6252; Filed, Oct. 25, 1955; 8:52 a. m.]

B. Part 8 is amended as follows:
1. Section 8.354 (a) (1) is amended by changing the New York, New York, portion of the table of frequencies to read:

New York, N. Y.	2126	None	2522	None
	2193	None	2590	None
	2382	Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2452	Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.
	2166	None	2553	None
	4087.7	None	4406.9	None
	4129.1	Available for use annually during period Dec. 15 to March 15.	4434.5	Available for use annually during period Dec. 15 to March 15.
	4101.5	None	4752.5	None

[F. R. Doc. 55-8651; Filed, Oct. 25, 1955; 8:52 a. m.]

[Docket No. 11406; FCC 55-1041]

[Rules Amdt. 8-4]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

SUPPLEMENTAL ELIGIBILITY REQUIREMENTS

In the matter of petition of the Lake Carriers' Association for Repeal of § 8.301 (b) of the Commission's rules.

1. The above-captioned petition was made the subject of proposed rule making proceedings by a notice dated June 8, 1955. Comments in support of the petition were received from three parties. There were no comments in opposition.

2. Section 8.301 (b) which the petition requests to be repealed, prohibits the assignment of certain business and operational frequencies in the band 152-162 Mc to applicants who are not themselves engaged in the operation of the vessel upon which the ship station would be located. The petition of the Lake Carriers' Association requested repeal of the rule because experience with it showed that the effect of the rule has been to discourage the use of the business and operational frequency 156.5 Mc. According to the petition, this result occurred because usually "the licenses for all other channels * * * are held by communication companies serving the Great Lakes" and the prohibition of § 8.301 (b) necessitated a "complicated and cumbersome dual licensing procedure" in order to obtain an authorization for use of the frequency 156.5 Mc.

3. The Central Committee on Radio Facilities of the American Petroleum Institute "agree(d) that it does appear to be a cumbersome proceeding to require two separate licensees and two separate licenses for a ship VHF set to be used on the eighth channel (156.5 Mc) which is the subject matter of the petition. Accordingly, the Committee feels that pe-

tioner's position in this proceeding has merit"

4. The American Telephone & Telegraph Company stated that it normally supplies multi-channel equipment for installation on board vessels of its customers and that such equipment can economically and efficiently be used to provide business and operational channels as well as public communication service. It alleged that "where such equipment is provided, the rule has imposed upon operators of commercial transport vessels the burden of making application for, and holding a separate license for, the business and operational frequencies and has introduced confusion in the operation of such equipment by requiring two call signs to be associated with a single transmitter" It further states that its experience in the seaboard areas, as well as on the Great Lakes, indicates that the rule in question "has discouraged the development and use of business and operational channels"

5. The Lorain County Radio Corporation stated that it has, for many years, secured and held licenses for ship stations on board vessels navigating on the Great Lakes; that Lorain has thereby furnished to ship operators "the know-how which it has gained from wide experience in handling applications for licenses and compiling reports for the Commission" that ship operators "recognized that it is uneconomical and perhaps unsound for each of them to maintain a technical staff competent to perform all necessary functions in connection with such radiotelephone equipment, [and] have for many years taken advantage of the service offered by Lorain and by certain other qualified radio companies on the Lakes in connection with licensing of all of the frequencies used by their ship stations"; that while

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 34]

[Bureau of Mines Schedule 28]

MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY FEES

FIRE-RESISTENT CONVEYOR BELTS

Correction

The following changes are made in F. R. Doc. 55-7082, published at page 6475 in the issue for Thursday, September 1, 1955:

1. In the table under § 34.11 (d) (3) the first figure in the third column, now reading "30" should read "50"

2. In § 34.15 the fourth line from the end should read: "belts that have not been accepted as fire-"

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262]

HANDLING OF MILK IN TEXAS PANHANDLE MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing 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 regulating the handling of milk in the Texas Panhandle marketing area which was issued October 4, 1955 (20 F. R. 7492), is hereby extended until November 4, 1955.

Dated: October 21, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-8658; Filed, Oct. 25, 1955;
8:53 a. m.]

[7 CFR Ch. IX]

HANDLING OF MILK IN NEW YORK, NEW JERSEY AREA

DETERMINATION RELATIVE TO AREA OF REGULATION AND NOTICE OF THIRD PUBLIC MEETING

Determination. After consideration of pertinent information, including all data, views and arguments presented at

the public meetings held at Trenton, New Jersey, during the period July 18-22, 1955, and at Newark, New Jersey, during the period October 4-7, 1955, pursuant to notices thereof issued on June 15, 1955 (20 F. R. 4307), and September 6, 1955 (20 F. R. 6609), respectively, it is hereby determined that the territory, outside the marketing area presently regulated under Order No. 27, to be included in any notice or notices of hearing which may be issued relating to proposals currently under consideration for new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area should be that territory within the boundaries of the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster.

Notice. It was indicated in the notice of September 6, 1955, that after a determination had been made concerning the proposed marketing area, for notice of hearing purposes, a further public meeting would be conducted. Accordingly, and further pursuant to § 900.3 of the rules of practice and procedure governing procedure to formulate marketing agreements and orders (7 CFR Part 900) notice is hereby given of a third public meeting to be held at the Douglas Hotel in Newark, New Jersey, beginning at 10:00 a. m., e. s. t., November 14, 1955, at which data, views or arguments may be presented concerning, and limited to, the question of whether, for the purpose of any notice or notices of hearing which may be issued relative to proposed new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, the handling of milk in the territory within the boundaries of the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster should be regulated separately by means of one or more new marketing orders, or in combination with the marketing area presently regulated under Order No. 27, or both.

As in the case of the two meetings already held (at Trenton, July 18-22 and at Newark, October 4-7) the data, views and arguments presented at this third meeting shall be by means of statements presented orally, not under oath. The record of this meeting and the record of the two preceding meetings shall be considered as being cumulative. Otherwise, no part of the record of any prior proceeding shall be incorporated by reference into the record of this meeting. Cross-examination, as such, shall not be permitted, but in the discretion of the presiding officer clarifying questions may be asked. Statistical tables, maps, charts, or other written

exhibits shall be supplied in quadruplicate by the person offering the exhibit.

Issued at Washington, D. C., this 21st day of October 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-8659; Filed, Oct. 23, 1955;
8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Ch. II]

[Docket No. S-59]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF PROPOSED RULE MAKING

By petition, dated June 17, 1955, American President Lines, Ltd., sought a declaratory order that section 605 (a) of the Merchant Marine Act, 1936, as amended, makes unnecessary written permission under section 805 (a) of said act for its vessels in subsidized service to carry passengers and cargoes between California and Hawaii.

The Federal Maritime Board and the Maritime Administrator have authorized a proceeding broader in scope than the question raised by the aforementioned petition.

Notice is hereby given that pursuant to section 4 of the Administrative Procedure Act (60 Stat. 237), the Federal Maritime Board and the Maritime Administrator have instituted a rule-making proceeding to determine whether written permission is required under section 805 (a) of the Merchant Marine Act, 1936, as amended, for the activities and relationships described therein related to voyages described in section 605 (a) of said act, as follows:

* * * a round-the-world voyage or a round voyage from the west coast of the United States to a European port or ports or a round voyage from the Atlantic coast to the Orient which includes intercoastal ports of the United States or a voyage in foreign trade on which the vessel may stop at an island possession or island territory of the United States * * *

Interested persons may file with the Secretary of the Federal Maritime Board and the Maritime Administration, General Accounting Office Building, Washington 25, D. C., on or before November 15, 1955, such written data, views, and arguments as they deem relevant to the issue stated above and shall accompany such written material with a statement showing the interest of the party.

By order of the Federal Maritime Board/Maritime Administrator.

Dated: October 21, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8662; Filed, Oct. 25, 1955;
9:32 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority contained in sections 4 and 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45), notice is hereby given that I propose to amend Part 201 of the General Regulations (41 CFR Part 201) by the revocation of § 201.101 (b) (2) and by the amendment of § 201.603 to include a new paragraph to read as follows:

(f) Contracts with a person who regularly buys and sells coal on his own account in lots of not less than a cargo or railroad carload, or with a person who is authorized by one or more persons engaged in mining coal to negotiate and conclude contracts for the furnishing thereof in such lots, are exempt from the requirement of section 1 (a) of the act that such person represent that he is a manufacturer or a regular dealer in coal; *Provided, however,* That all of the following terms and conditions are met:

(1) That such person will notify the person engaged in mining the coal that the purchaser thereof is the United States and that provisions of the Public Contracts Act are applicable; and

(2) That such person, irrespective of any liability that may exist on the part of the mines, shall be liable for the observance of all of the stipulations provided for in section 1 of the act except subsection (a) thereof; and

(3) That such person notify the contracting agency that he will accept the contract upon the terms and conditions set forth above.

Interested persons may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Office of the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., their views, arguments or data relative to the proposed amendment.

Signed at Washington, D. C., this 21st day of October 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-8649; Filed, Oct. 25, 1955; 8:51 a. m.]

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS TO ICE MANUFACTURERS AND ICE DEALERS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C.

201 et seq.) notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend Interpretative Bulletin, Part 779 (29 CFR Part 779) by the addition of § 779.32 to read as follows:

§ 779.32 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to ice manufacturers and ice dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and 13 (a) (4) exemptions apply to establishments engaged in selling ice, including those establishments which make the ice they sell.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of ice will be regarded as retail except:

- (1) Sales for resale.
- (2) Sales of ice for icing railroad cars and for icing cargo trucks. However, sales of ice for the re-icing of cargo trucks are recognized as retail if such sales do not fall into the nonretail categories described in subparagraphs (4) or (5) of this paragraph.
- (3) Sales of ice in railroad car lots.
- (4) Sales of ice of a ton or more.
- (5) Sales of ice at a price comparable to that charged by the establishment to dealers or, if no sales are made to dealers by the establishment, at a price comparable to or lower than the prevailing price to dealers in the area.

(c) If 50 percent or more of the establishment's annual dollar volume of sales of goods or services is made within the state in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment except those employees who are engaged in the making or processing of ice or other goods. In order for employees engaged in making or processing of ice to be exempt, the establishment must meet all of the following tests of the exemption under section 13 (a) (4)

- (1) The establishment must qualify as an exempt retail establishment under section 13 (a) (2), as explained above.
- (2) More than 85 percent of the establishment's annual dollar volume of sales of the ice which it makes or processes must be made within the state in which the establishment is located.
- (3) The ice which the establishment makes or processes must be made or processed at the establishment which sells it.
- (4) The establishment must be recognized as a retail establishment in the particular industry.

(d) With respect to the application of the requirement in paragraph (c) (4) of this section, the legislative history indicates that ice plants are among the establishments which may qualify as retail establishments under the 13 (a) (4) exemption. It appears that all ice plants are manufacturing establishments of the same general type, permitting no separate classifications with

respect to recognition as retail establishments. Any ice plant which meets the tests of section 13 (a) (2) will, therefore, be considered to be recognized as a retail establishment in the industry under this requirement.

(e) There are some ice plants which meet the 13 (a) (2) exemption tests, but do not qualify under section 13 (a) (4) because they are unable to meet the tests listed in paragraph (c) (2) or (3) of this section. In such establishments, there may be some employees whose duties relate to both the sales portion of the business and the making or processing of ice. These employees will not qualify for exemption. However, in such establishments, there may be some employees who work primarily for the sales portion of the business and also perform incidental clerical, custodial, or messenger service for the manufacturing operation. For example, office workers may keep records of both the manufacturing activities and of the retail sales department, maintenance workers may clean up in both parts of the establishment, and messengers may perform services for both activities. If these employees spend relatively little time in the work related to the ice manufacturing portion of the business, they will not, as an enforcement policy, be regarded as engaged in the making or processing of ice. Such an auxiliary employee will thus be exempt under section 13 (a) (2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, messenger, or custodial work of the ice manufacturing operations.

Prior to the final adoption of the proposed amendment set forth above, consideration will be given to any views, arguments or data pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 21st day of October 1955.

NEWELL BROWN,
Administrator
Wage and Hour Division.

[F. R. Doc. 55-8650; Filed, Oct. 25, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 11523; FCC 55-1051]

HEARING MANUAL FOR COMPARATIVE BROADCAST PROCEEDINGS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 1, §§ 1.840 and 1.871 of the Commission's rules and regulations to incorporate by reference a hearing manual for comparative broadcast proceedings.

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

2. The Commission is proposing to amend §§ 1.840 and 1.871 of its rules and regulations, as set forth below, to incorporate by reference into the rules the Hearing Manual for Comparative Broadcast Proceedings.¹ The manual is designed to promote uniformity in matters concerning the introduction and use of evidence in comparative broadcast proceedings.

3. The Commission is desirous of receiving comments both with respect to the provisions of the proposed manual and the question of whether the manual should be incorporated by reference into the Commission's rules or merely issued to serve as a guide to Hearing Examiners, Commission attorneys and members of the Bar.

4. Authority for the proposed amendments to the rules is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested party may file with the Commission on or before November 21, 1955, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 19, 1955.

Released: October 21, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend §§ 1.840 and 1.871 of the Commission's rules to read as follows:

§ 1.840 *Applicability.* (a) Sections 1.843, 1.851 and 1.858 shall apply only to (1) cases which have been designated for hearing on or after December 11, 1946; (2) cases which were designated for hearing prior to December 11, 1946, and which after the record was closed were designated for further hearing on and after December 11, 1946, before a Commissioner or a Hearing Examiner appointed pursuant to the Administrative Procedure Act; and (3) cases designated for a hearing prior to December 11, 1946, if consolidated with a case designated for hearing on or after said date.

(b) All comparative hearings in broadcast matters in which the first prehearing conference pursuant to § 1.841 is held on or after _____, shall be governed by the provision of the Commission's Hearing Manual for Comparative Broadcast Proceedings, adopted on _____ copies of which may be obtained from the Commission's Office of Reports and Information.

§ 1.871 *Rules of evidence.* (a) Except as otherwise provided in this part, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings. Such rules may be relaxed if the ends of justice will be better served by so doing.

(b) All comparative hearings in broadcast matters in which the first prehearing conference pursuant to § 1.841 is held on or after _____, shall be governed by the provisions of the Commission's Hearing Manual for Comparative Broadcast Proceedings, adopted on _____ copies of which may be obtained from the Commission's Office of Reports and Information.

[F. R. Doc. 55-8653; Filed, Oct. 25, 1955;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 182]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS
I COMMON AND CONTRACT CARRIERS OF
PROPERTY

NOTICE OF PROPOSED RULE MAKING

OCTOBER 11, 1955.

Having under consideration the matter of accounting regulations prescribed for motor carriers, the Commission has approved modifications of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, issue of 1952, which (1), will restrict charges to account 4645, Employees' Welfare Expenses, to payments and expenses under arrangements which were originated by carrier managements and voluntarily installed; and (2), will insert new and additional primary expense accounts to include contributions to health and welfare plans covering equipment maintenance employees, transportation employees, terminal employees, traffic employees, insurance and safety department employees, and general office employees, respectively, when the contributions are made under contract arrangements with labor organizations.

Any interested person may on or before November 30, 1955, file with the Commission's Secretary written views or arguments to be considered in this connection. After consideration of representations so received, and giving effect to any changes necessary because of them, an order will be entered making the above modifications effective January 1, 1956.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-8632; Filed, Oct. 25, 1955;
8:49 a. m.]

NOTICES

CIVIL SERVICE COMMISSION

CERTAIN VETERINARIAN POSITIONS
THROUGHOUT THE CONTINENTAL UNITED
STATES, ITS TERRITORIES AND POSSESSIONS,
AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF
PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all professional veterinarian positions at grade GS-7 in the entire Veterinary Science Group, GS-700-0. The new rate has been set at the sixth step of the grade (\$5,200). This increase will be effective on the first day of

the first pay period which begins after October 22, 1955, and applies to these positions throughout the continental United States, its territories and possessions, and in foreign countries.

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

[F. R. Doc. 55-8647; Filed, Oct. 25, 1955;
8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ISTHMIAN STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE
BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed

with the Board for approval pursuant to § 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7707-4 between Isthmian Steamship Company and Matson Navigation Company, modifies their approved joint cargo service and pooling agreement (No. 7707) covering the trade between the Hawaiian Islands and U. S. Atlantic and Gulf ports, to extend the time on or before which each final annual pool settlement will be effected.

(2) Agreement No. 8051, between Hanseatische Reederei Emil Offen & Co., a German company, and Vaasan Laiva Oy, a Finnish company, covers a sailing arrangement in the trade from North Continental Pacific Coast ports to Europe.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime

¹ Filed as part of original document.

Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 21, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-8663; Filed, Oct. 25, 1955; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 69494]

IDAHO

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JUNE 18, 1908, WHICH WITHDREW LAND FOR USE OF FOREST SERVICE AS GRAYS LAKE ADMINISTRATIVE SITE

OCTOBER 20, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the First Assistant Secretary of the Interior of June 18, 1908, reserving lands in the Caribou National Forest for use of the Forest Service, Department of Agriculture, as the Grays Lake Administrative Site, is hereby revoked so far as it affects the following-described land:

BOISE MERIDIAN

T. 4 S., R. 43 E.,
Sec. 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres. Subject to any valid existing rights and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Boise, Idaho, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 25, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 25, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho. Other inquiries shall be

addressed to the Regional Forester, Forest Service Building, Ogden, Utah.

EDWARD WOOLEY,
Director.

[F. R. Doc. 55-8617; Filed, Oct. 25, 1955; 8:45 a. m.]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA
ORDER OF REVOCATION

DECEMBER 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of November 16, 1932, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 36 N., R. 5 W.,
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The above areas aggregate 160 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[Misc. 1476064]

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Subject to any valid existing rights, the provisions of existing withdrawals for power purposes, and to the requirements of applicable law, the released lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, including the filing of applications and offers under the mineral-leasing laws and locations under the mining laws, as follows:

(1) Applications and offers under the mineral-leasing laws may be presented to the Manager, Land Office, Bureau of Land Management, Sacramento, California, beginning on the date of this order. All such applications filed prior to 10:00 a. m. on November 25, 1955, will be considered as simultaneously filed at that hour. Rights under such applications and offers filed after that hour will be governed by the time of filing.

(2) The lands will be open to mining location under the United States mining laws, beginning at 10:00 a. m. on November 25, 1955.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, 630 Sansome Street, San Francisco, California.

EDWARD WOOLEY,
Director,

Bureau of Land Management.

[F. R. Doc. 55-8019; Filed, Oct. 25, 1955; 8:40 a. m.]

DESCHUTES PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

WILLAMETTE MERIDIAN, OREGON

T. 19 S., R. 11 E.,
Sec. 31, Lot 4.

The above area contains 35.08 acres.

W. A. DENHEIMER,
Commissioner.

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOLEY,
Director
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Deschutes Project, Oregon

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the proposed Benham Falls Reservoir site, Deschutes Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DENHEIMER,
Commissioner.

[F. R. Doc. 55-8320; Filed, Oct. 25, 1955; 8:46 a. m.]

MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 13, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388)

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
 Sec. 4, Lots 7, 8, $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
 Sec. 5, All;
 Sec. 6, Lots 8 and 10;
 Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 18, Lots 13, 14, 16, 18, 19, 20, 21, 22,
 23, NE $\frac{1}{4}$,
 Sec. 19, Lots 8, 9, 10, 19, 20;
 Sec. 30, Lots 10, 18, 19, 20, 21;
 Tracts 38-F and 76-A, D.
 T. 47 N., R. 92 W.,
 Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$,
 Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$,
 Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
 Sec. 33, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$,
 Sec. 34, N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$.
 T. 46 N., R. 93 W.,
 Sec. 13, Lot 2;
 Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 20, Lot 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 Sec. 24, Lots 2, 3, 4, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 25, Lots 1, 2, 3;
 Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$,
 Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 Sec. 36, Lot 1;
 Tracts 41-B, C, D; 75-A; 76-B; 77-A, B, D;
 98-C.
 T. 45 N., R. 94 W.,
 Sec. 2, Lots 7 and 8;
 Sec. 3, Lot 5.
 T. 46 N., R. 94 W.,
 Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$.

The above area aggregates 6,132.49 acres.

E. G. NIELSEN,
 Assistant Commissioner

OCTOBER 20, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
 Director
 Bureau of Land Management.

*Notice for Filing Objections to Order
 Withdrawing Public Lands for the
 Missouri River Basin Project, Wyo-
 ming*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the Hanover-Bluff Unit, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be

given to all interested parties of record and the general public.

E. G. NIELSEN,
 Assistant Commissioner

[F. R. Doc. 55-8621; Filed, Oct. 25, 1955;
 8:47 a. m.]

National Park Service

[Order 20]

CHIEFS, WESTERN AND EASTERN OFFICES,
 DIVISION OF DESIGN AND CONSTRUCTION

DELEGATION OF AUTHORITY WITH RESPECT
 TO CERTAIN CONTRACTS

OCTOBER 17, 1955.

(a) The Chief, Western Office, Division of Design and Construction, and the Chief, Eastern Office, Division of Design and Construction, are authorized to exercise within the respective areas under their supervision and subject to the provisions of paragraph (b) of this section, the authority delegated to the Director, National Park Service, for the period ending June 30, 1957, by the Acting Secretary of the Interior on September 29, 1955 (20 F. R. 7458) to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for the services of architectural firms in connection with the construction activities of the National Park Service in Yosemite, Grand Canyon, and Grand Teton National Parks, located in California, Arizona, and Wyoming, respectively, and other areas under the administrative jurisdiction of the National Park Service.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the Act, particularly sections 304 and 307, and in accordance with policies, procedures, and contracts prescribed by the General Services Administration.

(Secretary's Order No. 2802; 20 F. R. 7458)

[SEAL] CONRAD L. WIRTH,
 Director

[F. R. Doc. 55-8618; Filed, Oct. 25, 1955;
 8:46 a. m.]

Office of the Secretary

[61130]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND
 ORDER PROVIDING FOR OPENING OF PUBLIC
 LANDS

1. A plat of survey of the lands described below will be officially filed in the Bureau of Land Management, United States Department of the Interior, Washington 25, D. C., effective 10:00 a. m. on November 24, 1955:

TALLAHASSEE MERIDIAN, FLORIDA

T. 27 S., R. 37 E.,
 Sec. 11, Lots 5, 6, 7, 8, 9;
 Sec. 13, Lots 5, 6, 7, 8, 9, 10, 11, 12;
 Sec. 14, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 14, 15, 16;

Sec. 23, Lots 1, 2, 3;
 Sec. 24, Lots 9, 10, 11, 12, 13, 14;
 Sec. 25, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
 Sec. 36, Lots 5, 6, 7, 8.

The area described aggregates 576.64 acres.

2. The act of August 9, 1955 (69 Stat. 541) directs the Secretary of the Interior to issue patents to the above-described public lands to persons who hold such public lands in good faith and in peaceful adverse possession, if they or their predecessors in interest have been issued patents, prior to January 1, 1954, for the upland tracts adjoining such public lands. The law further provides that payment to the United States shall be made for such lands at the same price per acre as that at which the land included in the original patent was purchased, but in no case less than \$1.25 per acre. Under the terms of the above act, persons qualified to receive patents for any of the above-described lands must make application therefor within one year from August 9, 1955.

3. Notice is hereby given that the above-described lands are now open to application by the persons described in paragraph 2 above.

(a) All applications must be filed in duplicate with the Bureau of Land Management, Washington 25, D. C.

(b) Every application must be accompanied by a filing fee of \$10 which is nonreturnable.

(c) No particular form of application is required but applications must be typewritten or in legible handwriting, must be captioned "Application under the act of August 9, 1955 (69 Stat. 541)," and must contain the following information:

(1) The full name and full post-office address of the applicant.

(2) The legal description and acreage, in accordance with the plat of survey, of the public lands applied for.

(3) The legal description of the lands owned by the applicant adjoining the public lands applied for, together with a certificate from the proper county official or by an abstractor showing that the applicant owns such adjoining lands in fee simple as of the date of application.

(4) A statement setting forth the facts which show that the applicant holds the public lands in good faith and in peaceful adverse possession. This statement must include the period of time the lands have been held adversely and a description of the specific acts constituting the alleged peaceful adverse possession. The facts surrounding any prior interference or attempted interference with the adverse claimant's possession of the lands must also be fully stated.

(5) The names and post-office addresses of any adverse claimants, settlers, or occupants of the public lands applied for.

(6) The names and post-office addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

4. Applicants will be required to publish once a week for five consecutive weeks in accordance with 43 CFR 106.14, at their expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land

adversely to file with the Bureau of Land Management, Washington 25, D. C., their objections to issuance of patent under the applications. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication had been had for the required time.

5. Persons entitled to a patent must, within 30 days after request therefor, pay the same price per acre as that at which the lands included in the original patent to the adjoining tract was purchased, or \$1.25 per acre, whichever is greater.

6. No patents for the above-described lands will be issued prior to August 10, 1956. Any of the above-described lands not sold to persons described in paragraph 2 above shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an appropriate order.

7. Inquiries concerning the above-described lands shall be addressed to the Director, Bureau of Land Management, Washington, D. C.

DOUGLAS MCKAY,
Secretary of the Interior

OCTOBER 19, 1955.

[F. R. Doc. 55-8622; Filed, Oct. 25, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9243 etc., FCC 55-1030]

HARVEY E. SEIBERT AND CLINTON D. MCKINNON ET AL.

ORDER AMENDING ISSUES

In the matter of Harvey E. Seibert and Clinton D. McKinnon, and The Pacific Telephone & Telegraph Company, Docket No. 9243; applications for construction permits for coastal harbor stations at San Diego, California (File No. 10257-F1-P-C) and at San Pedro, California (File No. 11682-F1-P-C) respectively. The Pacific Telephone & Telegraph Company, Docket No. 11284; application for construction permit to add transmitter to existing station KOU (File No. 13412-F1-P-G) at San Pedro, California. Radiomarine Corporation of America, Docket No. 11285; application for construction permit for new public class H-B coast station at San Diego, California (File No. 17229-F1-P-D)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration a motion to change issues and a petition to amend application in Docket No. 9243 filed by The Pacific Telephone and Telegraph Company on June 14, 1954; an opposition thereto and a motion to dismiss applications and terminate the proceedings in Docket No. 9243 filed by the Chiefs of the Commission's Common Carrier and Safety and Special Radio Services Bureaus on

February 24, 1955; a reply of The Pacific Telephone and Telegraph Company to said opposition and opposition of said company to the motion to dismiss, filed on March 14, 1955; and a motion to enlarge issues in Dockets Nos. 11284 and 11285 filed by the above-mentioned Bureau Chiefs on April 28, 1955;

It appearing that at the request of Harvey E. Seibert and Clinton D. McKinnon their application was dismissed without prejudice on April 29, 1955; and

It further appearing that the sole application now involved in Docket No. 9243 is that of The Pacific Telephone and Telegraph Company which presently requests the assignment of frequencies not available under the Commission's Rules and as to which a pending petition seeks the allowance of an amendment to request frequencies which will become available at a future date to be designated by the Commission; and

It further appearing that under the circumstances above-described no useful purpose would be served either by retaining the present application on file or granting the petition to amend in the respects requested; and

It further appearing that with respect to the above-entitled applications of The Pacific Telephone and Telegraph Company and Radiomarine Corporation of America in Dockets Nos. 11284 and 11285, a question exists as to the extent of the mutual harmful electrical interference which may occur from the proposed use of the frequency 2598 kc by the respective applicants, and that enlargement of the issues therein to inquire into this question would be appropriate;

It is ordered, That the motion to change issues and petition to amend application in Docket No. 9243 filed by The Pacific Telephone and Telegraph Company is denied;

It is further ordered, That the motion to dismiss applications and terminate the proceedings in Docket No. 9243 filed by the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus is granted; *And it is further ordered*, That the application (File No. 11682-F1-P-C) of The Pacific Telephone and Telegraph Company is dismissed and that the proceedings in Docket No. 9243 are terminated;

It is further ordered, That the motion of the Chiefs of the Common Carrier and Safety and Special Radio Services Bureaus to enlarge issues in Dockets Nos. 11284 and 11285 is granted and that an Issue No. 5 is included in said proceedings, to read as follows:

5. To determine the extent of the mutual harmful electrical interference which may occur from the proposed use of the frequency 2598 kc by Pacific Telephone and Telegraph Company and by Radiomarine Corporation of America in view of the service proposed to be rendered by each.

Released: October 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8654; Filed, Oct. 25, 1955; 8:53 a. m.]

[Docket No. 11300; FCC 55M-837]

ALLEGHENY-KISIKI BROADCASTING Co.
(WKPA)

ORDER SCHEDULING HEARING CONFERENCE

In re application of Allegheny-Kiski Broadcasting Co. (WKPA) New Kensington, Pennsylvania, Docket No. 11300, File No. BP-954C; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding and an informal agreement of the parties concerning the scheduling of a hearing conference to consider matters connected with new issues added by the Commission's order of October 12, 1955;

It is ordered, This 18th day of October 1955, that all parties, or their attorneys, are directed to appear for a hearing conference at the Commission's offices in Washington, D. C., at 9:00 a. m., October 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8655; Filed, Oct. 25, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Projects Nos. 175 and 1938]

PACIFIC GAS AND ELECTRIC Co.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSES

OCTOBER 20, 1955.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed applications under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the licenses for water-power Project No. 175, located on the North Fork of Kings River and for water-power Project No. 1938, located on the Kings River, North Fork of Kings River, and Helms Creek in Fresno County, California. Applicant seeks amendment of the license for Project No. 175 to increase the height of the existing Balch Diversion Dam by 44 feet; install two new 67,000-horsepower vertical-shaft, multiple-jet, impulse turbines, instead of the three previously proposed 40,000-horsepower horizontal-shaft, double-overhung units; and install two new 54,000 kva (0.9 PF) generators, instead of the three previously proposed 33,000-kva (0.85 PF) units; raise the spill crest of Balch Afterbay Dam an additional six feet (to Elev. 1704) and omit the bridge over that dam; and to revise and modify miscellaneous project works; and seeks amendment of the license for Project No. 1938 to reduce height of Helms Dam by six feet, and reduce height of Wishon Dam by 10 feet; add four auxiliary concrete gravity dams in four saddles near the right abutment of Wishon Dam; eliminate Wishon penstock, A. E. Wishon Powerhouse, afterbay dam, and the 110-kv transmission line from that plant to applicant's Balch Powerhouse (Project No. 175) install two new 92,000 horsepower vertical-shaft, multiple-jet, impulse turbines at Haas Powerhouse, instead of the three previously pro-

NOTICES

posed horizontal-shaft, double-over-hung, impulse, 50,000-horsepower turbines, and install two 75,000 kva (0.9 PF) generators instead of the three previously proposed 40,000 kva (0.85 PF) units; reduce by approximately one-half mile (to 26.5 miles) each of the transmission lines from Haas Powerhouse to Piedra substation; eliminate the approximately one mile long double-circuit transmission line from Kings River Powerhouse to the Haas-Piedra transmission lines; and add two tap lines, each about 200 feet long, from Kings River Powerhouse to applicant's Balch-Sanger transmission line (Project No. 175) add project roads for access to certain of the project works; increase the installed turbine-generator capacity of Kings River Powerhouse from one 54,000-horsepower and 45,000-kva (0.85 PF) unit to one 60,000-horsepower and 49,000-kva (0.9 PF) unit; and to provide for miscellaneous structural revisions in and relocations of project works. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is December 1, 1955. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8623; Filed, Oct. 25, 1955;
8:47 a. m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

OCTOBER 20, 1955.

Notice is hereby given that on October 6, 1955, the Federal Power Commission issued its order adopted October 5, 1955, authorizing transmission of electric energy from the United States to Mexico and superseding previous authorization in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8624; Filed, Oct. 25, 1955;
8:47 a. m.]

[Docket No. E-6641]

PACIFIC POWER & LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

OCTOBER 20, 1955.

Notice is hereby given that on October 5, 1955, the Federal Power Commission issued its supplemental order adopted October 4, 1955, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8625; Filed, Oct. 25, 1955;
8:48 a. m.]

[Docket No. E-6642]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING MERGER OF FACILITIES

OCTOBER 20, 1955.

Notice is hereby given that on October 7, 1955, the Federal Power Commission issued its order adopted October 5, 1955, authorizing merger or consolidation of facilities and issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8626; Filed, Oct. 25, 1955;
8:48 a. m.]

[Docket Nos. G-1907, G-8766]

SOUTHERN NATURAL GAS CO. AND MID-GEORGIA NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER MODIFYING PREVIOUS DECISION

OCTOBER 20, 1955.

Notice is hereby given that on October 11, 1955, the Federal Power Commission issued its findings and order adopted October 10, 1955, in the above-entitled matters, permitting withdrawal of application by Mid-Georgia Natural Gas Company in Docket No. G-8766, and modifying certificate of public convenience and necessity by authorizing Southern Natural Gas Company to deliver and sell natural gas to Mid-Georgia Natural Gas Company, in lieu of the City of Harlem, Georgia, in Docket No. G-1907.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8627; Filed, Oct. 25, 1955;
8:48 a. m.]

[Docket No. G-3038 etc.]

J. M. HUBER CORP. ET AL

NOTICE OF ORDER AFFIRMING DECISION

OCTOBER 20, 1955.

In the matters of J. M. Huber Corporation, Docket Nos. G-3038 and G-4957 Northern Natural Gas Company v. J. M. Huber Corporation, Docket No. G-4326.

Notice is hereby given that on October 6, 1955, the Federal Power Commission issued its order adopted October 5, 1955, affirming decision of Presiding Examiner in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8628; Filed, Oct. 25, 1955;
8:48 a. m.]

[Docket Nos. G-8615, G-8621]

SUN OIL CO. AND NEBO OIL CO., INC.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

OCTOBER 20, 1955.

Notice is hereby given that on October 7, 1955, the Federal Power Commission

issued its orders adopted October 5, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8629; Filed, Oct. 25, 1955;
8:48 a. m.]

[Docket No. G-7897 etc.]

J. N. HUTTIG ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 20, 1955.

In the matters of J. N. Huttig, Docket No. G-7897; T. V. Cunningham Gas Company, Docket No. G-7898; Crabbo Oil & Gas Company, Docket No. G-7913; Barnes Oil & Gas Company, Docket No. G-7914; J. R. Sharp, Inc., Docket No. G-7930; McCall Drilling Company, Inc., Docket Nos. G-7993, G-7994, G-7995; James Doughty et al., Docket No. G-7997 Davison, Wallace, Rutter and Wilbanks Brothers, Docket No. G-7999; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2, Docket No. G-8007; George W. Graham, Docket No. G-8047; Garrett Oil & Gas Company, Docket No. G-8074; Morris Mizel et al., Docket No. G-8078; C. I. Collins, Docket No. G-8084; Frank E. McMillin, Docket No. G-8086; R. Olsen et al., Docket Nos. G-8088, G-8089, G-8090; Davis Elkins, Trustee, Docket No. G-8506; J. I. Roberts, Docket No. G-8507 Maxton Oil & Gas Company, Docket No. G-8515; Cumberland Gas Company, Docket No. G-8531, Vaughney and Vaughney, Docket No. G-8555.

Notice is hereby given that on October 11, 1955, the Federal Power Commission issued its findings and order adopted October 5, 1955, in the above-entitled matters, issuing certificates of public convenience and necessity, dismissing in part application for a certificate of public convenience and necessity in Docket No. G-8086, and denying withdrawal of application for a certificate of public convenience and necessity in Docket No. G-7897.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8630; Filed, Oct. 25, 1955;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 83]

MOTOR CARRIER APPLICATIONS

OCTOBER 21, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each

protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 79, filed October 10, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier* over regular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate points between Cortez, Colo., and Shiprock, N. Mex., including Shiprock, over U. S. Highway 666, and the off-route points of Towaoc and Mesa Verde National Park, Colo., in connection with carrier's regular route operations between Cortez, Colo., and Gallup, N. Mex. (2) On Sheet No. 2 of Certificate No. MC 263 Sub 66, among other authority, carrier is authorized to serve the off-route point of Mesa Verde National Park, Colo., restricted to truckload lots only. The instant application also seeks to remove the restriction "truckload lots only" insofar as Mesa Verde National Park, Colo., is concerned, under the commodity description *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Applicant is authorized to conduct regular route operations in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon and Utah, and irregular route operations in California, Idaho, Nevada, Oregon and Washington.

No. MC 730 Sub 53, filed October 11, 1955, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 30N and 30S, near Granger, Wyo., and junction U. S. Highways 30N and 91 at McCammon, Idaho, over U. S. Highway 30N, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations (a) between Denver, Colo., and Salt Lake City, Utah, (b) between Salt Lake City, Utah, and Pocatello, Idaho, and (c) between Brigham, Utah, and Downey, Idaho. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Nevada, Utah, and Wyoming.

NOTE: Applicant states that the use of the proposed route would permit operations through a less populated area thereby decreasing exposure to accidents inherent to more congested areas and, therefore requests appropriate authority to operate over the proposed alternate route to effect operating economies and in the interest of safety to the public.

No. MC 1849 Sub 84, filed October 14, 1955, NORTHERN TRANSPORTATION CO., a corporation, 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier* transporting: *General commodities*, except wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration, between Los Angeles, Calif., and Reno, Nev., from Los Angeles over U. S. Highway 6 to junction U. S. Highway 395 at or near Bishop, Calif., thence over U. S. Highway 395 to Reno, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Los Angeles, Calif., and Silverpeak, Nev., and between Reno, Nev., and Tonopah, Nev. Applicant is authorized to conduct regular route operations in California, Nevada and Utah.

No. MC 2136 Sub 13, filed October 14, 1955, CLEMANS TRUCK LINE, INC., 815 East Pennsylvania Avenue, South Bend, Ind. Applicant's attorney: James L. Beatley, Suite 1021-1029, 130 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Class A, B and C explosives*, between Kingsbury Ordnance Plant at or near Kingsbury, Ind., on the one hand, and, on the other, interchange lots located (a) one mile southwest of Rockdale, Ill., (b) one-half mile west of Joliet, Ill. on U. S. Highway 66-A, and (c) at junction U. S. Highways 66 and 66-A approximately 13 miles northeast of Joliet, Ill. Applicant is authorized to conduct operations in Indiana and Michigan.

No. MC 2202 Sub 133, filed October 12, 1955, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's

attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A, B and C explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Plant of the United States Gypsum Company near Shoals, Marion County, Ind., as an off-route point in connection with carrier's regular route operations between St. Louis, Mo., and Cincinnati, Ohio, over U. S. Highway 50. Applicant is authorized to conduct regular route operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2304 Sub 21, filed October 17, 1955, THE KAPLAN TRUCKING COMPANY, 1607 Woodland Ave., Cleveland, Ohio. Applicant's attorney: George, Greek, King and McMahon, 44 E. Broad St., Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel, iron and steel products, and pallets and empty containers* used in the transportation of iron and steel and iron and steel products, between points in Ohio, Pennsylvania, New York, and West Virginia on the one hand, and on the other, points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N. J., without joinder at New York City or the New York Commercial Zone. Applicant is authorized to conduct irregular route operations in Ohio, Pennsylvania, New York, West Virginia, Kentucky, Indiana, and Michigan.

No. MC 3252 Sub 12, filed September 19, 1955, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from East Boston, East Braintree, Braintree, Weymouth, Revere, Everett, Chelsea, Quincy, and Boston, Mass., and East Providence, Providence, and Pawtucket, R. I., to points in Maine except those within an area bounded on the west by the New Hampshire-Maine State line, on the north by U. S. Highway 2, on the east by U. S. Highway 1 to the Atlantic Ocean, and on the south by the Atlantic Ocean, including points on the indicated portions of the highways specified, but excepting transportation from Boston, Mass. and Beverly, Mass. to Lubec, Maine; (2) from Newington, N. H. and Portsmouth, N. H. to points in Maine north of a line beginning at the Maine-New Hampshire State line and extending along U. S. Highway 202 to Alfred, Maine, thence along Maine Highway 111 to Biddeford, Maine, and thence along Maine Highway 203 to Biddeford Pool, Maine, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in

Maine, New Hampshire, Massachusetts, and Rhode Island.

No. MC 8681 Sub 36, filed October 11, 1955, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Cable reel carriers*, in initial movements, by the truckaway method, (2) *cable reel carriers*, in secondary movements, by the truckaway method, and (3) *damaged shipments of cable reel carriers*, between Denver, Colo., and all points in the United States, including the District of Columbia.

No. MC 8681 Sub 37, filed October 11, 1955, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier* over irregular routes, transporting: *Utility rental trailers*, (designed to be towed by passenger automobiles, excluding house trailers) in secondary movements, by the truckaway method, and *damaged shipments of utility rental trailers*, between all points in the United States, including the District of Columbia.

No. MC 25643 Sub 38, filed October 10, 1955, EVERETS' COMMERCIAL TRANSPORT, INC., 815 Garfield St., Eugene, Ore. Applicant's attorney: Earle V White, 1401 Northwest 19th Ave., Portland 9, Ore. For authority to operate as a *common carrier* over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Springfield, Ore., to points in Solano, Napa, San Mateo, Santa Clara, Yolo, and Monterey Counties, Calif. Applicant is authorized to conduct operations in Oregon, Washington, and California.

No. MC 25643 Sub 39, filed October 10, 1955, EVERETS' COMMERCIAL TRANSPORT, INC., 815 Garfield St., Eugene, Ore. Applicant's attorney: Earle V White, 1401 Northwest 19th Ave., Portland 9, Ore. For authority to operate as a *common carrier* over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Springfield, Ore., to points in Canyon and Ada Counties, Idaho, and Yakima and Grant Counties, Wash. Applicant is authorized to conduct operations in Oregon, Washington and California.

No. MC 30042 Sub 14, filed October 17, 1955, JOHN W PRESLEY, doing business as SECURITY TRUCKING CO., 1211 N. Peoria Street, Tulsa, Okla. Applicant's attorney: George L. Ruddle, 1518 Hunt Building, Tulsa, Okla. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of

pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada in Montana and North Dakota, between Sweetgrass, Mont., and Pembina, N. Dak. Applicant is authorized to conduct operations in Arkansas, Oklahoma, Louisiana, Montana, New Mexico, North Dakota, South Dakota, and Texas.

No. MC 30092 Sub 6, filed October 10, 1955, HERRETT TRUCKING COMPANY INC., P O. Box 118, Sunnyside, Wash. Applicant's attorney: George H. Hart, Central Bldg., Seattle 4, Wash. For authority to operate as a *common carrier* over irregular routes, transporting: *Feed, flour and grain milling products*, between Ports of Entry on the Washington-British Columbia International Boundary line and points in Washington, Oregon, Idaho and California. Applicant is authorized to conduct regular route operations in Washington and Oregon and irregular route operations in Oregon, Washington and Idaho.

No. MC 34865 Sub 30, filed October 17, 1955, CONTRACT CARRIERS, INC., 2425 Walton St., Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier* over irregular routes, transporting: *Building materials and gypsum products*, including but not restricted to those as defined by the Commission, from the site of facilities of the United States Gypsum Company, located approximately five miles east of Shoals, Martin County, Ind., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and the following counties in the State of Missouri: Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscott, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, St. Louis City, Scott, Shannon, Shelby, Stoddard, Warren, Washington and Wayne, and *pallets and skids* on return. Applicant is authorized to conduct irregular route operations in Indiana, Kentucky, Illinois, Missouri, Ohio, Michigan and Iowa.

No. MC 36473 Sub 59, filed September 8, 1955, and amended October 4, 1955, CENTRAL TRUCK LINES, INC., 1000 Jackson St., Tampa, Fla. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, and commodities requiring special equipment, (1) between Thomasville, Ga., and Tallahassee, Fla., from Thomasville over U. S. Highway 319 to Tallahassee, and (2) between Tallahassee, Fla., and Capps, Fla., from Tallahassee over U. S. Highway 27 to Capps, and return over the same routes, as al-

ternate routes in connection with applicant's authorized operations.

NOTE: The service at Tallahassee will be restricted to shipments having origin or destination west of Marianna, Fla.

No. MC 39128 Sub 4, filed October 10, 1955, SYDNEY S. JORDAN, doing business as ROBERTSON'S OVERLAND EXPRESS, 23 Boyd Avenue, East Providence, R. I. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined by the Commission, from Providence, R. I., to North Attleboro, Plainville, and Rehoboth, Mass. Applicant is authorized to conduct operations in Massachusetts and Rhode Island.

No. MC 43269 Sub 38, filed August 8, 1955, and amended September 9, 1955, WELLS CARGO, INC., 1775 East 4th St., (P O. Box 1511) Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, mining, milling and construction equipment, materials and supplies, and all products of mines, quarries, mills, reduction plants, processing plants, and chemical plants*, between points in Arizona. Applicant is authorized to conduct operations in California and Nevada.

No. MC 43917 Sub 2, filed October 17, 1955, GALE G. GALLEA, doing business as GALLEA TRANSFER, P O. Box 94, Owatonna, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Steele County, Minn., on the one hand, and, on the other, points in Iowa and Illinois. Applicant is authorized to conduct operations in Minnesota, Iowa, and Illinois.

No. MC 44947 Sub 11, filed October 17, 1955, DEIOMA TRUCKING CO., Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Clay products*, from Columbiana County, Ohio, to points in Virginia and Indiana, *pallets, skids, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Maryland, New Jersey, New York, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia.

No. MC 52460 Sub 33, filed October 7, 1955, HUGH BREEDING, INC., 1420 West 35th St., P O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Amarillo, Tex., and points within 10 miles thereof, to Altus, Enid, Muskogee, Tulsa and Oklahoma City, Okla., and Fort Smith, Ark., and points within 10

miles of each of these destinations. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

No. MC 60012 Sub 35, filed October 17, 1955, RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P. O. Box 1469, Denver, Colo. For authority to operate as a *common carrier* over a regular route, transporting: (1) *Ore and ore concentrates*, in bulk, in special equipment, from Pandora, Colo., to Montrose, Colo., from Pandora over Colorado Highway 108 to junction Colorado Highways 108 and 145, thence over Colorado Highway 145 to Placerville, thence over Colorado Highway 62 to junction Colorado Highway 62 and U. S. Highway 550 at or near Ridgway, Colo., thence over U. S. Highway 550 to Montrose; and (2) *coal*, in bulk, on return movements, over the above described regular route, serving no intermediate points. Applicant is authorized to conduct operations in Colorado.

No. MC 62942 Sub 3, filed October 18, 1955, SOUTHERN TRANSFER & STORAGE CO., INC., 2161-87 Fifth Ave., South, St. Petersburg, Fla. Applicant's attorney Leo P. Kitchen, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Baby furniture (new)* uncrated, crated, in boxes or cartons, or otherwise, between points in Florida, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Delaware, Rhode Island, Massachusetts, West Virginia, Ohio, Indiana, Illinois, Missouri, Tennessee, Kentucky, Arkansas, Alabama, Mississippi, Louisiana, Texas, Michigan, Wisconsin, Maine, Oklahoma, Nebraska, Iowa, New Hampshire, Kansas, Vermont, Florida, and the District of Columbia.

No. MC 66125 Sub 1, filed October 12, 1955, HUDSON DELIVERY CO., INC., 25 West 18th Street, Bayonne, N. J. Applicant's attorney Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Garments, and materials and supplies* used in the manufacture of garments, between New York, N. Y., on the one hand, and, on the other, points in Bergen and Passaic Counties, N. J. Carrier is authorized to conduct operations in New Jersey and New York.

No. MC 67646 Sub 41, filed September 19, 1955, HALL'S MOTOR TRANSIT COMPANY, Fourth St. and Shikellimy Ave., Sunbury, Pa. Applicant's attorney Leonard R. Apfelbaum, Bittner Bldg., Sunbury, Pa. For authority to operate as a *common carrier* over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cameron, Clinton, Clearfield, and Centre Counties, Pa., on the one hand, and, on the other, points on the carrier's routes as authorized in Certificates Nos. 67646 Subs 2, 27, 28, 30, 33, 34,

39 and 40, in the States of Pennsylvania, New York, New Jersey, and Ohio.

No. MC 71460 Sub 2, filed October 12, 1955, SOUTHERN FORWARDING CO., a Corporation, 728 Alston Avenue, Memphis, Tenn. Applicant's attorney Charles H. Hudson, Jr., 407 Broadway National Bank Bldg., Nashville, Tenn. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bowling Green, Ky., and Atwood, Tenn., from Bowling Green over U. S. Highway 68 to Russellville, Ky., thence over U. S. Highway 79 to Atwood, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations between Louisville, Ky., and Memphis, Tenn. Applicant is authorized to conduct operations in Kentucky and Tennessee.

No. MC 76032 Sub 96, filed October 13, 1955, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney Paul M. Hupp, 738 Majestic Building, Denver, Colo. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Barstow, Calif., and San Francisco, Calif., from Barstow over U. S. Highway 466 to junction U. S. Highway 395, near Kramer, Calif., thence over U. S. Highway 395 to junction U. S. Highway 6, near Brown, Calif., thence over U. S. Highway 6 to junction U. S. Highway 95 at Coaldale, Nev., thence over U. S. Highway 95 to junction U. S. Highway 50 at Fallon, Nev., thence over U. S. Highway 50 to junction U. S. Highway 99 at Stockton, Calif., thence over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 via Oakland, Calif., to San Francisco; (also from Stockton over California Highway 4 to junction California Highway 24, near Oakley, Calif., thence over California Highway 24 via Oakland, to San Francisco), and return over the above route serving the intermediate points of Stockton, Manteca, Pittsburg, and Oakland, Calif., and the off-route points of the U. S. Naval Ammunition Depot near Hawthorne, Nev., the Sierra Army Ordnance Depot near Herlong, Calif., and Fort Chicago, Moffett Field, Nimbus, Benicia, and Antioch, Calif. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, and Texas.

No. MC 82100 Sub 15, filed October 11, 1955, EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William St., Cheektowaga, N. Y. Applicant's attorney Thomas J. Runfola, 631 Niagara St., Buffalo, N. Y. For authority to operate as a *common carrier*, over irregu-

lar routes, transporting: *Motor vehicles*, in driveaway and truckaway service, except trailers designed to be drawn by passenger automobiles, in secondary movement, between points in Pennsylvania and New Jersey. Applicant is authorized to conduct irregular routes operations in Ohio, New York, Pennsylvania, Connecticut, New Jersey, Massachusetts, Rhode Island, Vermont and Michigan.

No. MC 87674 Sub 3, filed September 28, 1955, BERNERD EDWARD RICE, doing business as RICE TRANSFER & STORAGE, 117 Lancaster Ave., Rock Hill, S. C. Applicant's attorney Frank A. Graham, Jr., 406-7 Palmetto Bldg., Columbia 1, S. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as defined by the Commission, from Cayce, West Columbia, and Rock Hill, S. C., and points in Richland County, S. C., to points in South Carolina, excepting points within seventy (70) miles of Rock Hill; *damaged shipments* of the above-described commodities on return. Applicant is authorized to conduct operations in North Carolina and South Carolina.

Note: Applicant presently holds authority in Docket No. MC 87674 to transport meat and packing house products within 70 miles of Rock Hill, S. C.

No. MC 95540 Sub 265, filed October 5, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine, and canned goods*, from points in New York and Pennsylvania on and west of U. S. Highway 11 to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, and Virginia.

No. MC 95540 Sub 267, filed October 13, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in New York and Pennsylvania on and west of U. S. Highway 11 to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 98615 Sub 3, filed October 10, 1955, J. M. ATTHOWE and C. H. ATTHOWE, doing business as EAST BAY DRAYAGE & WAREHOUSE CO., 3rd and Addison Streets, Berkeley, Calif. Applicant's attorney Daniel W. Baker, 465 California St., San Francisco 4,

Calif. For authority to operate as a *common carrier* over regular routes, transporting: *Canned goods; equipment, materials, and supplies* used by canneries; and *empty containers, and pallets*, used in transporting the aforesaid commodities, between (1) Tracy, Calif., and Stockton, Calif., over U. S. Highway 50, serving no intermediate points, (2) Tracy, Calif., and San Francisco, Calif., over U. S. Highway 50, serving the intermediate points of Oakland, and Alameda, Calif., and (3) junction unnumbered highway and U. S. Highway 50 near Hayward, Calif., over said unnumbered highway from junction U. S. Highway 50 to the San Mateo, Calif. Bridge, thence over the San Mateo Bridge to junction U. S. By-Pass Highway 101, thence over U. S. By-Pass Highway 101 to San Francisco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with operations over route described under (2) above. The applicant does not presently hold any authority from this Commission to transport the commodities named in this application but is performing second proviso operations in interstate or foreign commerce under Section 206 (a) (1) of the Interstate Commerce Act pursuant to Form BMC 75 filing in Docket No. MC 98615 Sub 1 in the transportation of property between certain specifically named points in California.

No. MC 99406 Sub 1, filed October 11, 1955, PAUL M. TURCO, doing business as REFRIGERATED DELIVERY SERVICE, 3165 Park Avenue, Bronx, N. Y. Applicant's attorney Morris Hong, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Butter, cheese, meats, meat products and dressed, poultry and eggs*, from Jersey City, N. J., to points in Westchester, Putnam, Dutchess, Orange, Ulster, Rockland and Sullivan Counties, N. Y., and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 101186 Sub 7, filed October 10, 1955, JAMES G. ARLEDGE, doing business as ARLEDGE TRANSFER COMPANY, 2210 Summer St., Burlington, Iowa. Applicant's attorney Robert H. Levy 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Burlington, Iowa, and Milwaukee, Wis., (a) from Burlington over U. S. Highway 34 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction Illinois Highway 26, thence over Illinois Highway 26 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S.

Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction Illinois Highway 76, thence over Illinois Highway 76 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 140 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee; (b) from Burlington over U. S. Highway 34 to junction Illinois Highway 91, thence over Illinois Highway 91 to junction Illinois Highway 93, thence over Illinois Highway 93 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee; and (c) from Burlington over U. S. Highway 61 to junction U. S. Highway 67, thence over U. S. Highway 67 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction Illinois Highway 76, thence over Illinois Highway 76 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 140 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, and return over the above routes, serving all intermediate points, and the off-route points of Stronghurst, Raritan, and Camden, Ill.

NOTE: Applicant has authority to transport general commodities, with the above exceptions, over irregular routes, between Burlington, Iowa, and Milwaukee, Wis., and seeks by this application to perform these operations over the above-described routes.

No. MC 104584 Sub 2, filed August 5, 1955, published in the August 31, 1955 issue on page 6428, amended October 11, 1955, B. C. COOPER, S. 58 Madison Street, Walla Walla, Wash. For authority to operate as a *common carrier* over a regular route, transporting: *Baggage, including remains of deceased persons*, moving on railroad billing, baggage check or railroad ticket, between Walla Walla, Wash., and Pendleton, Ore., from Walla Walla over Washington Highway 3 to the Washington-Oregon State line, thence over Oregon Highway 11 to Pendleton, and return over the same route, serving the intermediate points of Milton-Freewater and Athena, Ore. RESTRICTION: Service to be performed shall be subject and restricted to the following conditions: The service to be performed shall be limited to that which is auxiliary to or supplemental of rail passenger-train or baggage-car service of the Union Pacific Railroad. Applicant will not serve any point not a station on the rail line of the Union Pacific Railroad. Shipments to be transported by applicant will be limited to those which it receives from or delivers to the Union Pacific Railroad under through billing of the Railroad covering in addition to movement by applicant an immediately prior or subsequent movement by Railroad.

No. MC 104887 Sub 3, filed October 18, 1955, AMERICAN VAN & STORAGE, INC., 2125 N. W. First Court, Miami, Fla. Applicant's attorney Leo P. Kitchen, Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Florida, Connecticut, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, California, Arizona, Utah, Oregon, Missouri, Kansas, Wisconsin, Oklahoma, Alabama, Delaware, Illinois, Kentucky, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, Tennessee, Vermont, West Virginia, New Mexico, Nevada, Colorado, Washington, Iowa, Minnesota, Arkansas, Michigan, Nebraska, and the District of Columbia.

NOTE: All duplicating authority to be eliminated. Applicant is authorized to conduct operations in Alabama, Delaware, Illinois, Kentucky, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, Tennessee, Vermont, West Virginia, Connecticut, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and the District of Columbia.

No. MC 106965 Sub 82, filed October 10, 1955, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's attorney Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Fish oil, fish oil products, and paint oils and paint vehicles* (consisting of oils which have fish oil or some extract of fish oil as a principal ingredient), in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, and the District of Columbia.

No. MC 107403 Sub 213, filed October 12, 1955, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pa. Applicant's attorney Paul F. Barnes, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from points in Hancock County, Ohio, to points in Michigan. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107403 Sub 214, filed October 12, 1955, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pa. Applicant's attorney Paul F. Barnes, 811-19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Wellsville,

Ohio, to points in Pennsylvania on and south of U. S. Highway 322 from the Ohio-Pennsylvania State line to junction U. S. Highway 219, and thence on and west of U. S. Highway 219 to the Pennsylvania-Maryland State line, and those in West Virginia west of the West Virginia-Maryland State line from the Pennsylvania-Maryland-West Virginia State line to point where intersected by U. S. Highway 219, thence on and west of U. S. Highway 219 to junction U. S. Highway 33, and thence on and north of U. S. Highway 33 to the West Virginia-Ohio State line. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 108398 Sub 28, filed October 10, 1955, FORTIER TRANSPORTATION COMPANY, East and Jensen Ave., P. O. Box 431, Fresno, Calif. Applicant's attorney Bertram S. Silver, 100 Bush St., San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Class A, B, and C explosives*, from Fresno, Calif., to the site of the Pacific Gas and Electric Company's Wishon Dam Project located approximately sixty (60) miles east of Fresno on the north fork of Kings River.

No. MC 109740 Sub 1, filed October 12, 1955, JOHN E. SHERMAN, 10 Liberty St., Castile, N. Y. Applicant's attorney Samuel V. Gianniny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Building stone*, rough and finished, from Genesee Falls (Wyoming County) N. Y., McDermott, Fresno and Glemont, Ohio, Bloomington and Bedford, Ind., to points in Wisconsin, Indiana, Illinois, Ohio, Michigan, Kentucky, Massachusetts, Delaware and New York. Applicant is authorized to conduct irregular route operations in New York, Maryland, Pennsylvania, Connecticut and New Jersey.

No. MC 109883 Sub 2, filed August 16, 1955, LOUIS MASSOOD, doing business as L. MASSOOD & SONS, 494 East 36th St., Paterson, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *New furniture*, uncrated, and *electrical and gas household appliances*, from Paterson, N. J., to points in Connecticut and New York on and south of a line beginning at the New York-Pennsylvania State line at Hancock, N. Y., extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along an imaginary line through Catskill, N. Y., to Hudson, N. Y., thence along New York Highway 23 to the New York-Massachusetts State line, and *damaged and returned shipments* of the above specified commodities, on return. Applicant is authorized to conduct operations in New Jersey, Massachusetts, Connecticut, Rhode

Island, Vermont, New Hampshire, New York, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia.

No. MC 110271 Sub 4, filed October 13, 1955, DAVID M. ROTENBERGER, R. D. #2, Quakertown, Pa. Applicant's representative: A. E. Enoch, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bricks*, from points in Richland Township, Pa., to points in Connecticut; and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Delaware, New Jersey, New York, Pennsylvania and West Virginia.

No. MC 110698 Sub 61, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids and chemicals*, including but not restricted to those as defined by the Commission, in bulk, in tank vehicles, from Newark, N. J., to points in North Carolina and South Carolina. Applicant is authorized to conduct irregular route operations in South Carolina, Georgia, North Carolina, Virginia, West Virginia, Maryland and Tennessee.

No. MC 110698 Sub 62, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. ARCHIE CANNON, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney Frank B. Hand, Jr., Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid Glue, formaldehyde, and synthetic resins*, in bulk, in tank vehicles, and *glue catalyst*, in containers with shipments of liquid glue, from Jacksonville, Fla., to points in Georgia, North Carolina, South Carolina, Alabama and Tennessee and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Alabama, Florida, Louisiana and Mississippi.

No. MC 110698 Sub 63, filed October 11, 1955, MILLER MOTOR LINE OF NORTH CAROLINA, INC., J. Archie Cannon, Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in North Carolina, on the one hand, and, on the other, points in Ohio and New Jersey. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

No. MC 111196 Sub 8, filed October 11, 1955, R. KUNTZMAN, INC., 1805 West

State Street, Alliance, Ohio. Applicant's attorney Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier* over irregular routes, transporting: *Clay products, and tools and equipment* necessary for the laying of building tile, from points within seven miles of Haydenville, Ohio, to points in Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania and West Virginia, and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Delaware, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, New York, and West Virginia.

No. MC 111320 Sub 22, filed October 13, 1955, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th St. and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment and parts*, by driveway method, between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Ohio, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. The applicant is authorized to conduct operations throughout the United States, including the District of Columbia.

No. MC 112446 Sub 15, filed October 17, 1955, REFINERS TRANSPORT, INC., 1300 51st Ave., No., Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, between all points in Jefferson County, Ky., and all points in Clark, Floyd and Harrison Counties, Ind., on the one hand, and, on the other, all points in Tennessee. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Mississippi, and Tennessee.

No. MC 112497 Sub 46, filed October 10, 1955, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Istrouma Branch, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum oil*, in bulk, in tank vehicles, from Osaka, Ala., to Blakely Island, Mobile County, Ala. Applicant is authorized to conduct operations in Louisiana, Alabama, Georgia, and Florida.

No. MC 112822 Sub 3, filed September 26, 1955, EARL BRAY, INC., Lanwood and North Street, P. O. Box 910, Cushing, Okla. Applicant's attorney Erle W. Francis, Veterans of Foreign Wars Bldg., 214 West 6th Street, Topeka, Kans. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in containers, from Port Arthur, Texas, and The Texas Company refinery located at or near Port Arthur, Texas, to points in

Kansas; and *empty containers* or other such incidental facilities used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma and Texas.

No. MC 113779 Sub 22, filed October 12, 1955, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex., P. O. Box 9686, Houston 15, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *Nitrogen compounds*, in bulk, in tank vehicles, from North Seadrift, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma and Utah, and *contaminated shipments* of the commodities specified above on return.

No. MC 113843 Sub 13, filed October 10, 1955, REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston, Mass. Applicant's attorney: James Michael Walsh, 8 Commonwealth Pier, Boston 10, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen Foods*, in less than truckload shipments and/or in shipments of less than 30,000 pounds, from New York and the Boroughs of New York, N. Y. and Philadelphia, Pa., to points in Pennsylvania, Ohio, New Jersey, Indiana, Illinois, Michigan, Missouri, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Alabama, Tennessee, Kentucky, Mississippi, Georgia, North Carolina, South Carolina, Florida and Louisiana. Applicant is authorized to conduct irregular route operations in New York, Maryland, District of Columbia, Virginia, West Virginia, Illinois, Wisconsin, Connecticut, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Rhode Island, Texas, Kentucky, Maine, North Carolina, South Carolina and Tennessee.

No. MC 115345 Sub 1, filed October 14, 1955, C. C. MURPHY, Kirkland St., Abbeville, Ala. Applicant's attorney: John W. Rish, First National Bank Bldg., P. O. Box 1068, Dothan, Ala. For authority to operate as a *contract carrier* over regular routes, transporting: *Petroleum products*, from Panama City, Fla., and Bainbridge, Ga. and Albany, Ga. to Sherrill, Ala., (1) from Panama City, Fla. over U. S. Highway 231 to Dothan, Ala., thence over U. S. Highway 431 to Headland, Ala., thence over Alabama Highway 173 to junction Alabama Highway 27, and thence over Alabama Highway 27 to Sherrill, Ala., also from Headland, Ala. over U. S. Highway 431 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala., (2) from Bainbridge, Ga. over U. S. Highway 27 to Blakely, Ga., thence over Georgia Highway 39 to Fort Gaines, Ga., thence over Alabama Highway 10 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala., (3) from Albany, Ga. over Georgia Highway 91-W to junction Georgia Highway 62, thence over Georgia Highway 62 to Leary, Ga., thence over Georgia Highway 37 to Fort Gaines, Ga., and thence over the routes described in (2) above to Sherrill, Ala.,

servicing the Bulk Plant Service Station and Dixie Veneer Co., at or near Abbeville, Ala., and F. D. Hodges Co. and Headland Pep Station at or near Headland, Ala., as intermediate points.

No. MC 115497 Sub 2, filed September 9, 1955, and amended October 10, 1955, HARRY CRISWELL, Dixon, Wyo. For authority to operate as a *common carrier* over irregular routes, transporting: *Ore*, from Dixon, Wyo., and points within 50 miles thereof, to processing mills located at Rifle and Maybell, Colo., and *coal*, on return movements.

No. MC 115577, filed October 6, 1955, SCHWERMAN TRUCKING CO. OF ILL., INC., 620 S. 29th St., Milwaukee, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Residual fuel oils*, in insulated tank vehicles equipped with heating devices, from La Salle, Ill., Peru, Ill., and Spring Valley, Ill., to points in Wisconsin within an area south of Wisconsin Highways 33 and 82 from Port Washington to Hillsboro, and from Hillsboro to De Soto, Wis., respectively, including points on the indicated portions of the highways specified.

No. MC 115589, filed September 26, 1955, LESTER FOESCH, doing business as L. C. FOESCH TRANSFER LINES, 713 East Green Bay Street, Shawano, Wis. Applicant's attorney: Jack L. Goodsitt, 623 North Second Street, Milwaukee 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Box shooks, crate shooks, and glued dimension setup boxes*, (1) for the Hotz Manufacturing Company, Shawano, Wis., to points in Illinois, and (2) *Brick*, for the Streator Brick Company, Streator, Ill., to Shawano, Wis.; and (3) *Cement*, for the Marquette Cement Company, LaSalle, Ill., to Shawano, Wis., and (4) *Roofing*, for Bird & Son, Chicago, Ill., the Flintkote Company, Chicago Heights, Ill., and the Tehon Company, Waukegan, Ill., to Shawano, Wis.

No. MC 115602, filed October 3, 1955, ARTHUR D. HIGGINBOTHAM, doing business as MOBILE HOMES TRANSPORT SERVICE, Second Street, Piketon, Ohio. For authority to operate as a *common carrier* over irregular routes, transporting: *House trailers and contents thereof*, not including dangerous articles, explosives, inflammable material, paints, and insecticides, by towaway method, in secondary movements, between points in Ohio on and south of U. S. Highway 40 and points in Kentucky and Tennessee.

No. MC 115606, filed September 20, 1955, NORTH CREEK TRUCKING, INC., North Creek, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Rough lumber* (green and dried) and *planed lumber* used for flooring and shiplap, furniture manufacturing, doors, windows, boxes and crates, etc., from points in Warren, Essex, Hamilton, and Franklin Counties, N. Y., to points in New York, New Jersey, New Hampshire,

Massachusetts, Vermont, Connecticut, Pennsylvania, and Maine, and *wooden racks* used in the transportation of lumber on return.

NOTE: Applicant states: None of this lumber is finished lumber. Applicant has pending application similar to the above requested authority for contract operations and is agreeable that if and when the authority applied for herein is granted such contract carrier request may be cancelled or revoked.

No. MC 115610, filed October 7, 1955, NEVADA TRUCKING COMPANY, P. O. Box 308, Lake Arrowhead, Calif. Applicant's attorney: Theodore W. Russell, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Boats and parts, equipment and accessories* therefor when transported as a part of the same shipment with boats, from Cadillac, Alganac, and Holland, Mich., Carrothersville, Mo., Chattanooga, Tenn., Salisbury, Md., Perth Amboy, N. J., New Orleans, La., and points within a radius of five miles of each of said cities, to points in California, Oregon, Washington and Nevada, and *empty containers* or other such incidental facilities used in transporting the commodities specified on return.

No. MC 115614, filed October 10, 1955, MELVIN MORGAN, doing business as MORGAN BROTHERS, 1429 Ridgeroad, Shelton, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing and roofing materials, shingles, shakes, and insulation*, between Portland, Ore., on the one hand, and, on the other, Gig Harbor, Wash., and points in Clallam, Jefferson, Kitsap, Mason, and Pacific Counties, Wash.

No. MC 115616, filed October 12, 1955, KENNETH P. BURROUGHS, doing business as BURROUGHS TRUCKING CO., 931 Sylvan Ave., Davenport, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Iron and steel* such as, *wire mesh, wire, nails, reinforcing steel, and steel bars*, (1) from Sterling, Ill., to points in Iowa on and east of U. S. Highway 65, serving no intermediate points on U. S. Highways 6, 20, and 30, except Iowa Falls, Clinton, and Davenport, Iowa, and (2) from Sterling, Ill., and Davenport, Iowa, to points in Minnesota on and south of U. S. Highway 14, and on and east of U. S. Highway 59, and points in Wisconsin, on and south of U. S. Highway 10, and (3) from Davenport, Iowa, to points in Illinois.

No. MC 115618, filed October 13, 1955, DONALD J. CHADD, 1220 Knox Street, Lincoln, Nebr. For authority to operate as a *contract carrier* over irregular routes, transporting: *New or used trailers*, designed to be drawn by passenger automobiles, and *mobile homes*, in truckaway service, between points in the United States.

No. MC 115619, filed October 14, 1955, LLOYD E. RAYLS AND JOHN F. RAYLS, doing business as RAYLS BROS. TRANSFER, 813 East McCracken Avenue, Hoopston, Ill. Appli-

cant's attorney Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Canned foods, empty containers for canned foods, cartons and tin plate, from points in Vermilion County, Ill., to Vincennes, Terre Haute and Evansville, Ind., St. Louis, Mo., and Burlington and Davenport, Iowa, and the commodities specified above and paper bags and labels, from the above-specified destination points to the above-designated origin points.*

No. MC 115623, filed October 17, 1955, L. E. GARTIN AND JOHN L. GARTIN, doing business as GARTIN TRUCK LINE, Olean, Mo. Applicant's attorney J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Livestock, livestock and poultry feeds, agricultural seeds and agricultural fertilizer, (1) between Olean, Mo., and Kansas City, Kans., from Olean over Missouri Highway 87 to U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 71, at Kansas City, Mo., thence over U. S. Highway 71 to U. S. Highway 40, thence over U. S. Highway 40 to Kansas City, Kans., and return, serving no intermediate points, and (2) between National City, Ill., and Olean, Mo., from National City over Illinois Highway 3 to U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 50, near Gray Summit, Mo., thence over U. S. Highway 50 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction Missouri Highway 87, thence over Missouri Highway 87 to Olean, and return, serving East St. Louis, Ill., and St. Louis, Mo., as intermediate points.*

No. MC 115625 filed October 17, 1955, THE FRANKLIN TRANSFER COMPANY, a corporation, 2693 Dixie Highway, Franklin, Ohio. Applicant's attorney Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper and paper products, roofing and materials used in the installation of roofing when shipped therewith, from Franklin, Ohio, to Chicago, and Peoria, Ill., and St. Louis, Mo., and (2) used pallets and skids, rags, scrap paper and chemicals used in the manufacture of paper paper products and roofing, from Chicago and Peoria, Ill., and St. Louis, Mo., to Franklin, Ohio.*

No. MC 115627 filed October 18, 1955, CARROLL L. WALSH, 231 N. Main Street, Hampstead, Md. Applicant's attorney Charles O. Fisher, Westminster, Md. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural ground limestone, from Thomasville, Pa., to points in Carroll, Frederick and Baltimore, Counties, Md.*

NOTE: Applicant states: The proposed operations will be seasonal February to May and August to November inclusive, of each year, and the commodity will be transported for delivery by bulk lime spreader truck directly to the fields where the product is spread.

No. 209—5

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 18, filed October 12, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers, in special round trip operations, during the racing seasons of each year of the following Race Tracks: Beginning and ending at Yonkers, N. Y., and the Boroughs of Bronx, Brooklyn and Queens, New York, N. Y., and the Borough of Manhattan, New York, N. Y., north of 165th Street and south of 15th Street and extending to Monmouth Park Race Track, Oceanport, N. J., Garden State Race Track, Delaware, N. J., Freehold Trotting Track, Freehold, N. J., Atlantic City Race Track, Hamilton Township, N. J., Delaware Park Race Track, Wilmington, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., and Lincoln Downs Race Track, Lincoln, R. I., and Narragansett Park, Pawtucket, R. I. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania.*

NOTE: Applicant states New York City, N. Y., is a point of service on applicant's presently authorized regular route.

No. MC 108145 Sub 2, filed October 14, 1955, JOHN W. CALARY AND LOUISE M. CALARY, doing business as BAINBRIDGE BUS CO., Port Deposit, Md. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers and their baggage in the same vehicle with passengers, between Port Deposit, Md., and Perryville, Md., from Port Deposit over U. S. Highway 222 to Perryville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland.*

No. MC 115617, filed October 12, 1955, L. K. STEWART, Box 64, Athol, Idaho. Applicant's attorney Harold B. Purdy, Telephone Building, Coeur d'Alene, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, between Athol, Idaho, and Trentwood, Wash., from Athol over U. S. Highway 95, to junction U. S. Highways 95 and 10, thence over U. S. Highway 10 to Trentwood, Wash. RESTRICTION: Authority herein will be restricted to employees of the Kaiser Aluminum and Chemical Corp. at Trentwood, Wash.*

CORRECTION

No. MC 1504 Sub 125, published October 12, 1955, on page 7631, application of ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. The subsequent filing number Sub 124 assigned thereto was in error, the correct docket number is MC 1504 Sub 125.

APPLICATIONS UNDER SECTION 5 AND 2103 (b)

No. MC-F 5915, published in the February 24, 1955, issue of the FEDERAL REGISTER on page 1166. Amendment filed October 13, 1955, to include the following additional authority in the proposed merger: *Fish oil, in bulk, in tank vehicles, over irregular routes, from Heber, Utah, to Richmond, Calif., petroleum and petroleum products, in tank vehicles, from Sacramento and Richmond, Calif., and points within ten miles of each, to points in Malheur and Harney Counties, Oreg.*

CORRECTION

No. MC-F 6086, published in the October 5, 1955, issue of the FEDERAL REGISTER on page 7410. In addition to the operating rights described in the original notice, the authority sought to be controlled includes, inter alia, the following: *General commodities, with certain exceptions including household goods, as a common carrier over regular routes, between Jackson, Miss., and New Orleans, La., serving all intermediate points, and the off-route points of Vicksburg, Miss., Baton Rouge, Church Point, Opelousas, and St. Martinville, La., between Jackson, Miss., and New Orleans, La., as an alternate route for operating convenience only, between Vicksburg, Miss., and Tallulah, La., serving the intermediate points of Delta and Mound, La., between Houston, Tex., and New Orleans, La., serving all intermediate and certain off-route points, between Orange, Tex., and Galveston, Tex., serving all intermediate points, between Shreveport, La., and Tallulah, La., serving all intermediate points, and the off-route points in the Shreveport, La., Commercial Zone, between Galveston, Tex., and Houston, Tex., serving all intermediate points, between Port Arthur, Tex., and Orange, Tex., serving no intermediate points, between Lebeau, La., and Opelousas, La., serving no intermediate points: *malt beverages, bags and bagging, agricultural commodities, canned goods, dried fruit, petroleum products, cotton, roofing, lard, and sugar between Jackson, Miss., and Greenville, Miss., serving all intermediate and certain off-route points; general commodities, with certain exceptions including household goods, over irregular routes, between Liberty, Tex., on the one hand, and, on the other, Hardin, Tex., and points within five miles of Hardin, between points within five miles of Sulphur, La., including Sulphur, between points within nine miles of Jennings, La., including Jennings, between points within nine miles of Crowley, La., including Crowley, between points within five miles of Jeanerette, La., including Jeanerette.**

No. MC-F 6103. Authority sought for purchase by SERVICE TRUCKING CO., INC., Preston Road, Federalsburg, Md., of a portion of the operating rights of JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md., and for acquisition by GILBERT A. BANNING, also of Federalsburg, of con-

trol of said operating rights through the purchase. Applicants' attorneys: Francis W McInerny, 1625 K St., N. W., Washington, D. C., and Dale Dillon, 914 Washington Bldg., Washington, D. C. Operating rights sought to be transferred: *Salt*, as a *common carrier* over irregular routes, from Ludlowville, Silver Springs and Watkins Glen, N. Y., to points in Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

No. MC-F 6104. Authority sought for purchase by J. A. THROCKMORTON, doing business as ARCHIE'S MOTOR FREIGHT, 316 E. 6th St., Richmond, Va., of the operating rights of ALEXANDER N. ROMAHE, doing business as ROMAHE TRANSFER CO., 1812 Warriors Road, Pittsburgh, Pa. Applicant's attorney: Henry E. Ketner, State-Planters Bank Bldg., Richmond 19, Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points in Allegheny County, Pa. Vendee is authorized to operate in Virginia, Kentucky, Tennessee, West Virginia, Pennsylvania, Maryland, Ohio, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6105. Authority sought for purchase by DODDS TRUCK LINE, INC., West Plains, Mo., of the operating rights and property of D. T. DODDS and M. DODDS, doing business as DODDS TRUCK SERVICE, Salem, Mo., and W. N. FARLEY, doing business as EXPRESS TRUCK SERVICE, 110 E. Dixon, West Plains, Mo., and for acquisition by D. T. DODDS and M. DODDS, both of Salem, and W. N. FARLEY, of West Plains, of control of said operating rights and property through the purchase. Applicants' attorney: J. R. Rose, Jefferson City, Mo. Operating rights sought to be transferred: (Dodds) *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Salem, Mo., and St. Louis, Mo., and between Seymour, Mo., and Alton, Ill., serving certain intermediate and off-route points; *livestock*, between Salem, Mo., and East St. Louis, Ill., serving no intermediate points; *malleable iron and iron castings*, from East St. Louis, Ill., to Springfield, Mo., serving no intermediate points; (Farley) *general commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Springfield, Mo., and Rogersville, Mo., between Rogersville, Mo., and East St. Louis, Ill., between Cabool, Mo., and Thayer, Mo., between Mansfield, Mo., and Hartville, Mo., between West Plains, Mo., and Alton, Mo., serving certain in-

termediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, from St. Louis, Mo., and certain points in Illinois to certain points in Missouri and Arkansas; *glassware, livestock, agricultural commodities, fertilizer and feed*, from, to and between certain points in Illinois, Missouri, and Arkansas. Vendee is not an interstate carrier. Application has not been filed for temporary authority under Section 210a (b).

No. MC-F 6106. Authority sought for purchase by HAECKL'S EXPRESS, INCORPORATED, 1255 Corwin Ave., Hamilton, Ohio, of the operating rights and property of HAROLD L. JACKSON and W. LUTHER PARIS, doing business as HARRISON TRANSFER COMPANY, P. O. Box 82, Harrison, Ohio, and for acquisition by ELMER HAECKL, JOSEPH B. CONROY, and RYAN HALL, all of Hamilton, of control of said operating rights and property through the purchase. Applicants' attorney: Noel F. George, 44 E. Broad St., Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Harrison, Ohio-Ind., and Cincinnati, Ohio, serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Harrison, Ohio-Ind., on the one hand, and, on the other, certain points in Indiana, Ohio, and Kentucky; *household goods* as defined by the Commission, between Harrison, Ohio-Ind., and points within ten miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Illinois and Kentucky. Vendee is authorized to operate in Ohio, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a (b)

No. MC-F 6107. Authority sought for control by LELAND BARNEY and ALLAN TORHORST, Calumet Street, Burlington, Wis., of the operating rights and property of BULK TRANSPORT COMPANY, Calumet Street, Burlington, Wis. Applicants' attorney: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. Operating rights sought to be controlled: *Petroleum and petroleum products*, as a *common carrier* over irregular routes, from East Chicago, Ind., and points within two miles thereof, to certain points in Wisconsin; *petroleum products* from points in the Chicago, Ill., commercial zone to certain points in Wisconsin. Applicants hold no authority from this Commission but are in control of QUALITY MILK SERVICE, INC., which is authorized to operate in Wisconsin, Illinois, Iowa, Minnesota, Missouri, Indiana, Nebraska, Michigan, Ohio, Alabama, Florida, Kansas, Mississippi, Massachusetts, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Arkansas, Kentucky, South Dakota, Virginia. Application has not been filed for temporary authority under Section 212a (b)

No. MC-F 6108. Authority sought for purchase by CLAIRMONT TRANSFER CO., 1803 7th Ave. South, Escanaba,

Mich., of the operating rights and property of WEST SHORE EXPRESS, INC., 1604 State St., Green Bay, Wis., and for acquisition by RUTH K. NORTON, also of Escanaba, of control of said operating rights and property through the purchase. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison 3, Wis. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Milwaukee, Wis., and Two Rivers, Wis., between Green Bay, Wis., and Kohler, Wis., and Kohler, Wis., serving all intermediate and certain off-route points, between junction U. S. Highway 141 and Wisconsin Highway 144 and junction Wisconsin Highways 144 and 57, for operating convenience only serving no intermediate points; *general commodities*, with certain exceptions not including household goods, between Milwaukee, Wis., and Sheboygan, Wis., serving no intermediate points; additional authority to operate in Wisconsin under the Second Proviso of Section 206 (a) of the Interstate Commerce Act. Vendee is authorized to operate in Illinois, Michigan, and Wisconsin. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6109. Authority sought for control by SMITHSONS HOLDINGS LIMITED, 150 Commissioner St., Toronto, Ontario, Canada, of the operating rights and property of ONTARIO FREIGHT LINES CORP., 2043 Erie Blvd. E., Syracuse, N. Y., and for acquisition by S. P. SMITH, Oshawa, Ontario, Canada, HARRY SMITH, Montreal, Quebec, Canada, BRUCE SMITH, Toronto, Ontario, Canada, and THEODOR SMITH, Whitney, Ontario, Canada, of control of said operating rights and property through the transaction. Applicant's attorneys: Leonard H. Amursky, 1 E. Bridge St., Oswego, N. Y., Harris J. Klein, 230 Broadway, New York, N. Y., and Bert Collins, 140 Cedar St., New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Buffalo, N. Y., and New York, N. Y., and between Syracuse, N. Y., and Oswego, N. Y., serving all intermediate points; (alternate routes for operating convenience only between Fonda, N. Y., and Catskill, N. Y., between Syracuse, N. Y., and junction New York Highway 17 and New York Highway 32, between Palatine Bridge, N. Y., and junction New York Highway 162 and New York Highway 148, and between Cairo, N. Y., and Saugerties, N. Y., serving no intermediate points), *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Essex, Union, Morris, Passaic, Bergen, Monmouth, and Middlesex Counties, N. J., on the one hand, and, on the other, Newark, N. J., paper, from Fayetteville, N. Y., to Cumberland and Baltimore, Md., and points in Pennsylvania; *chemicals*, from Solway, N. Y., to Baltimore, Md., and points in New Jersey and Pennsylvania; *chemicals*,

from Solvay, N. Y., to Baltimore, Md., and points in New Jersey and Pennsylvania, *fruit, vegetables, and canned and preserved foodstuffs*, from certain points in New York to Baltimore, Md., and points in New Jersey, New York, and Pennsylvania; *paint and paint materials, putty, brushes, stains, varnishes, lacquers, paint and varnish remover petroleum products, in containers, spot remover insecticides, and such merchandise* as is dealt in by retail food stores, between New York, N. Y., Newark, N. J., and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, certain points in New York. Applicant holds no authority from the Interstate Commerce Commission but controls, through stock ownership, TRANSPORT LIMITED, which is authorized to operate in New York, New Jersey, Vermont, Massachusetts and New Hampshire. Application has been filed for temporary authority under Section 210a (b)

No. MC-F 6110. Authority sought for purchase by HARRY T. BUSSMANN, JR., doing business as SUPREME EXPRESS AND TRANSFER COMPANY, 327 S. 14th St., St. Louis 3, Mo., of the operating rights of ALBERT F. WILLIE, 5921 Drury Lane, St. Louis 21, Mo. Applicants' attorney Ernest A. Brooks II, 1310 Ambassador Bldg., St. Louis 1, Mo. Operating rights sought to be transferred: *Malt beverages*, as a contract carrier over regular routes, from Belleville, Ill., to St. Louis, Mo., serving no intermediate points. Vendee is authorized to operate as a common carrier in Missouri and Illinois. Application has not been filed for temporary authority under Section 210a (b)

No. MC-F 6113. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa., of the operating rights of C. AUSTIN SMITH, doing business as SMITH TRUCK LINES, 61 Myrtle St., LeRoy, N. Y., and for acquisition by DAVID B. WORSTER, also of North East, of control of the operating rights through the purchase. Applicants' attorney William W. Knox, 1102 Palace Bldg., Erie, Pa. Operating rights sought to be transferred: *Food products and such materials and supplies* as are used in the manufacture and distribution thereof, *insulators, steel chests, scrap metal, wire, and cable*, as a common carrier over irregular routes, from, to and between certain points in New York, Massachusetts, Rhode Island, New Jersey, Ohio, Pennsylvania, and New York. Vendee is authorized to operate in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Michigan, Ohio, Illinois, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-8633; Filed, Oct. 25, 1955; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF
OCTOBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31221: *Window glass—Ohio, Pennsylvania, and West Virginia to Florida*. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on window glass, carloads from specified points in Ohio, Pennsylvania, and West Virginia to specified points in Florida.

Grounds for relief: Competition of imported glass at destinations and circuitous routes.

Tariffs: Supplement 4 to Agent H. R. Hinsch's I. C. C. 4664; Supplement 83 to Agent C. W. Boin's I. C. C. A-963.

FSA No. 31222: *Cake and meal between and from Central Territory*. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cake and meal (including crushed or ground cake or screenings) carloads between points in central territory, and from points in central territory to points in trunk-line territory and trunk-line arbitrary territory east of Pittsburgh, Pa.

Grounds for relief: Circuitous routes.

FSA No. 31223: *Fruits and vegetables between points in Southern Territory*. Filed by St. Louis-San Francisco Railway Company, for itself and other interested rail carriers. Rates on fresh fruits and vegetables (not cold-packed nor frozen), carloads between specified points in southern territory, including Ohio River crossings included in Agent Spaninger's tariff I. C. C. 1483 over routes in part west of the Mississippi River.

Grounds for relief: Circuitous routes in part west of the Mississippi River embracing the lines of the St. Louis-San Francisco Railway.

FSA No. 31224: *Automobile parts—New York and Pennsylvania to South*. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on automobile parts, namely, automobile bodies, seat cabs, etc., carloads, from specified points in New York and Pennsylvania to specified points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 89 to Agent Boin's I. C. C. A-968.

FSA No. 31225: *Phosphates—St. Louis, Mo., and East St. Louis, Ill., to the South*. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sodium, disodium, and tri-sodium phosphates, carloads from St. Louis, Mo., and East St. Louis, Ill., to specified points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 244 to Agent Spaninger's I. C. C. 1062.

FSA No. 31226: *Aluminum billets from Chalmette and New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on aluminum billets,

blooms, ingots, pigs or slabs, straight or mixed carloads from Chalmette and New Orleans, La., to Birmingham and Fairfield, Ala., and Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Spaninger's I. C. C. 1473.

FSA No. 31227: *Cheese—Galax, Va., to Southern Territory*. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cheese, carloads from Galax, Va., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 1 to Agent Spaninger's I. C. C. 1497.

FSA No. 31228: *Tin mill black plate—Ohio, Pennsylvania and West Virginia to Missouri River Cities*. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on tin mill black plate, tin orterne plate, carloads from specified points in Ohio, Pennsylvania, and West Virginia to Kansas City and St. Joseph, Mo., Omaha and Nebraska City, Nebr.

Grounds for relief: Barge competition and circuitry.

Tariff: Supplement 127 to Agent Hinsch's I. C. C. 4238.

FSA No. 31229: *Bonding mortar—Michigan points to Kansas and Missouri*. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on high temperature bonding mortar, carloads from Stronach and Manistee, Mich., to Atchison, Kans., and Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 127 to Agent Hinsch's I. C. C. 4238.

FSA No. 31230: *Iron and steel articles—Newport, Ky., to Michigan City, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Newport, Ky., to Michigan City, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 203 to Agent Hinsch's I. C. C. 3388.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-8631; Filed, Oct. 25, 1955; 8:49 a. m.]

[Rev. S. O. 562; Taylor's I. C. C. Order No. 62-A]

FERNWOOD, COLUMBIA AND GULF RAILROAD
Co.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 62 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 62, be, and it is hereby vacated and set aside.

(b) Effective date. This order shall become effective at 4:00 p. m., October 17, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agree-

ment and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 17, 1955.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W TAYLOR,
Agent.

[F. R. Doc. 55-8656; Filed, Oct. 25, 1955;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-884]

NATIONAL UNION LIFE INSURANCE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

OCTOBER 18, 1954.

I. National Union Life Insurance Company, 424 Brown Marx Building, Birmingham, Alabama, having filed with the Commission on March 22, 1955, a Notification on Form 1-A and an offering circular, relating to an offering of 5,000 shares of capital stock, \$1 par value, at \$38 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation A was not available in that the aggregate offering price of all securities sold by the issuer within one year prior to the commencement of the aforesaid offering plus all securities under the aforesaid Notification exceeded the limitation of \$300,000 as prescribed by Rule 217 (a) under the following circumstances:

The issuer filed a Notification on Form 1-A under Regulation A with the Commission on June 9, 1954, for a public offering of \$100,000 of its stock, and thereafter on July 15, 1954, said offering was commenced and by October 5, 1954, was completed;

The issuer sold 10,000 shares of its stock, valued at \$125,000, to Gregg Motors, Inc., in October 1954 which were thereafter, in November 1954, publicly distributed;

The issuer commenced its offering under the instant Notification on April 11, 1955;

The issuer sold 5,000 shares of its stock to F. C. A. Discount Corporation on or about June 22, 1955, which were publicly distributed by July 12, 1955;

B. That the terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose under Item 3 of said notification the sale of 10,000 shares of its stock within one year prior to the date of filing of the Notification and the sale during the same period by Basil P. Autrey, director and affiliate of the issuer, of 14,315 shares

of stock of the issuer on his own behalf, and

2. The issuer failed to file, as required by Rule 221 of Regulation A, a letter, dated April 15, 1955, used in connection with said offering;

C. The Notification and offering circular, filed as part thereof, contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure of the balance sheet, dated December 31, 1954, and included in said offering circular, to reflect (a) net reductions in net admitted asset values of \$20,213.62, (b) net increases in liabilities and reserves of \$159,364.11 and (c) a net reduction in surplus of \$179,577.73, which adjustments were determined as being applicable to said balance sheet by examiners representing the Superintendent of Insurance, State of Alabama and the Insurance Commission of the State of Florida, the more significant of which are:

(a) The balance sheet reflected an aggregate reserve for life policies and contracts of \$478,808 instead of \$506,947.75;

(b) The failure to include in the balance sheet liability for policy and contract claims of \$29,874.93;

(c) The failure to include in the balance sheet general expenses of \$7,257.51 due or accrued;

(d) An understatement of F. O. A. B. tax of \$2,238.53, the failure to include a liability of \$1,154.32 for Florida S. U. I. tax and the failure to include in the balance sheet a tax liability of \$17,964.03 for Florida Premium Tax;

(e) The failure to include in the balance sheet a liability for "Agents Credit Balances" of \$45,855.09;

(f) The failure to make provision in the balance sheet for Mandatory Security Valuation Reserve of \$5,789.87;

(g) The failure to disclose in the balance sheet a contingent liability of \$15,000 on thirteen trailer sales contracts discounted at a bank for the original sellers and the failure to state that United States Government Bonds in the amount of \$15,000, par value, were on deposit with a bank to guarantee such contingent liability;

(h) The failure to increase accounts payable in the balance sheet from \$871.90 to \$16,404.52, the principal item of which was \$13,500 representing funds deposited with the company for the purpose of repurchasing its stock from stockholders when such stock is available;

2. The failure to indicate in the balance sheet that the net figure of \$364,998.80 under "Real Estate" was after deduction of an indebtedness of \$48,015.07 secured by a mortgage on properties held by the company;

3. The failure to eliminate from the items of "Real Estate" and "Unassigned Surplus" in the balance sheet the sum of \$60,000 representing a write up of value of an office building, which was based on an alleged appraisal and placed on the company's books January 1, 1955, and retroactively reflected in the bal-

ance sheet dated December 31, 1954, and the fair value of which at the time of purchase, based on available data, appears to be \$125,000 rather than the \$185,000 included in the balance sheet.

4. The summary of operations for the years 1953 and 1954 is incorrectly stated insofar as they may be affected by the application of any adjustments referred to in the report of the examiners of the State Insurance Commissions;

5. The summary of operations for the year 1954 is misleading in that it failed to disclose that premium income reflected premiums of substantial amounts from single premium policies which arose from unusual transactions; and

6. The issuer failed to disclose, as required by Rule 219 (c) (2), the purchase of a yacht for \$45,000 for the benefit of Basil P. Autrey and Paul J. Meyer, directors, and the investment of \$5,000 in an insurance agency operated by Russell Williams, Manager of Public Relations.

D. That the use of the offering circular in connection with the offering of the shares to which the Notification relates did operate as a fraud and deceit upon the purchasers thereof;

III. *It is ordered*, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon National Union Life Insurance Company, and John Paul Riddle, 1309 Astoria Avenue, Coral Gables, Florida, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL]. NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8634; Filed, Oct. 25, 1955;
8:49 a. m.]

[File No. 22-1763]

RUDOLPH KARSTADT AKTIEN-
GESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Rudolph Karstadt Aktiengesellschaft, ("Karstadt") a corporation organized and existing under the laws of Germany, has

filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) and 310 (b) (1) of the act, the 4½ percent Debt Adjustment Bonds, due January 1, 1963, to be issued by Karstadt under an Indenture to be dated as of January 1, 1953, between Karstadt and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership, as Co-Trustee, in connection with Karstadt's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America, and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) Karstadt has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. Karstadt is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by Karstadt for its outstanding obligations provide for the issuance by Karstadt of its Debt Adjustment Bonds, due January 1, 1963, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional Trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional Trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new

bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

The application states, with respect to the request for exemption from section 310 (b) (1), to permit the same organization to act as Co-Trustee under the old and new indenture as follows:

(1) Section 12 of the Law of the Federal Republic of Germany of August 24, 1953, implementing the London Agreement which was adopted in order to allow an orderly and nondiscriminatory settlement of debts under the London Agreement, prohibits the German debtor from making payments or any other performance with respect to any old obligations until all refunding obligations issued by all German debtors, corporate or otherwise, have been paid in full. By virtue of the provisions of the Implementation Law, the Co-Trustee under the old indenture is without the power or incentive either to seek payment of the old bonds, out of such security or otherwise, in preference to payment on the new bonds or to prevent orderly payment in full of the new bonds in accordance with their terms. Any remaining conflict of interest between the Co-Trustee under the old and the new indentures would appear to be eliminated by reason of the powers in the American institutional Trustee to direct action by the Co-Trustee under the indenture to be qualified.

(2) The complicated nature of German real estate law and title registration procedures, makes it highly desirable that the holder of a lien be fully familiar with the entire records in each land register relating to the property subject to the lien. The desirability for familiarity with the land registers is greatly increased in the case of the settlement of a debt under the London Agreement because of the fact that frequent changes in the land registers will be required in the first two years after the settlement offer has been made relating both to the correction of the land registers to reflect the variations in the registered amounts of the mortgage securing the old and new bonds as the new bonds are issued in exchange for old bonds, and also to the reduction of such registered amounts and the release of security from time to time pursuant to the terms of the settlement offer and such changes will be even more complicated by reason of the

new and untested procedures under the Implementation Law.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THOSEN,
Assistant Secretary.

[F. R. Doc. 55-8635; Filed, Oct. 25, 1955; 8:50 a. m.]

[File No. 22-1757]

VEREINIGTE ELEKTRIZITÄTWERKE WESTFALEN AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Vereinigte Elektrizitätswerke Westfalen Aktiengesellschaft ("VEW") a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, the 4½ percent Debt Adjustment Bonds, due January 1, 1968, to be issued by VEW under an Indenture to be dated as of January 1, 1953, between VEW and The First National City Bank of New York as Trustee and Deutsche Kreditsicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership, as Co-Trustee, in connection with VEW's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to

the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) VEW has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. VEW is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by VEW for its outstanding obligations provide for the issuance by VEW of its Debt Adjustment Bonds, due January 1, 1968, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8636; Filed, Oct. 25, 1955;
8:50 a. m.]

[File No. 22-1764]

ENERGIE-VERSORGUNG SCHWABEN
AKTIENGESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 20, 1955.

Notice is hereby given that Energie-Versorgung Schwaben Aktiengesellschaft ("EVS") a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of section 310 (a) (3) of the act, the 5¼ percent Debt Adjustment Bonds, due January 1, 1973, to be issued by EVS under an Indenture to be dated as of January 1, 1953, between EVS and The First National City Bank of New York as Trustee and Deutsche Kredit-sicherung Kommanditgesellschaft, Dr. Alexander Kreuter, a limited partnership as Co-Trustee, in connection with EVS's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section

310 (a) (3) to permit certain acts to be performed by the Co-Trustee, as follows:

(1) EVS has outstanding bonds which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. EVS is, however, liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by EVS for its outstanding obligations provide for the issuance by EVS of its Debt Adjustment Bonds, due January 1, 1973, in exchange for its outstanding validated bonds.

(2) The mortgage securing the new bonds will be registered in favor of the German Co-Trustee and certain acts with respect to the release of property, the reduction of the registered amount of liens and the disposition of release moneys are performed only by the Co-Trustee subject, however, to ultimate control by the American institutional trustee. Section 310 (a) (3) of the Trust Indenture Act of 1939 requires that the rights, powers, duties and obligations be conferred upon the American institutional Trustee alone or jointly with the Co-Trustee unless under the laws of any jurisdiction in which acts are to be performed the institutional Trustee is incompetent or unqualified to act.

(3) While no contention is made that the American institutional Trustee is incompetent or unqualified to act it is contended that the vesting of title and related powers in the Co-Trustee is essential to the orderly settlement and payment of the obligations; the rights in the security of both the holders of the new bonds and the old bonds are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law and such right in the security should be adjudicated only by German courts. In this connection it is urged that the vesting of these functions in the American institutional Trustee may result in litigation in this country by non-depositing bondholders who seek to establish some special rights in the security.

(4) While the procedure proposed necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the Acts which are performable only by the Co-Trustee are in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or ap-

appropriate, may be issued by the Commission at any time after November 2, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than October 31, 1955, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8637; Filed, Oct. 25, 1955;
8:50 a. m.]

[File No. 70-3420]

MICHIGAN CONSOLIDATED GAS CO. AND
AMERICAN NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSED
ISSUANCE AND SALE BY SUBSIDIARY OF
REGISTERED HOLDING COMPANY OF FIRST
MORTGAGE BONDS AT COMPETITIVE BID-
DING; AND ISSUANCE AND SALE BY SAID
SUBSIDIARY AND ACQUISITION BY ITS
PARENT COMPANY OF COMMON STOCK

OCTOBER 20, 1955.

Notice is hereby given that American Natural Gas Company ("American Natural") a registered holding company, and its subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") an operating gas utility company, have filed a joint application-declaration and amendments thereto with this Commission under the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (b) 9, 10 and 12 and Rules U-43 and U-50 as applicable to the proposed transactions which are summarized as follows:

Michigan Consolidated proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$30,000,000 principal amount of First Mortgage Bonds, -- percent Series, due 1980. These bonds will be dated November 15, 1955, will mature November 15, 1980, and will be issued under Michigan Consolidated's Indenture of Mortgage and Deed of Trust dated as of March 1, 1944 as heretofore supplemented by six supplemental indentures and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of November 15, 1955. The interest rate

on the new bonds (which is to be a multiple of $\frac{1}{8}$ of 1 percent and the price to be received by Michigan Consolidated (which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102 $\frac{3}{4}$ percent of the principal amount) are to be determined at competitive bidding pursuant to the provisions of Rule U-50.

Prior to or simultaneously with the issuance of the bonds, Michigan Consolidated proposes to sell to American Natural and American Natural proposes, with funds on hand, to purchase 72,000 shares of Michigan Consolidated's common stock, par value \$14 a share, for a cash consideration of \$1,003,000, which is equal to the aggregate par value thereof.

Michigan Consolidated has heretofore borrowed, pursuant to a Credit Agreement, \$31,000,000 on its 3 percent notes maturing August 15, 1956 (File No. 70-3395) On October 7, 1955, Michigan Consolidated issued and sold 930,000 shares of its common stock to American Natural for a total cash consideration of \$13,020,000, the aggregate par value of such shares (File No. 70-3412). It is anticipated that concurrently with the issuance and sale of the new bonds and the new common stock the borrowing under the Credit Agreement will be repaid and the Credit Agreement terminated.

Of the proceeds from the sale of the new bonds it is estimated that approximately \$5,000,000, representing the principal amount of new bonds not issued in the first instance against net property additions, will be deposited with the Trustee under Michigan Consolidated's Indenture of Mortgage and Deed of Trust and will be held as part of the trust estate pending withdrawal from time to time through the certification of net property additions.

The filing represents that the issuance and sale of the securities by Michigan Consolidated are subject to the jurisdiction of the Michigan Public Service Commission and contains a copy of the application filed by Michigan Consolidated with that State Commission.

It is estimated that fees and expenses to be incurred by applicants-declarants in connection with the issuance and sale of the new securities will approximate \$159,200, of which \$68,267 represents registration fees and stamp taxes and \$25,000 represents printing and engraving expenses.

It is requested that the Commission's Order herein be issued and become effective by November 9, 1955.

Notice is further given that any interested person may, not later than November 7, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such re-

quest, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as amended or as it may hereafter be further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8639; Filed, Oct. 25, 1955;
8:50 a. m.]

[File No. 30-230]

WISCONSIN SOUTHERN GAS CO., INC.

ORDER PURSUANT TO SECTION 5 (d) OF THE
PUBLIC UTILITY HOLDING COMPANY ACT
OF 1935

OCTOBER 20, 1955.

Wisconsin Southern Gas Company, Inc., a registered holding company which on August 9, 1955, was granted an exemption as a holding company pursuant to order of the Commission (Holding Company Act Release No. 12960) under section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act") having filed an application with the Commission pursuant to section 5 (d) of the act requesting an order declaring that it has ceased to be a holding company and

The Commission finding that the applicant's only subsidiary company, Wisconsin Southern Gas Company, was merged into applicant on August 18, 1955, and has ceased to exist and that, accordingly, Wisconsin Southern Gas Company, Inc., has ceased to be a holding company and

Notice of the filing of said application having been duly given, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are met, and that the application should be granted forthwith:

It is ordered, That said application be and the same hereby is granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-8638; Filed, Oct. 25, 1955;
8:50 a. m.]

