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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.323 *Department of Health, Education, and Welfare.* * * *

(c) *Social Security Administration.*

(4) One Deputy Commissioner of Social Security.

(5) One Technical Adviser to the Commissioner of Social Security.

(d) *Office of Education.* (1) One Deputy Commissioner of Education.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. -E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 53-6362; Filed, July 17, 1953; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

KENTUCKY BLUEGRASS SEED; EXEMPTION FROM CERTAIN LABELING REQUIREMENTS

It has been found that because the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, *Poa pratensis*, the information as to germination required by subsection

201 (a) of the Federal Seed Act (7 U. S. C. 1571 (a)) cannot be given for such seed prior to transportation or delivery for transportation in interstate commerce. Therefore pursuant to the provisions of subsection 203 (c) and section 402 of the Federal Seed Act (7 U. S. C. 1573 (c) and 1592), the following regulation is hereby promulgated:

Exemption from labeling as to germination of 1953 Kentucky bluegrass seed. The requirements of subsection 201 (a) of the Federal Seed Act as to labeling seed for germination when it is transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1953 crop of seed of Kentucky bluegrass, *Poa pratensis*, during the period beginning August 15, 1953, and ending October 15, 1953.

Under subsection 203 (c) of the Federal Seed Act, when the Secretary of Agriculture makes the finding set forth above for a certain kind of seed, he is authorized, with or without hearing, to promulgate a regulation exempting the seed from the labeling requirements of subsection 201 (a) of the act with respect to germination. Pursuant to this provision, the Secretary in various prior years issued regulations to provide for a seasonal exemption from such labeling requirements, similar to the one provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The carry-over of this seed from the preceding crop year is not sufficient to meet the planting requirements therefor and by reason of the imminence of the planting season it is in the public interest that notice of the exemption of such seed from the labeling requirements as to germination be published as soon as possible. In view of these facts, and in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is hereby found upon good cause that notice of rule making and other public procedure in connection with the foregoing regulation would be impracticable and contrary to the public interest.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 6 (\$1.50); Title 14: Part 400—end (Revised Book) (\$3.75); Title 32: Parts 1—699 (\$0.75); Title 38 (\$1.50); Title 43 (\$1.50); Title 46: Part 146—end (\$2.00)

Previously announced: Title 3 (\$1.75); Titles 4—5 (\$0.55); Title 7: Parts 1—209 (\$1.75), Parts 210—899 (\$2.25), Part 900—end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10—13 (\$0.40); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22—23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80—169 (\$0.40), Parts 170—182 (\$0.65), Parts 183—299 (\$1.75); Title 26: Part 300—end, Title 27 (\$0.60); Titles 28—29 (\$1.00); Titles 30—31 (\$0.65); Title 32: Part 700—end (\$0.75); Title 33 (\$0.70); Titles 35—37 (\$0.55); Title 39 (\$1.00); Titles 40—42 (\$0.45); Titles 44—45 (\$0.60); Title 46: Parts 1—145 (Revised Book) (\$5.00); Titles 47—48 (\$2.00); Title 49: Parts 1—70 (\$0.50), Parts 71—90 (\$0.45), Parts 91—164 (\$0.40), Part 165—end (\$0.55); Title 50 (\$0.45)

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This regulation shall be effective during the period from August 15, 1953, to October 15, 1953, both inclusive.

Issued this 15th day of July 1953.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592. Interprets or applies sec. 203, 53 Stat. 1281; 7 U. S. C. 1573)

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6374; Filed, July 17, 1953; 8:48 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

REMOVAL OF QUALIFICATION THAT SMOOTH CAYENNE PINEAPPLES MUST BE COMMERCIALY PACKED TO MOVE INTERSTATE FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred upon him by section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161) the Secretary of Agriculture hereby amends § 301.13-2 (b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 301.13-2 (b)) by deleting the words "commercially packed" from the item now appearing as "Pineapples (*Ananas sativa*) smooth Cayenne, commercially packed" in the list of fruits and vegetables allowed movement from Hawaii throughout the year in compliance with the inspection and certification requirements of § 301.13-4 (a).

An amendment of § 301.13-2 (b) effective June 27, 1953 (18 F. R. 3631) added the above-mentioned item to the list of products which may be moved interstate from Hawaii after inspection and certification. Such pineapples not commercially packed are now eligible for certification only after they have been treated as provided in § 301.13-4 (b). Noncommercial movement of these pineapples is largely as passengers' baggage, in stores of ships or planes, or as bulk cargo. A recent check on this type of movement indicates that it is equally as nonhazardous as commercial movements. For this reason, the commercially-packed qualification is being deleted, further relieving previous restrictions. In order to be of maximum benefit to persons subject to such restriction, it must be made effective promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This amendment shall be effective July 20, 1953.

(Sec. 3, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 15th day of July 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6383; Filed, July 17, 1953; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Cauliflower Order 1—1953]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.319 *Cauliflower Order 1—1953*—(a) *Findings*. (1) Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31), as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Administrative Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cauliflower, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order*. (1) During the period July 20, 1953, to October 15, 1953, both dates inclusive, no handler shall handle cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in the State of Colorado that

does not meet the requirements of U. S. No. 1, or better grade.

(2) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910) or the U. S. Standards for Cauliflower (361.171 of this title) including the tolerance set forth therein.

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

Done at Washington, D. C., this 15th day of July 1953, to be effective July 20, 1953

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

[F. R. Doc. 53-6385; Filed, July 17, 1953; 8:51 a. m.]

[Lemon Reg. 494]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.601 *Lemon Regulation 494*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), 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, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 15, 1953, such meeting was held, after giving due notice thereof to consider recommenda-

tions for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 19, 1953, and ending at 12:01 a. m., P. s. t., July 26, 1953, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 450 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorated base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorated base schedule which is attached to Lemon Regulation 493 (18 F. R. 4060) and made a part of this section by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

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

Done at Washington, D. C., this 16th day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 53-6419; Filed, July 17, 1953; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 112—LABELS AND SAMPLES

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 117—ANIMALS

PART 119—ANTI-HOG-CHOLERA SERUM

MISCELLANEOUS AMENDMENTS

On June 10, 1953, there was published in the FEDERAL REGISTER (18 F. R. 3296) a notice of proposed rule making concerning amendments of the regulations relating to viruses, serums, toxins, and analogous products, and certain organisms and vectors, contained in Parts 112, 114, 117, and 119, Title 9, Code of Federal Regulations. After consideration

of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by the provisions of the act of March 4, 1913, relating to viruses, serums, toxins, and analogous products (21 U. S. C. 151-158) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) hereby amends §§ 112.2, 112.27, 114.2 (a) 114.5, 114.6; 117.4, and 119.4 of said regulations as follows:

1. Section 112.2 is amended to read:

§ 112.2 *Required and permitted information.* (a) Except as provided by the Chief, each label of a biological product prepared at a licensed establishment or imported shall include the following:

(1) The true name of the product which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be prominently lettered and placed giving equal emphasis to each word composing it;

(2) The name and address of the licensee or permittee: *Provided*, That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms, respectively: "U. S. Veterinary License No. _____," or "U. S. Vet. License No. _____," or "U. S. Veterinary Permit No. _____," or "U. S. Vet. Permit No. _____";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The quantity of the contents of each immediate or true container in cubic centimeters, units, grams, or milligrams;

(8) Instructions to keep the product at a temperature of not over 45° F. *Provided*, That all labels, circulars, and the like for liquid Brucella abortus vaccine and rabies vaccine shall include a warning against freezing and instructions to keep the product under refrigeration at 35° to 45° F.,

(9) In the case of a multiple-dose container, a warning that all of the product should be used at the time the container is first opened, except as provided in subparagraph (13) of this paragraph;

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the immediate or true container of such product, except as provided in subparagraph (13) of this paragraph;

(11) In the case of subcutaneous tuberculin, a statement indicating the quantity of Koch's old tuberculin

(K. O. T.) in each cubic centimeter, disk, or the like of the product, and recommendations regarding the minimum dose to be administered: *Provided*, That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K. O. T.,

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains _____ as a preservative" or an equivalent statement, indicating the antibiotic added;

(13) (i) In the case of a diluent which is to be removed from its container and entirely added to a desiccated biological product, the label of such diluent is exempt from the provisions of subparagraphs (9) and (10) of this paragraph;

(ii) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container, the label of such diluent must conform to the provisions of subparagraphs (9) and (10) of this paragraph;

(iii) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, the label of such desiccated biological product shall conform to the provisions of subparagraph (10) of this paragraph but is exempt from the provisions of subparagraph (9) of this paragraph; and

(14) All other similar information required by the Chief.

(b) Labels of biological products prepared at licensed establishments or imported may also include any other statement which is not false or misleading.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device which overshadows the true name of the product as licensed or which is false or misleading in any particular or which may otherwise deceive the purchaser.

2. Section 112.27 is amended to read:

§ 112.27 *Selection, marketing, testing, and holding by licensee.* (a) Representative samples of each batch of every biological product, except anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus, shall be selected at random from packages finished for marketing by designated laboratory employees in each licensed establishment. Said representative samples shall include two samples reserved for Bureau call and such other samples as may be required by the licensee for examination and testing. Each sample reserved for Bureau call shall (1) consist of two or more containers and the package (or packages) shall be sealed, dated, and initialed when taken; (2) be adequate in quantity for appropriate examination and testing; (3) be truly representative of the batch which is to be marketed and be in true containers; and (4) be held by the licensee at least 6 months after the latest expiration date stated on the labels.

(b) A special compartment or the equivalent shall be set aside by the licensee for the exclusive holding of the two samples reserved for Bureau call under refrigeration at 35° to 45° F. The

samples shall be stored systematically for ready reference and procurement if and when requested by the Bureau.

3. Paragraph (a) of § 114.2 is amended to read:

§ 114.2 *Methods.* (a) All biological products shall be prepared, handled, stored, marked, treated, and tested by licensees in accordance with methods described in the licensees' outlines provided for under this section, unless other methods are prescribed or permitted by the Chief in which case such other methods shall be used.

4. Section 114.5 is amended to read:

§ 114.5 *Brucella abortus vaccine; marketing and use.* (a) Licensees' production outlines for Brucella abortus vaccine shall specify, among other things, the minimum number of viable Brucella abortus organisms per cubic centimeter that shall be present in the product until the end of the period of use indicated by the expiration date. The expiration date for the liquid form of this vaccine shall not exceed 3 months from the date of production (harvesting), and for the desiccated form shall not exceed 15 months from the date of production (harvesting). The vaccine shall be marketed only in vials of resistant glass of low alkalinity and uniform stability, and all other glass containers used in preparation of the product shall be of like resistance.

(b) Freshly prepared Brucella abortus vaccine shall contain, when subjected to testing, not less than 10 billion viable Brucella abortus organisms per cubic centimeter. The vaccine also shall contain not less than 5 billion viable Brucella abortus organisms per cubic centimeter until the end of the period of use as indicated by the expiration date recorded on all labels used on or in connection with each immediate or true container of the same mixture or batch.

5. Section 114.6 is amended to read:

§ 114.6 *Fowl-pox vaccine, laryngotracheitis vaccine, and Newcastle disease vaccine.* Licensed establishments shall test each batch of fowl-pox vaccine, including pigeon pox, laryngotracheitis vaccine, and Newcastle disease vaccine as provided in this section to determine whether it is free from the causative agents of extraneous diseases.

(a) *Fowl-pox vaccine.* For testing each batch of fowl-pox vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 21 days with fowl-pox vaccine, previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall

be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a careful post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(b) *Laryngotracheitis vaccine.* For testing each batch of laryngotracheitis vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with laryngotracheitis vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(c) *Newcastle disease vaccine.* For testing each batch of Newcastle disease vaccine, 15 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with Newcastle disease vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses of coryza and similar diseases.

(4) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(5) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(6) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

6. Section 117.4 is amended to read:

§ 117.4 *Time held in contact.* (a) Except as otherwise provided in § 117.6, each group of 200 or less sheep or goats and each group of 20 or less cattle at licensed establishments shall be held in the contact pens for at least 2 days in contact with not less than 2 contact calves, and each animal shall be allowed free range and contact with said contact calves and the other animals in the group.

(b) Except as otherwise provided in § 117.6, each group of hogs which arrives at a licensed establishment in the same conveyance shall be held in the contact pens for at least 1 day in contact with not less than 2 contact calves, except that in the case of pigs used in testing the potency and purity of anti-hog-

cholera serum, 6 hours will be sufficient. More than 1 group of such animals may be placed in the same contact pen providing the total number of hogs in the pen does not exceed 200. Each animal shall be allowed free range and contact with said contact calves and the other animals in the group. Hogs immune to hog cholera may be removed from the contact pens for hyperimmunization at any time while being held as aforesaid: *Provided*, They are returned to said pens immediately after this operation.

7. Section 119.4 is amended to read:

§ 119.4 *Health and weight when hyperimmunized.* Hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be healthy at the time of hyperimmunization, and this fact shall be determined by a thorough veterinary inspection. The weight of each animal in a given group shall be determined and recorded accurately by the licensee before hyperimmunization of the group.

The primary purposes of the foregoing amendments are to clarify the provisions of the regulations with respect to labeling of desiccated products, to require safety tests for Newcastle disease vaccine, to restate minimum requirements for *Brucella abortus* vaccine in order to provide for multiple dose containers, to provide a more practical system for the contacting of hogs in serum plants, and to clarify certain other provisions of the regulations.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended, 37 Stat. 832; 21 U. S. C. 111, 154)

Done at Washington, D. C., this 15th day of July 1953.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6382; Filed, July 17, 1953; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

**Chapter I—Internal Revenue Service,
Department of the Treasury**

Subchapter A—Income and Excess Profits Taxes
[Regs. 111, 130; T. D. 6031]

**PART 29—INCOME TAX; TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1941**

**PART 40—EXCESS PROFITS TAX; TAXABLE
YEARS ENDING AFTER JUNE 30, 1950**

MISCELLANEOUS AMENDMENTS

On October 29, 1952, notice of proposed rule making with respect to amendments conforming the income tax and excess profits tax regulations to section 319 of the Revenue Act of 1951, approved October 20, 1951, and to Public Law 594, 82d Congress, 2d Session, approved July 21, 1952, was published in the FEDERAL REGISTER (17 F. R. 9745). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following amendments to Regulations 111 (26 CFR Part

29) and Regulations 130 (26 CFR Part 40) are hereby adopted:

PARAGRAPH 1. Section 29.23 (m)-1 (f) as amended by Treasury Decision 6021, approved June 18, 1953, is further amended as follows:

(A) By inserting in subparagraph (3) of the fifth undesignated subparagraph thereof immediately after the word "sintering" the following "(agglomerating by incipient fusion)";

(B) By substituting in subparagraph (4) of the fifth undesignated subparagraph thereof the word "minerals" for the word "ores" which precedes the phrase "which are not customarily sold";

(C) By substituting in subparagraph (4) of the fifth undesignated subparagraph thereof the word "mineral" for the word "ore" which appears at the end of the first sentence; and

(D) By inserting immediately following the fifth undesignated subparagraph thereof the following new undesignated subparagraphs:

In addition, the processes listed below are not included in the term "ordinary treatment processes" unless such processes are (i) otherwise provided for in subparagraphs (1) (2) (3) or (4) above; (ii) necessary or incidental to the processes provided for in subparagraphs (1) (2) (3) or (4) above; or (iii) necessary to bring the ores or minerals into condition or form suitable for shipment (for example, the agglomeration of concentrates)

- (a) Treatment effecting a chemical change,
- (b) Blending with other material.
- (c) Thermal action,
- (d) Fine pulverization, pressing into shape or molding.

For the purposes of subparagraphs (3) and (4) above, the terms "concentration" or "concentrating" mean the process of eliminating waste or of separating two or more minerals or ores.

PAR. 2. Section 29.23 (m)-3, as amended by Treasury Decision 5645, approved July 20, 1948, is further amended by substituting for the heading and first two sentences of the first paragraph the following:

§ 29.23 (m)-3 *Computation of depletion of mines and other natural deposits (other than those in respect of which percentage depletion is allowable) on basis of discovery value.* (a) The basis on which depletion is to be computed in the case of mines and other natural deposits (other than those in respect of which depletion is allowed on the basis of percentage of income under § 29.23 (m)-5) discovered by the taxpayer after

February 28, 1913, is the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines or deposits were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to cost. Such basis may not be used in the case of the mines or deposits listed under § 29.23 (m)-5 for any period in respect to which depletion on the basis of percentage of income is allowable. * * *

PAR. 3. Section 29.23 (m)-5, as amended by Treasury Decision 5645, is further amended as follows:

(A) By substituting for the heading and the first sentence of the first paragraph the following:

§ 29.23 (m)-5 *Computation of depletion based on percentage of income in case of certain mines or other natural deposits.* (a) In the case of the mines or other natural deposits listed hereinafter, a taxpayer may deduct for depletion under section 114 (b) (4) (A) amounts equal to the following percentages of the gross income from the property during the periods indicated below:

Mine or deposit	Per-cent	Taxable years beginning after
Aplite.....	15	()
Asbestos.....	10	()
Barite.....	15	Dec. 31, 1943
Bauxite.....	15	Dec. 31, 1940
Bentonite.....	15	Do.
Beryl.....	15	Dec. 31, 1943
Borax.....	15	()
Bromine.....	5	()
Brucite.....	10	()
Calcium carbonates.....	10	()
Calcium chloride.....	5	()
Olam shell.....	5	()
Clay, ball.....	15	Dec. 31, 1941
Clay, brick and tile.....	5	()
Clay, china.....	15	Dec. 31, 1940
Clay, refractory and fire.....	15	()
Clay, sagger.....	15	Dec. 31, 1941
Coal.....	5	Do.
Coal.....	10	()
Diatomaceous earth.....	15	()
Dolomite.....	10	()
Feldspar.....	15	Dec. 31, 1943
Fiberspar.....	15	Dec. 31, 1941
Fullers earth.....	15	()
Garnet.....	15	()
Gilsonite.....	15	Dec. 31, 1940
Granite.....	5	()
Graphite, flake.....	15	Dec. 31, 1942
Gravel.....	5	()
Lepidolite.....	15	Dec. 31, 1943
Limestone, chemical grade.....	15	()
Limestone, metallurgical grade.....	15	()
Magnesite.....	10	()
Magnesium carbonates.....	10	()
Magnesium chloride.....	5	()
Marble.....	5	()
Metal mines.....	15	Dec. 31, 1941
Mica.....	15	Dec. 31, 1943
Oyster shells.....	5	()
Perlite.....	10	()
Phosphate rock.....	15	Dec. 31, 1940
Potash.....	15	Dec. 31, 1943
Pumice.....	5	()
Pyrophyllite.....	15	Dec. 31, 1940
Quartzite.....	15	()
Rock asphalt.....	15	Dec. 31, 1941
Sand.....	5	()
Scoria.....	5	()
Shale.....	5	()
Slate.....	5	()
Sodium chloride.....	5	()
Spodumene.....	15	Dec. 31, 1943
Stone.....	5	()
Sulphur.....	23	Dec. 31, 1941
Talc.....	15	Dec. 31, 1943
Therandite.....	15	Dec. 31, 1940
Tripoli.....	15	()
Trona.....	15	Dec. 31, 1940
Vermiculite.....	15	Dec. 31, 1943
Wollastonite.....	10	()

¹Effective January 1, 1951. For taxable years beginning before January 1, 1951, and ending after December 31, 1950, see below.

Such deduction shall not in any case exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property. * * *

(B) By redesignating paragraph (b) as paragraph (c) and by inserting the following new paragraph (b)

(b) For the purposes of this section, the minerals indicated below shall have the following meanings:

Borax: Any boron material including that contained in brines.

Bromine: Bromine if obtained from brine wells.

Calcium carbonates: Miscellaneous limestones and other calcium carbonate rocks (not specifically provided for at a 5 percent or 15 percent rate of percentage allowance) such as cement rock and limestone used or sold for use in soil treatment. This classification does not include rock or minerals used or sold for use as ballast, road making, concrete aggregates, or other purposes for which chemical composition is not a major requirement.

Calcium chloride: Calcium chloride if produced from brine wells.

Clay, brick and tile: Clay used or sold for use in the manufacture of common brick, drain and roofing tile, sewer pipe, flower pots and kindred products (other than clay specifically identified as a clay for which a 15 percent rate of percentage allowance is provided).

Coal: All coal including lignite.

Limestone, chemical grade: Limestone used or sold for use in the chemical trades.

Limestone, metallurgical grade: Limestone used or sold for use in the production of metals.

Magnesium chloride: Magnesium chlorides if produced from brine wells.

Phosphate rock: Any phosphate ore.

Pumice: All pumice including pumicite.

Scoria: All scoria produced from natural deposits.

Stone: All common dimension, crushed or broken stone within the ordinary meaning of these terms.

Thenardite: All sodium sulphate minerals, including those contained in brine.

Trona: All sodium carbonate minerals including those contained in brine.

(C) By inserting the following new paragraphs (d) and (e)

(d) In the case of a taxpayer whose taxable year began before January 1, 1951, and ended after December 31, 1950, and who became entitled to percentage depletion, or an increase therein, or whose basis for depletion changed on January 1, 1951, the allowance for depletion for the taxable year under this section is an amount equal to the sum of:

(1) That portion of a tentative allowance computed under the provisions of this section (without regard to the amendments to section 114 (b) (4) effective January 1, 1951), which the number of days in such taxable year prior to January 1, 1951, bears to the total number of days in such taxable year; plus

(2) That portion of a tentative allowance computed under the provisions of this section as though the amendments to section 114 (b) (4) effective January 1, 1951, were applicable to the entire taxable year, which the number of days in such taxable year after December 31, 1950, bears to the total number of days in such taxable year.

(e) For taxable years ending after December 31, 1950, percentage depletion is not allowable with respect to any disposal of coal to the extent that such disposal is treated as a sale of coal under section 117 (k) (2)

PAR. 4. Section 29.23 (m)-3 is amended by substituting for the first sentence of the introductory paragraph the following: "No revaluation of a property whose value as of any specific date has been determined and approved will be made or allowed during the continuance of the ownership under which the value was so determined and approved, except in the

case of a subsequent discovery of non-metallic minerals in respect to which depletion is not allowed on the basis of percentage of income under § 29.23 (m)-4 or § 29.23 (m)-5, or of misrepresentation or fraud or gross error as to any facts known on the date as of which the valuation was made."

PAR. 5. Section 29.23 (m)-10 (d), as amended by Treasury Decision 5645 is further amended to read as follows:

(d) In lieu of the treatment provided for in paragraphs (a) and (b) of this section, the owner of an economic interest in minerals in respect of which depletion is allowed on the basis of percentage of income under § 29.23 (m)-4 or § 29.23 (m)-5 may take as a depletion deduction in respect of any bonus or advanced royalty from the property for the taxable year or period for which such deduction is allowable under such section an amount computed on the basis of the percentages applicable as indicated in such sections; but the deduction shall not in any case exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property.

PAR. 6. Section 29.23 (m)-13 (a), as amended by Treasury Decision 5645 is amended by substituting for so much of paragraph (a) as precedes subparagraph (1) the following:

(a) There shall be attached to the return of every taxpayer who claims depletion on the basis of percentage of income under § 29.23 (m)-4 or § 29.23 (m)-5, a statement containing the following information with respect to every property for which percentage depletion is allowable:

PAR. 7. Section 29.23 (m)-14 (a), as amended by Treasury Decision 5645 is further amended by substituting for the heading and so much of paragraph (a) as precedes the last sentence thereof the following:

§ 29.23 (m)-14 *Discovery of mines or other natural deposits (except those in respect of which percentage depletion is allowable under § 29.23 (m)-5).* (a) To entitle a taxpayer to a valuation of his property, for the purposes of depletion allowances, by reason of the discovery of a mine or minerals (other than those in respect of which percentage depletion is allowable under § 29.23 (m)-4 or § 29.23 (m)-5) it must appear that the mine or minerals were not acquired as the result of the purchase of a proven tract or lease; also the discovery must be made by the taxpayer after February 28, 1913, and must result in the fair market value of the property becoming disproportionate to cost. For the purposes of this section, mines or minerals shall not be entitled to valuation upon the basis of discovery for any taxable year or period in respect to which percentage depletion is allowable under § 29.23 (m)-4 or § 29.23 (m)-5.

PAR. 8. There is inserted immediately preceding § 29.114-1 the following:

SEC. 319. PERCENTAGE DEPLETION (REVENUE ACT OF 1951, APPROVED OCTOBER 29, 1951).

(a) *Allowance of percentage depletion.* So much of paragraph (4) of section 114 (b)

as precedes the last sentence of subparagraph (A) is hereby amended to read as follows:

(4) Percentage depletion for coal and metal mines and for certain other mines and natural mineral deposits—

(A) *In general.* The allowance for depletion under section 23 (m) in the case of the following mines and other natural deposits shall be—

(i) In the case of sand, gravel, slate, stone (including pumice and scoria), brick and tile clay, shale, oyster shell, clam shell, granite, marble, sodium chloride, and, if from brine wells, calcium chloride, magnesium chloride, and bromine, 5 per centum,

(ii) In the case of coal, asbestos, brucite, dolomite, magnesite, perlite, wollastonite, calcium carbonates, and magnesium carbonates, 10 per centum,

(iii) In the case of metal mines, apatite, bauxite, fluorspar, flake graphite, vermiculite, beryl, garnet, feldspar, mica, talc (including pyrophyllite), lepidolite, spodumene, barite, ball clay, sagger clay, china clay, phosphate rock, rock asphalt, trona, bentonite, gilsonite, thenardite, borax, fuller's earth, tripoli, refractory and fire clay, quartzite, diatomaceous earth, metallurgical grade limestone, chemical grade limestone, and potash, 15 per centum, and

(iv) In the case of sulfur, 23 per centum, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property.

(b) *Technical amendment.* So much of paragraph (2) of section 114 (b) as precedes "discovered by the taxpayer after February 28, 1913" is hereby amended to read as follows:

(2) *Discovery value in the case of mines.* In the case of mines (except mines in respect of which percentage depletion is allowable under paragraph (4) of this subsection).

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

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SEC. 5. Section 319 (c) of the Revenue Act of 1951 is amended to read as follows:

(c) *Effective date.* The amendments made by this section shall be effective on and after January 1, 1951.

PAR. 9. Section 29.114-1, as amended by Treasury Decision 5645, is further amended to read as follows:

§ 29.114-1 *Basis for allowance of depreciation and depletion.* The basis upon which exhaustion, wear and tear, obsolescence, and depletion will be allowed in respect of any property is the same as is provided in section 113 (a) adjusted as provided in section 113 (b) for the purpose of determining the gain from the sale or other disposition of such property, except that as provided in § 29.23 (m)-21 in the case of the cutting of timber which is considered to be a sale or exchange of such timber under section 117 (k) (1) the basis shall be the fair market value of such timber as of the first day of the taxable year in which it is cut; and except as provided in § 29.23 (m)-3 relating to depletion based on discovery value, in § 29.23 (m)-4 relating to percentage depletion in the case of oil and gas wells; in § 29.23 (m)-5 relating to percentage depletion in the case of

certain minerals with respect to the applicable taxable years or effective date specified therein, and in sections 23 (cc) (3) and 23 (ff) (4) relating to basis for depletion for taxable years ending after December 31, 1950.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

PAR. 10. Section 40.453-2 (h) is amended by adding at the end thereof the following undesignated paragraph:

The non-metallic minerals referred to in sections 453 (a) (13) and 453 (b) (2) and (4) shall be given the meanings set forth in § 29.23 (m)-5 of this chapter.

PAR. 11. Section 40.453-2 (j) (3) as amended by Treasury Decision 6004 is amended as follows:

(A) By inserting in (c) of subdivision (iii) immediately after the word "sintering" the following: "(agglomerating by incipient fusion)"

(B) By substituting in (d) of subdivision (iii) the word "minerals" for the word "ores" which precedes the phrase "which are not customarily sold"

(C) By substituting in (d) of subdivision (iii) the word "mineral" for the word "ore" which appears at the end of the first sentence; and

(D) By inserting immediately following subdivision (iii) the following new undesignated paragraphs:

In addition, the processes listed below are not included in the term "ordinary treatment processes" unless such processes are (a) otherwise provided for in (a), (b) (c) or (d) above; (b) necessary or incidental to the processes provided for in (a) (b) (c) or (d) above; or (c) necessary to bring the ores or minerals into condition or form suitable for shipment (for example, the agglomeration of concentrates)

- (1) Treatment effecting a chemical change,
- (2) Blending with other material,
- (3) Thermal action,
- (4) Fine pulverization, pressing into shape or molding.

For the purposes of (c) and (d) above, the terms "concentration" or "concentrating" mean the process of eliminating waste or of separating two or more minerals or ores.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interpretations or applies 53 Stat. 14, 32; 26 U. S. C. 23, 62)

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

Approved: July 14, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-6381; Filed, July 17, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

MISCELLANEOUS AMENDMENTS

1. In § 578.27 paragraph (d) is rescinded and the following substituted therefor:

§ 578.27 *Good Conduct Medal.* * * *

(d) *Clasps; description.* The clasps is a bar, 1/8 inch in width and 1 3/8 inches in length, of bronze, silver, or gold, with loops, indicative of each individual period of service. Clasps authorized for successive periods of service are:

Subsequent awards	Clasps	Total number of years to be completed when first award is for—	
		3 years	1 year
Second.....	Bronze clasp with 2 loops....	6	4
Third.....	Bronze clasp with 3 loops....	9	7
Fourth.....	Bronze clasp with 4 loops....	12	10
Fifth.....	Bronze clasp with 5 loops....	15	13
Sixth.....	Silver clasp with 1 loop.....	18	16
Seventh.....	Silver clasp with 2 loops....	21	19
Eighth.....	Silver clasp with 3 loops....	24	22
Ninth.....	Silver clasp with 4 loops....	27	25
Tenth.....	Silver clasp with 5 loops....	30	28
Eleventh.....	Gold clasp with 1 loop.....	33	31
Twelfth.....	Gold clasp with 2 loops....	36	34
Thirteenth.....	Gold clasp with 3 loops....	39	37
Fourteenth.....	Gold clasp with 4 loops....	42	40
Fifteenth.....	Gold clasp with 5 loops....	45	43

2. In § 578.48d (a) a note is added after subparagraph (1) (ii) as follows:

§ 578.48d *United Nations Service Medal.* * * *

(a) *Requirements.*

(1) * * *

(ii) * * *

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

3. In § 578.49a (c) subparagraph (2) is revised as follows:

§ 578.49a *Philippine Defense Ribbons.* * * *

(c) *Philippine Independence Ribbon.* * * *

(2) *Requirements.* Army personnel who are recipients of the Philippine Defense and/or Philippine Liberation Ribbons are eligible for the award of the Philippine Independence Ribbon.

[C2, AR 600-65, January 13, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-6352; Filed, July 17, 1953; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

SUBCONTRACTS AS TO WHICH IT IS NOT ADMINISTRATIVELY FEASIBLE TO SEGREGATE PROFITS

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption the words "August 1, 1953" and inserting in lieu thereof the words "January 1, 1954"

2. Paragraph (b) is further amended by deleting the date "August 1, 1953" and inserting in lieu thereof the date "January 1, 1954"

3. Paragraph (c) is amended by deleting the caption in its entirety and inserting in lieu thereof the following: (c) *Application of exemption.*

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: July 15, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-6378; Filed, July 17, 1953; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PASQUOTANK RIVER, NORTH CAROLINA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 (g) is amended to provide for operation of the Norfolk Southern Railway Company bridge across the Pasquotank River at Elizabeth City, North Carolina, by rescinding subparagraph (1) and substituting subparagraphs (1) and (1-a) as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* (1) Pasquotank River, N. C., Norfolk Southern Railway Company bridge at Elizabeth City. From 3:30 p. m. to 11:30 p. m. the bridge will be operated in full open position for the passage of vessels. Between 11:30 p. m., and 3:30 p. m. the regulations contained in § 203.240 shall govern the operation of this bridge.

(1-a) Kendrick (Mackay) Creek, N. C., Norfolk Southern Railway Company bridge at Mackeys. At least eight hours' advance notice required.

[Regs., June 23, 1953, 823 (Pasquotank River-Elizabeth City, N. C.)-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 53-6354; Filed, July 17, 1953; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

PETALUMA CREEK, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.712 (g) is hereby amended to provide special regulations to govern the

operation of the State of California highway bridge at "D" Street, Petaluma, California, by revising subparagraph (2) and adding subparagraph (3) as follows:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.*
* * *

(g) *Petaluma Creek.* * * *

(2) *State of California highway bridge at "D" Street, Petaluma.* From 8:00

a. m. to 6:00 p. m., the bridge shall be opened promptly on receipt on the prescribed signal from a vessel desiring to pass through the bridge. Between 6:00 p. m. and 8:00 a. m., at least 6 hours' advance notice required, to be given to the Petaluma Police Department, telephone Petaluma 2-2727.

(3) *City of Petaluma highway bridge at Washington Street, Petaluma.* At least 6 hours' advance notice required, to

be given to the Petaluma Police Department, telephone Petaluma 2-2727.

[REG., June 10, 1953, 823.01 (Petaluma Creek, Calif.)—ENGWO] (28 Stat. 362; 33 U. S. C. 459)

[SEAL] Wm. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-6355; Filed, July 17, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part -130]

ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

ASSESSMENTS, JOINT WORKS

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297) notice is hereby given of the intention to modify § 130.63 *Assessments, joint works*, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Arizona, by increasing the annual basic assessment from \$115,000 to \$120,000 per annum and the rate of assessment from \$1.15 per acre to \$1.20 per acre for each acre of land. The revised section will read as follows:

§ 130.63 *Assessments, joint works.* (a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 130.69a to 130.69m) the cost of the operation and maintenance of the joint works of the San Carlos Indian Irrigation Project for the fiscal year 1955 is estimated to be \$120,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at \$1.20 for each acre of land.

The foregoing changes are to become effective for the fiscal year 1955 and continue thereafter until further notice; the assessment for that part payable by the San Carlos Irrigation and Drainage District being due in advance of such fiscal year on March 1, for that part payable for the 50,000 acres of Indian land will be as provided in §§ 130.110 to 130.116 inclusive.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in

No. 140—2

writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

L. L. NELSON,
Acting Area Director.

[F. R. Doc. 53-6357; Filed, July 17, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 921]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposal to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the following findings and conclusions were formulated, was conducted at Springfield, Missouri, on May 28, 1953, pursuant to notice thereof which was issued on May 23, 1953 (18 F. R. 3001)

The material issues of record related to:

(1) The level of the Class I butterfat differential.

(2) The level of the Class II butterfat differential.

(3) The level of the producer butterfat differential.

(4) Eliminating from the list of 23 manufacturing plants whose price quotations are used in the basic formula price determination the two plants which have discontinued operations.

Findings and conclusions. The following findings and conclusions on material issues are based upon the evidence introduced at the hearing and the record thereof:

1. *Class I butterfat differential.* The rate of the Class I butterfat differential should be lowered. The differential is now computed by multiplying the average of the daily quotations for 92-score butter at Chicago for the delivery period by 0.125. As provided herein, the factor of 0.125 would be replaced by 0.120 and would be computed to the nearest tenth of a cent.

Providing in the order that the Class I butterfat differential shall be computed to the nearest tenth of a cent formalizes a practice that has been followed in the market since the inception of the order and has been found satisfactory. This rounding to the nearest tenth of a cent is the equivalent of pricing to the nearest cent per pound of butterfat. Any further rounding of decimals might create considerable cost difference or variation to handlers from one month to the next.

Consumer demand for milk for Class I purposes is for a lower butterfat content than is obtained in the milk delivered by producers. The average butterfat content of all Class I sales by Springfield handlers in 1952 of 3.965 percent was significantly below the 4.321 percent test of all milk received from producers during the same period.

A large portion of the Class I sales from the Springfield market is in the form of bulk shipments of milk to deficit markets. The record indicates that this demand is mainly for low testing milk. Adjustment in the butterfat differential will bring the order prices of the component parts of Class I milk into more appropriate alignment with this market supply and demand situation. The current trend, and that which has prevailed in recent years, in the Springfield market indicates an increased demand for non-fat and low fat milks for fluid consumption while demand for premium and high fat milk has declined. Sales of homogenized milk have also increased.

This has meant less emphasis on cream line in the bottle and lower fat milks. Sales of butterfat in cream have decreased considerably. Both total sales and average butterfat content of cream have declined. Disposition in the marketing area of Class I cream containing 18 percent or more butterfat, in terms of both butterfat and product pounds, declined more than 25 percent from April 1952 to April of this year.

The change proposed herein gives recognition to the increasing value of the non-fat solids portion of the milk for fluid purposes in relation to the butterfat portion. The lower rate of the butterfat differential should encourage the consumption of higher fat milk and also of cream, and in conjunction with the change in producer fat differential described under issue No. 3, bring production and consumption of milk more nearly in line with respect to average butterfat tests.

2. *Class II butterfat differential.* The rate of the Class II butterfat differential should be lowered. The present differential is obtained by multiplying the average of the daily quotations for 92-score butter at Chicago for the delivery period by 0.120. As provided herein, the factor of 0.120 would be replaced by 0.115 and computed to the nearest tenth of a cent. The basis for rounding to the nearest tenth of a cent is discussed in issue No. 1.

The average butterfat content of surplus milk is rather high since the milk delivered by producers contains considerably more butterfat than is required by the market for its Class I use. The average butterfat content of all Class I sales during 1952 was approximately 10 percent less than the average test of producer milk.

The amendment to the order which became effective June 1, 1953, provided some decrease in the Class II price. This resulted in an increased handling margin. However, such increase in effect applied only to the non-fat solids since no change in butterfat differential was made.

For April, the Class II butterfat differential was 7.8 cents. Manufacturing plants in the area were at the same time paying a butterfat differential of 6 cents per point for milk received from their regular producers. This is the equivalent of 18 cents per pound of butterfat below the order Class II butterfat differential. This loss of 18 cents per pound of butterfat is, in addition to any handling or processing costs, realized by Springfield handlers in their sales of surplus butterfat in producer milk to manufacturing plants. The record indicates that the market for excess fat has been depressed in relation to the butter market during recent months. While this situation may not continue it is concluded that some adjustment in differential is necessary on a permanent basis to grant an adequate handling allowance on butterfat in Class II.

Adjustment of the butterfat differential as herein provided will enable handlers to meet better the competition of dairy product substitutes and will provide some relief to handlers who are required to dispose of butterfat to manu-

facturing plants at the prices prevailing in the Springfield milkshed. It will provide also a more appropriate allocation of the handling margin on surplus milk between the fat and non-fat portions thereof.

3. *Producer butterfat differential.* The producer butterfat differential should be revised in line with the changes being made in the Class I and Class II butterfat differentials. The producer differential is now computed by multiplying the average of the daily quotations for 92-score butter at Chicago for the delivery period by 0.120, which is the same differential as heretofore provided for Class II butterfat. As provided herein, the factor of 0.120 would be replaced by 0.115 and would be computed to the nearest half cent. This will result in a differential the same as provided for Class II except that the Class II differential will be computed to the nearest one-tenth cent.

Rounding the producer differential to the nearest one-half cent will be advantageous to the market in that it will simplify the various computations in which the differential is used and would make easier calculation of the producer payroll. This change will result in only minor differences in returns to individual producers from one month to the next, and such differences would be offsetting over a period of time.

As stated in the discussion of issues No. 1 and No. 2, the butterfat differentials for Class I and Class II milk would be revised by this decision for the purpose of giving recognition to the changing relationships between the market values of butterfat and solids-not-fat in Class I and Class II milk. Providing for a lower producer butterfat differential will have the effect of returning to producers a payment for butterfat which will be in line with the change in the prices paid for such butterfat by handlers in the Springfield market. This change should encourage production of milk of a butterfat content which is required for the market.

4. *Manufacturing plant price quotations.* The provision of the order which establishes the average of the prices paid by designated manufacturing plants as one alternative of the basic formula price should be revised by eliminating those plants which are no longer operating.

The order now lists 23 manufacturing plants. These 23 plants are made up of 5 local manufacturing plants and those 18 plants whose average prices make up the "18 Condensery" price. Of this latter group two plants have discontinued operations. These are the plants listed as "Borden Company, Greenville, Wisconsin" and "Carnation Company, Jefferson, Wisconsin."

The discontinuance of operations at these plants means that they are no longer establishing a competitive price for manufacturing grade milk and therefore the basis on which they were named in the order has ceased to exist. The designation of these plants in the order should be discontinued.

Rulings on proposed findings and conclusions. Briefs which were filed on be-

half of interested parties contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

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

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. In § 921.50 (a) delete the following: "Borden Co., Greenville, Wis.," and "Carnation Co., Jefferson, Wis."

2. In § 921.52 (a) delete "0.125" and substitute therefor the following: "0.120, and round to the nearest one-tenth cent."

3. In § 921.52 (b) delete "0.120" and substitute therefor the following: "0.115, and round to the nearest one-tenth cent."

4. Delete § 921.81 and substitute therefor the following:

§ 921.81 *Producer butterfat differential.* In making payments to producers pursuant to § 921.80, a handler shall adjust the uniform price by adding or subtracting, as the case may be, for each

one-tenth of one percent by which the average butterfat content of such producer milk is more or less than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 921.52 (b) *Provided*, That such differential shall be rounded to the nearest one-half cent.

Filed at Washington, D. C., this 14th day of July 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator

[F. R. Doc. 53-6384; Filed, July 17, 1953; 8:51 a. m.]

THE RENEGOTIATION BOARD

[32 CFR Part 1455]

RENEGOTIATION BOARD REGULATIONS
UNDER THE 1951 ACT

NOTICE OF PROPOSED RULE MAKING

By notice of proposed rule making published on June 20, 1953 (18 F. R. 3568) The Renegotiation Board proposed to amend Part 1455 of the Renegotiation Board Regulations under the 1951 Act by amending § 1455.6 relating to the "stock item exemption" As a result of the comments and recommenda-

tions of interested persons and of its own further study, the Board has decided not to issue the proposed rule and has extended such exemption in its present form to apply to amounts received or accrued before January 1, 1954 (see F. R. Doc. 53-6378, Title 32, Chapter XIV, Part 1455, *supra*).

(Sec. 103, 65 Stat. 22; 59 U. S. C. App. Sup. 1219)

Dated: July 15, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-6379; Filed, July 17, 1953; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

CAMDEN BRIDGE TOLLS

TOLL CHARGES OF THE DELAWARE RIVER PORT AUTHORITY BRIDGE BETWEEN PHILADELPHIA, PENNSYLVANIA, AND CAMDEN, NEW JERSEY

The Secretary of the Army has received complaints that the toll charges now in effect on the bridge between Philadelphia, Pennsylvania, and Camden, New Jersey, are not reasonable and just and that reasonable rates of toll should be prescribed by the Secretary of the Army pursuant to section 503 of the General Bridge Act of 1946 (60 Stat. 847; 33 U. S. C. 525-533) The bridge in question was constructed under authority of an act of Congress approved February 15, 1921 (41 Stat. 1101) in accordance with "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906 (34 Stat. 84).

Therefore, notice is hereby given that a public hearing will be held at the Woodrow Wilson High School, 3100 Federal Street, in Camden, New Jersey at 10:00 a. m., e. d. s. t., August 18, 1953, before an Examiner, Mr. Otis L. Mohundro, in accordance with section 7 of the Administrative Procedure Act (60 Stat. 237-5 U. S. C. 1001-1011)

The previous and present schedules of tolls upon which the complaints are founded are as follows:

	Pre-vious toll rates	Present toll rates
Passenger cars and light trucks:		
Single trip rates.....	\$0.25	\$0.25
Commutation rates.....	.15	.1675
Other trucks:		
7,001-18,000 pounds gross weight.....	.40	-----
18,001-28,000 pounds gross weight.....	.65	-----
28,001-38,000 pounds gross weight.....	.90	-----
38,001-48,000 pounds gross weight.....	1.00	-----
48,001-58,000 pounds gross weight.....	-----	.75
58,001-68,000 pounds gross weight.....	-----	1.00
68,001-78,000 pounds gross weight.....	-----	1.50
Tractor and trailer:		
28,001-38,000 pounds gross weight.....	.80	-----
38,001-48,000 pounds gross weight.....	1.05	-----
48,001-58,000 pounds gross weight.....	1.50	-----
3-axle.....	-----	1.20
4-axle.....	-----	1.60
Buses.....	.75	.75
Miscellaneous and specials.....	1.10	1.15

¹ And up.

The purpose of the hearing is to afford all interested parties an opportunity to submit evidence orally or through written data, views and arguments bearing on the justness and reasonableness of the present toll rates and the prescription of reasonable rates of toll. The Examiner shall have authority to (1) administer oaths and affirmations, (2) rule upon offers of proof and receive relevant evidence, (3) regulate the course of the hearing, (4) dispose of procedural requests or similar matters, and (5) hold conferences for the settlement or simplification of the issues by consent of the parties. In so far as practicable the general rules of practice before the Interstate Commerce Commission shall govern.

Upon conclusion of the hearing, the Examiner shall recommend a decision and certify the entire record to the Secretary of the Army through the Chief of Engineers. Prior to such recommended decision, interested parties will be afforded reasonable opportunity, as determined by the Examiner, to submit proposed findings and conclusions with supporting reasons. Thereafter, the Examiner shall prepare and release to the public his recommended decision to which interested parties may file exceptions within 20 days.

All correspondence and written material pertaining to the hearing shall be addressed to The Examiner, Camden Bridge Tolls, Mr. Otis L. Mohundro, Interstate Commerce Commission, Washington 25, D. C.

[SEAL] WIL E. BERGER,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-6376; Filed, July 17, 1953; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS, 1954-55

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year

beginning July 1, 1954. A referendum of farmers who will be engaged in the production of the 1954 crop of wheat will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to such wheat marketing quota.

Registration. The operator of each farm on which more than 15 acres of wheat will be planted for harvest in 1954 should inform a member of the county or community committee of the names and addresses of all producers who will share in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. Each farmer who is engaged in the production of wheat for harvest in 1954 on a farm on which the acreage to be planted to wheat for harvest in 1954 is in excess of 15 acres and who is entitled to share in the proceeds of the 1954 wheat crop as owner, landlord (other than a landlord of a standing rent, cash rent or fixed rent tenant) tenant, or sharecropper shall be eligible to vote.

2. No wheat farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may be engaged in the production of wheat for harvest in 1954 on two or more farms or in two or more communities, counties, or States.

3. Where a group of several persons, such as husband, wife, and children, are participating in the production of wheat for harvest in 1954 under a single lease or cropping agreement, only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote.

4. In the event two or more persons are producing wheat for harvest in 1954, not as members of a partnership but as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote.

5. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he will be engaged in the production of wheat for 1954 may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he will be engaged in the production of wheat for 1954.

(b) Any person who is eligible to vote in a community in which there is no polling place shall be eligible to vote at the polling place designated for such community.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may obtain one ballot form, prior to or on the date of the referendum, from the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it (in a sealed envelope, postage paid, marked "absentee ballot") so that the ballot reaches the office of the county committee for the county in which he is eligible to vote not later than the hour for closing the polls on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

6. There shall be no voting by mail (except as provided in paragraph 5 (c) above) by proxy or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity or a duly authorized member of a partnership may cast its vote.

Place for balloting. The wheat marketing quota referendum will be held on August 14, 1953. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 15th day of July 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. EARL COKE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6386; Filed, July 17, 1953;
8:52 a. m.]

DEPARTMENT OF COMMERCE

Coast and Geodetic Survey

STATEMENT OF ORGANIZATION AND FUNCTIONS

The following description of the organization and functions of the U. S. Coast and Geodetic Survey supersedes the material formerly published as Parts 510 and 511 in the codification section of the FEDERAL REGISTER (11 F. R. 177A-323-324) which was removed to conform to the scope and style of the Code of Federal Regulations, 1949 Edition (13 F. R. 7404)

SECTION I. Authority. The act of August 6, 1947 (61 Stat. 788; 33 U. S. C. Suppl. 1, 883a-883i) sets forth the duties of the Coast and Geodetic Survey as regards surveys and other functions and further authorizes the agency to conduct developmental work for the improvement of surveying and cartographic methods, instruments, and equipment; to conduct investigations

and research in geophysical sciences; and to enter into cooperative agreements with any State, public or private organization, or individual, for surveys or investigations.

SEC. II. Organization—1. Office of the Director—a. *Principal officers.* The office of the Director consists of: (1) The Director of the U. S. Coast and Geodetic Survey, (2) the Assistant Director, and (3) the Assistant Director for Administration.

b. *Duties and responsibilities of principal officers.* The Director determines the policies and develops the programs of the Bureau. The Assistant Director serves as deputy and adviser to the Director in program planning, coordination, direction, and evaluation of the scientific and technical work exercising general supervision over the operational functions of the scientific and technical divisions. In the absence of the Director, he assumes the responsibility of Director of the Bureau. The Assistant Director for Administration serves as principal assistant and adviser to the Director on administrative matters having jurisdiction over budget, finance, personnel, management, administrative services, instrumental design, repair, and supply, and international technical cooperation, coordinating and directing these functions to meet the requirements of the technical and scientific program. In addition, he assumes responsibility for development and maintenance of major relationships outside the Bureau on administrative and management activities.

2. *Scientific and Technical Divisions—*a. *Purpose and functions.* Generally speaking, each scientific and technical division of the Bureau is engaged in the following activities: (1) Compilation, publication, and dissemination of technical data; (2) processing and analysis of field surveys and observations; (3) development of new and improved methods and equipment; and (4) administration of field and office activities including project planning, preparation of instructions and estimates, control of expenditures, and evaluation and review of results, completed surveys and reports.

b. *Organization.* There are six scientific and technical divisions, listed below with the fields of activity covered by each.

(1) *Coastal Surveys Division.* Conducts hydrographic and plane table topographic surveys along the coasts of the United States and its possessions with supervision over Bureau vessels and other floating equipment, and operates the radio sonic laboratory, district and processing offices, and shore based survey units.

(2) *Geodesy Division.* Plans and executes geodetic surveys, including triangulation, traverse, leveling, base measurement, astronomic and gravity determination; operates latitude observatories and computing offices; and computes, adjusts and publishes results of field surveys in various forms as required for surveying, engineering and research work.

(3) *Geophysics Division.* Plans and executes magnetic and seismological investigations in the United States and its possessions including supervision over magnetic observatories, seismological stations, and airborne operations; locates earthquakes and analyzes destructive earthquake motions with reference to structural vibrations from the engineering viewpoint; investigates relationships between seismological or magnetic phenomena and other geophysical phenomena; and collaborates in the operation of the seismic sea wave warning system.

(4) *Photogrammetry Division.* Conducts field surveys including aerial photography photogrammetric field surveys, and airport field surveys and executes office compilation, review, drafting and editing of topographic and planimetric maps and airport plans.

(5) *Tides and Currents Division.* Conducts tide and current investigations along the coasts and inland tidal waters of the United States and its possessions including determination of mean sea level and other basic tidal datums; predicts tides and currents; publishes annual tide tables covering all oceans, annual current tables, tidal-current charts and temperature and density observations of sea water; performs research in tides, currents, and related oceanographic work; and operates jointly with the Geophysics Division, the seismic sea wave warning system.

(6) *Charts Division.* Responsible for compilation, production and distribution of nautical and aeronautical charts and related publications including verification, review and custody of original surveys and accompanying records; compilation, publication and distribution of Coast Pilots; flight checking of aeronautical charts; establishment and inspection of Bureau sales agencies; and operation of field offices for liaison with federal, state, local and private aviation interests, and dissemination of survey data to the public.

3. *Administrative Divisions—*a. *Organization.* There are four administrative divisions, under the direction of the Assistant Director for Administration, listed below with responsibilities as follows:

(1) *Administrative Services Division.* Provides the Bureau with general administration services including procurement of supplies, materials and equipment; and maintenance of library, archives, mail and messenger services.

(2) *Budget and Fiscal Services.* Prepares, justifies, and presents the budget; audits and certifies vouchers; maintains control of payroll, leave, retirement, bond and withholding tax; administers the travel and transportation program of Bureau personnel; and administers the commissioned personnel program.

(3) *Instruments Division.* Provides the precision instruments and other equipment used by the Bureau, including scientific research and development in production and design, technical guidance to other divisions on mechanical engineering problems, and preparation of specifications for the purchase of instruments and other apparatus.

(4) *Personnel and Management Division.* Administers the management program and develops and directs the civilian personnel program for the Bureau, giving assistance and guidance to all other divisions on personnel administration.

4. *Field Organization.* a. The field organization of the Bureau is composed of permanent field installations and field parties.

b. Permanent field installations: (1) District offices are responsible for supplying to the public and to Government agencies data and information obtained by various activities of the Bureau. These offices, under the direction of a Supervisor, also serve as headquarters for field parties operating within the respective Districts. The location of the District offices and the areas over which they have jurisdiction are as follows:

Northeastern District, Boston, Mass.. All New England except that part of Connecticut west of the Connecticut River.

Eastern District, New York, N. Y.. Connecticut (west of, and including, the Connecticut River), New York, New Jersey, Delaware, and Pennsylvania.

Southeastern District, Norfolk, Va.. Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Southern District, New Orleans, La.. Florida and the states bordering the Gulf of Mexico to the Rio Grande, and the Atlantic approaches to the Panama Canal.

Caribbean District (not yet activated) Virgin Island and Puerto Rico.

Southwestern District, Los Angeles, Calif.. The area from the northern borders of San Luis Obispo, Kern, and San Bernardino Counties, Calif., to the Mexican border, and the Pacific approaches to the Panama Canal.

Western District, San Francisco, Calif.. Northern California to the northern borders of San Luis Obispo, Kern, and San Bernardino Counties, Calif.

Midwestern District, Portland, Ore.. Oregon, Washington east of the Columbia River, Idaho, and Montana west of the Continental Divide.

Northwestern District, Seattle, Wash.. Washington west of the Columbia River and Alaska.

Alaska District (included in the Northwestern District for the present) Alaska.

Pacific District, Honolulu, T. H.. Hawaiian Islands and the chain of islands to the westward.

(2) Field offices are responsible for maintaining close liaison with the Civil Aeronautics Administration and other Federal, state, local, and private agencies concerned with the advancement of aviation. The officer in charge maintains the airport obstruction plans amendment system; collects, evaluates and forwards correction notices for aeronautical charts; makes field examination of conflicting charting material; and maintains a distribution center for aeronautical charts. The location of these field offices is as follows:

Fort Worth, Tex.
Kansas City, Mo.

(3) Other offices in the field: (a) Processing offices, located at Norfolk, Virginia, and Seattle, Washington, are responsible for the systematic and orderly processing of field records of vessels and field parties which do not have the opportunity to complete their office work between successive project assignments.

(b) A computing office at New York, New York, is responsible for computation, adjustment and preparation for publication of geodetic data.

(c) Photogrammetric field offices, located at Baltimore, Maryland, Portland, Oregon, and Tampa, Florida, under the supervision of an Officer in Charge, are responsible for compilation of topographic and planimetric maps from aerial photographs by graphic methods or on stereoscopic instruments, using the results of photogrammetric field surveys.

(d) Observatories containing instrumental equipment for recording magnetic datums and earthquake shocks are operated under the direction of the Chief, Geophysics Division. Observatories containing instrumental equipment for recording variation of the axis of the earth affecting latitude determinations are operated under the direction of the Chief, Geodesy Division. These observatories are located as follows:

Magnetic observatories: Cheltenham, Md.; College, Alaska; Honolulu, T. H., San Juan, P. R., Sitka, Alaska; Tucson, Ariz.

Latitude observatories: Gaithersburg, Md.; Ukiah, Calif.

(4) Field parties: A commanding officer of a vessel or a chief of party in charge of any of the various surveying units such as hydrographic leveling, triangulation, traverse, base measurement, astronomic and gravity determination, magnetic, seismological, photogrammetric, airport, tide and current, flight checking, and coast pilot is responsible for the efficient operation of his party in accomplishing field surveys, and serves as assistant disbursing officer in financing the operations conducted under his charge.

Sec. III. *Distribution and purchase of charts and publications.* Aeronautical and nautical charts and maps, publications on astronomy, cartography, gravity, hydrography, leveling, seismology, tides and currents, topography, triangulation and traverse, and coast pilots are published by the Coast and Geodetic Survey.

Nautical charts and related publications (Coast Pilots, Tide and Current Tables, and Distance Tables) of the Coast and Geodetic Survey are sold and distributed solely by the Bureau and can be purchased at the Coast and Geodetic Survey Washington Office, district and field offices, and from various sales agents located at the principal seaports of the United States and possessions. Aeronautical charts can be purchased from the Coast and Geodetic Survey Washington Office and from authorized sales agents generally located at airports. Other publications of the Bureau are available on a sales basis from the Superintendent of Documents, Government Printing Office, Washington, D. C.

Effective date. This notice is effective April 21, 1953.

[SEAL] R. F. A. STUDDS,
Director.

Approved:
SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53-6375; Filed, July 17, 1953; 8:49 a. m.]

Federal Maritime Board

[Docket Nos. M-11, M-27, M-32, M-14, M-59, M-9, M-10, M-27, M-37, M-63]

ANNUAL REVIEW OF BAREBOAT CHARTERS

1. In accordance with section 5 (e) (1) of the Merchant Ship Sales Act of 1945, as amended, an annual review has been made of the bareboat charters of Government-owned, war-built, dry-cargo vessels recommended for use by United States-flag operators during the period from June 30, 1952, to June 30, 1953, inclusive.

2. (a) On the basis of the foregoing review, the Federal Maritime Board tentatively finds, subject to such findings becoming final as hereinafter provided, that conditions exist justifying the continuance of each of the following charters under the conditions previously certified by the Board:

Charterer	Vessel	Docket No.	Date vessel delivered
Alaska Steamship Co.	Coastal Monarch	M-11	8-9-43
	Sales Ship	M-11	4-27-49
	Coastal Rambler	M-11	8-13-43
	Lochlin	M-11	12-17-43
	Pullman	M-11	12-17-43
	Franklin Knot	M-11	7-27-43
American Freight Lines, Ltd.	Square Knot	M-11	7-6-43
	Square Sinner	M-11	8-1-43
	Blaze Spirit	M-11	1-14-49
	Mighty Star	M-27	4-16-51
Luckenbach Steamship Co., Inc.	Shooting Star	M-32	6-22-51
	Pine Bluff Victory	M-14	3-23-51
Grace Line, Inc.	Wayne Victory	M-14	4-22-51
	Red Oak Victory	M-10	2-11-52
	Coastal Nomad	M-9	12-22-45
Pacific Far East Line, Inc.	Coastal Adventurer	M-9	1-21-47
	Anchor Hitch	M-9	1-3-47
	Comet	M-10	4-27-47
	Flying Dragon	M-10	5-8-47
	Surprise	M-10	12-20-43
	Trade Wind	M-10	1-10-49
	Fleetwood	M-10	12-27-43
	Flying Sauc	M-10	12-10-43
Sea Serpent	M-27	3-23-51	

(b) Any interested party may request a hearing concerning the tentative finding made with respect to any of the above charters by filing written objections thereto or for other good cause shown within fifteen (15) days from the date of publication of this notice.

(c) Said finding will become final if no objection thereto or request for a hearing is filed, as above provided. If such hearing is granted, said finding will be the subject of a report by the Board.

3. The Board finds that conditions continue to exist which justify the continuance of the following charters upon their present terms and conditions, which charters expire by their own provisions:

Charterer	Vessel	Docket No.	Date vessel to be re-delivered
Isbrandtsen Co., Inc. Coastwise Line	Faye Christian Victory	M-57	On contract 7-30-53.
	Tanilton Brown	M-60	On contract 12-1-53.
	John W. Burgess	M-60	On contract 12-1-53.
	Charles Craker	M-60	On contract 12-1-53.

4. Copies of this notice have been served upon all interested persons.

Dated: July 6, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-6377; Filed, July 17, 1953;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-996, G-1429, G-1526, G-1816,
G-1817, G-1818, G-1916, G-1917, G-1918,
G-1919, G-1920, G-1923, G-1924, G-1926,
G-1927, G-2111, G-2121, G-2128]

NORTHWEST NATURAL GAS CO. ET AL.

NOTICE OF ORDER SEVERING PROCEEDINGS
JULY 14, 1953.

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipeline Corporation, Docket No. G-1429; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company, Docket Nos. G-1918, G-1926, G-1927; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924, G-2111, Colorado Interstate Gas Company, Docket No. G-2121, Colorado-Wyoming Gas Company, Docket No. G-2128.

Notice is hereby given that on July 10, 1953, the Federal Power Commission issued its order adopted July 9, 1953, in the above-entitled matters, severing proceedings in Docket No. G-2128 from the above-described consolidated proceedings.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6358; Filed, July 17, 1953;
8:46 a. m.]

[Docket No. G-2197]

MISSISSIPPI VALLEY GAS CO.

NOTICE OF APPLICATION; ERRATUM
JULY 13, 1953.

The word "Pennsylvania" in the first paragraph of the Notice of Application dated July 3, 1953, in the above-designated matter, published on July 9, 1953 (18 F. R. 4037) should be corrected to read "Mississippi".

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6359; Filed, July 17, 1953;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF FIRST AMENDMENT TO TRUSTEE'S SECOND PLAN TO LIQUIDATE AND DISSOLVE HOLDING COMPANY, AND ORDER RECONVENING HEARING

JULY 14, 1953.

Notice is hereby given that on June 22, 1953, Bartholomew A. Brickley, Trustee of International Hydro-Electric

System ("IHES") a registered holding company now in progress of reorganization pursuant to sections 11 (b) (2) and 11 (d) of the Public Utility Holding Company Act of 1935 ("the act") filed his First Amendment to Trustee's Second Plan to Liquidate and Dissolve International Hydro-Electric System ("Amended Plan") The Amended Plan proposes to retire the preferred stock of IHES and, in lieu of liquidating and dissolving the holding company as heretofore ordered by the Commission, to convert it into a closed-and non-diversified investment company.

Amended plan. All interested persons are referred to said amendment for a complete statement of the transactions therein proposed, which are summarized as follows:

Introduction. By order entered July 21, 1942, in proceedings under section 11 (b) (2) of the act (File No. 59-14) IHES was ordered to liquidate and dissolve.

On August 12, 1943, the Commission filed in the United States District Court for the District of Massachusetts ("the Court") an application under section 11 (d) of the act to enforce compliance with said dissolution order, and by decree dated October 11, 1943, the Court took and retained exclusive jurisdiction of IHES and its assets. On November 13, 1944, the Court appointed Bartholomew A. Brickley as Trustee.

In April 1949 the Trustee filed his Second Plan to liquidate and dissolve IHES. Parts I and II of the Second Plan, which provided for payment of the 6 percent debentures of IHES then outstanding in the principal amount of \$18,597,600, have been consummated and all of the debentures have been paid. Under Part II the Trustee on July 27, 1950, borrowed \$9,500,000 from The Chase National Bank of the City of New York to provide part of the funds required to retire the debentures. From time to time the Trustee has made payments reducing the principal amount of the bank loan. The Trustee reports that, since the filing of the Amended Plan, he has made further payments on the bank loan from the proceeds of recent property sales and other funds, reducing the principal amount to \$1,345,000. The loan will mature on July 27, 1953. In a collateral proceeding the Trustee seeks authority to renew and extend for sixty days the balance of \$1,345,000 due on the bank loan, pending his receipt of further funds from property sales heretofore approved by the Commission and the Court but still awaiting consummation.

Upon consummation of said property sales and retirement of the bank loan, IHES will have available for the satisfaction of taxes, reorganization expenses, and the claims of the preferred and Class A stockholders, the following assets: Cash, estimated in excess of \$8,000,000; 1,099,024 common shares and three 5 percent preferred shares of Gatineau, representing 66 percent of the voting power of said company and 587,572 common shares of New England Electric System ("NEES"), representing 7.09 percent of NEES' voting power.

IHES now has outstanding 142,799 shares of cumulative preferred stock,

\$3.50 series, \$50 par value, with dividend arrears aggregating \$61.25 per share. Since April 15, 1952, quarterly payments of 87½ cents per share have been paid on the preferred stock.

IHES also has outstanding 856,718 shares of Class A stock, \$25 par value, which is the junior equity security.

Part III of the Second Plan proposed an allocation of Trustee certificates in exchange for the preferred and Class A stocks on the basis of eight Trustee certificates for each preferred share (including dividends in arrears) and one Trustee certificate for each Class A share. Part IV proposed, after payment of the bank loan, taxes and all expenses, to distribute the remaining assets to the certificate holders in final liquidation.

Extensive hearings were held on Part III of the Second Plan and the matter was argued before the Commission, but decision thereon was deferred pending the outcome of negotiations between representatives of the two classes of stockholders for compromise and settlement of the issues. Such negotiations have lately resulted in a compromise proposal for the satisfaction of the claim of the preferred stockholders by the exchange of 5½ common shares of Gatineau Power Company ("Gatineau") as of April 15, 1953, for each preferred share of IHES, including all dividends in arrears. Upon retirement of the preferred stock it is proposed that IHES be reorganized into a closed-end, non-diversified investment company with a single class of stock, which would be the Class A stock.

The Amended Plan, in conformity with the compromise agreement aforesaid, deletes Parts III and IV of the Trustee's Second Plan and substitutes therefor the following Parts III and IV as amended:

Part III as amended—retirement of preferred stock. 1. The outstanding 142,799 preferred shares of IHES, plus arrearages thereon, shall be retired by the issuance of 5½ shares of Gatineau in exchange for each preferred share. After the effective date for the exchange, the holders of IHES preferred stock shall cease to be stockholders of IHES and shall be entitled to receive only the number of Gatineau common shares to which they are entitled under the Amended Plan, plus the cash adjustment herein-after provided, upon surrender of the IHES preferred stock.

2. Half shares of Gatineau common stock will not be issued in the exchange. In lieu of a half share, the holder of IHES preferred stock shall receive in cash an amount equal to the value of such half share as determined by the average closing prices of Gatineau common shares on the American Stock Exchange on three business days immediately preceding the effective date for the exchange.

3. Prior to the effective date for the exchange the Trustee will continue to pay 87½ cents per preferred share quarterly, on July 15, October 15, January 15, and April 15. If said effective date shall be on or after the record date for such quarterly payment and before the date when such payment is made, the preferred stockholders shall be entitled to

such payment. If said effective date shall be after the date of such quarterly payment and before the record date for the next succeeding payment, the preferred stockholders shall not be entitled to further quarterly payments.

4. In addition to the Gatineau common shares to which holders of IHES preferred shall be entitled under the Amended Plan, and in addition to the cash adjustments for half shares and for quarterly payments as aforesaid, there shall be paid in cash for each IHES preferred share surrendered in exchange an amount equal to the excess, if any, by which the total amount of net dividends received or receivable by IHES after April 15, 1953, and on or before the effective date for the exchange on 5½ common shares of Gatineau exceeds the total amount of the quarterly installments paid or payable after said date on each IHES preferred share during the same period of time. If the effective date for the exchange shall be after the record date for the payment of a dividend on the common shares of Gatineau and before the date of payment, the net amount of such dividend shall be included in computing the cash adjustment. The net dividend per common share of Gatineau (which is a Canadian corporation) shall mean the actual amount in U. S. dollars received by IHES after deducting Canadian withholding taxes and after adjusting for any gain or loss on exchange of Canadian for U. S. dollars.

5. The effective date for the exchange shall be fixed by the Court and shall be a date promptly after approval of Part III as Amended by the Commission and the Court.

6. The Trustee, with the approval of the Commission and the Court, shall designate an Exchange Agent to consummate the exchange of IHES preferred stock for Gatineau common shares. On or before the effective date there shall be delivered to the Exchange Agent the number of Gatineau common shares required to retire all of the IHES preferred stock together with cash sufficient for the cash adjustments under the Amended Plan. All dividends received by the Exchange Agent on Gatineau shares held for exchange shall be accounted for to the IHES preferred stockholders upon surrender of the IHES preferred stock. The voting rights of such Gatineau shares shall not be exercised for any purpose from the effective date of the exchange until delivery to holders of the IHES preferred stock.

7. One year after the effective date for the exchange, the Exchange Agent shall sell promptly all Gatineau shares remaining in his possession and he shall thereafter distribute to the holders of the unexchanged preferred shares the net proceeds of such sales, including cash adjustments and dividends, if any, without interest thereon. At least thirty days before the expiration of one year after the effective date, the Exchange Agent shall mail an appropriate notice to the holders of record of all IHES preferred stock not then surrendered for exchange and shall publish such notice in a newspaper of general circulation in Boston and New York.

8. Six years after the effective date for exchange, all IHES preferred stock which has not been surrendered for exchange shall cease to have any rights under the Amended Plan. All net funds held by the Exchange Agent shall then be paid over to IHES or its successor. At least sixty days and not more than one hundred twenty days prior to the expiration of the six-year bar date the Exchange Agent shall mail to the holders of record of all IHES preferred stock not then surrendered for exchange, an appropriate notice, which shall also be published in a newspaper of general circulation in Boston and New York.

Election of Directors. 9. Promptly after the effective date for the exchange of IHES preferred stock, the Trustee shall prepare a list of all record holders of IHES Class A shares, showing names, addresses, and numbers of shares. The list shall be corrected by weekly supplements until the election of directors as hereinafter provided. Copies of the list and supplements shall be filed promptly at the main office of the Securities and Exchange Commission, Washington, D. C., at its regional office, 42 Broadway, New York City, and at the office of IHES, 441 Stuart Street, Boston, Massachusetts. The lists shall be available for inspection and copy during customary business hours by all IHES Class A stockholders of record and their authorized representatives.

10. Upon filing the original list of IHES Class A stockholders, the Trustee shall notify all stockholders of record, who shall have twenty days within which to nominate in writing persons for election to the board of directors, which shall consist of nine members. The Trustee shall fix a record date not earlier than three business days prior to the expiration of the twenty-day period, and nominations shall be accepted only from record holders of the Class A stock.

11. Each IHES Class A stockholder of record shall be entitled to nine nominating votes for each share held, all of which may be cast for one nominee or may be distributed among any number of nominees not exceeding nine in such proportion as the stockholder may determine.

12. The eighteen persons receiving the greatest number of votes shall constitute the slate of nominees for election as directors of IHES.

13. Promptly after tabulating the votes for nominees, the Trustee shall mail to all IHES Class A stockholders of record a notice of a meeting of such stockholders, which shall be not earlier than fourteen days after the mailing of such notice, accompanied by an impartial proxy statement and proxies by which the stockholders can specifically designate their choice of directors from the eighteen nominees.

14. At the stockholders' meeting, nine directors shall be elected from the slate of eighteen nominees. Cumulative voting shall be allowed in the voting for directors in like manner as in the voting for the slate of nominees, and the nine nominees receiving the greatest number of votes shall constitute the board of directors of IHES until the next annual meeting of stockholders. A

majority of the IHES Class A stockholders shall constitute a quorum. If a quorum is not present at the meeting, a majority of the stockholders present in person or by proxy may adjourn the meeting from time to time until a quorum is obtained.

15. The names of the persons elected as directors of IHES shall be filed promptly with the Trustee, the Commission and the Court.

16. The expenses of consummating Part III as Amended shall be paid by IHES.

17. After their election, the directors of IHES shall have authority to represent the IHES Class A stockholders in all proceedings before the Commission and the Court, and pending the consummation of Part IV as Amended they shall have such other powers as the Commission and the Court may approve.

18. Part III as Amended shall not become effective unless and until approved by the Commission and the Court, nor unless and until the sales of all the properties of ENYP have been consummated.

Part IV as amended. 1. Subject to consummation of Part III as Amended, it is proposed that IHES continue as a closed-end and non-diversified investment company ("IHES Reorganized") by appropriate amendments of its Declaration of Trust and by-laws, or by formation of a new company, with only the Class A stockholders and with the assets remaining after payment or provision for payment of taxes, fees, expenses and liabilities of IHES.

2. IHES Reorganized shall be registered under the Investment Company Act of 1940. Proposed changes in the charter and by-laws of IHES shall be submitted to the Commission for approval, together with a statement of the assets which will become assets of IHES Reorganized, and a statement respecting the disposition of such portfolio securities as may be required to comply with applicable statutory standards. Cumulative voting shall be permitted in the nomination and election of the officers and directors of IHES Reorganized.

3. If satisfied with the proposals for continuation of IHES as IHES Reorganized, the Commission shall modify its dissolution order of July 21, 1942 and approve the continuation of IHES as IHES Reorganized, subject to such conditions, if any, as the Commission may impose.

4. On the effective date of Part IV as Amended, the Trustee shall deliver to IHES Reorganized the then remaining assets of IHES and be discharged, and the Class A stockholders shall become the holders of all of the outstanding shares of IHES Reorganized.

5. The effective date of Part IV as Amended shall be fixed by the Court and shall be a date promptly after (a) the Commission has modified its dissolution order, (b) the Commission and the Court have approved the continuation of IHES as IHES Reorganized, (c) IHES Reorganized has registered under the Investment Company Act of 1940, (d) all taxes, debts, fees, expenses and liabilities of IHES have been paid or provided for, (e)

all remaining assets of IHES have been transferred to IHES Reorganized, and (f) the Trustee has been discharged.

Hearing on Amended Plan. It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the Amended Plan as now filed or as it may hereafter be further amended, to afford to all interested persons an opportunity to be heard with respect thereto:

It is ordered, That the hearings herein be reconvened on August 11, 1953 at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 193. At such reconvened hearing consideration shall be given to the Trustee's Amended Plan and to all issues arising in connection therewith.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the Amended Plan, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the provisions for the retirement of the preferred stock, on the basis of 5½ common shares of Gatineau for each preferred share of IHES plus cash adjustments as stated, are fair and equitable to the holders of such stock and to all others affected thereby.

2. Whether it is consistent with the standards of the act that the Commission's dissolution order of July 21, 1942, be modified to permit the reorganization and continuance of IHES as an investment company.

3. Whether the Amended Plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act, and is fair and equitable to the persons affected thereby.

4. Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles.

5. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers, and consistent with all applicable requirements of the act and the rules thereunder, and whether any modifications should be required to be made therein, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That notice of this reconvened hearing be given by registered mail to Bartholomew A. Brickley, Trustee, and to all persons previously granted participation in these

proceedings or to their attorneys of record; and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That the Trustee shall give notice of this reconvened hearing to all the security holders of IHES (in so far as the identity of such security holders is known or available to him) by mailing to each of such persons a copy of this notice and order at least 15 days prior to the date set for the reconvened hearing.

It is further ordered, That any interested person who has not already entered his appearance herein and who desires to be heard or otherwise to participate at said hearing shall notify the Commission in the manner provided in Rule XVII of the Commission's rules of practice, not later than two days prior to such hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6360; Filed, July 17, 1953;
8:46 a. m.]

[File No. 70-3103]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING REGARDING ISSUANCE OF
PROMISSORY NOTES

JULY 14, 1953.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan") a public utility subsidiary company of American Natural Gas Company, a registered holding company, has filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below:

Michigan proposes, pursuant to a Credit Agreement, to issue from time to time subsequent to July 31, 1953, but not later than January 20, 1954, its promissory notes in the aggregate maximum principal amount of \$20,000,000, to mature July 30, 1954, and to bear interest at the rate of 3¼ percent per annum. Said notes will be issued to the following banks in the following maximum amounts:

Name of bank:	Amount of commitment
The National City Bank of New York.....	\$4,300,000
The Hanover Bank, New York.....	4,300,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.....	4,300,000
National Bank of Detroit.....	4,300,000
The Detroit Bank.....	1,250,000
The Manufacturers National Bank of Detroit.....	1,250,000
Old Kent Bank, Grand Rapids, Mich.....	300,000
	<hr/> 20,000,000

Michigan will have the right to prepay from time to time without penalty, in amounts of \$2,500,000 or multiples

thereof, notes issued pursuant to the Credit Agreement, except that a prepayment penalty of ¼ of 1 percent per annum for the unexpired term of notes prepaid will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the Credit Agreement. Said Credit Agreement will further provide that Michigan will pay a commitment fee of ½ of 1 percent per annum on the average daily unused balance of the commitment, from the date of the Credit Agreement to January 20, 1954, or until the entire \$20,000,000 shall have been taken down, whichever is earlier. Michigan may reduce the amount of the commitment from time to time without penalty.

The proceeds of said notes will be used to pay its notes presently authorized and estimated to be outstanding in the approximate amount of \$7,400,000 on July 31, 1953, and for construction. The declaration states that Michigan proposes to consummate a permanent financing program in connection with which the notes issued under the Credit Agreement will be retired.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at \$2,000, including counsel fees at \$1,000.

Notice is further given that any interested person may, not later than July 28, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or 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, 425 Second Street NW., Washington 25, D. C. At any time after July 28, 1953, such declaration as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-6361; Filed, July 17, 1953;
8:46 a. m.]

INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 28267]

RICE SCREENINGS AND RELATED ARTICLES
FROM SOUTHWEST TO WESTERN TRUNK-
LINE, ILLINOIS AND SOUTHERN TERRI-
TORIES

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rice screenings, and mixture of rice bran, rice polish, and ground rice hulls, carloads.

From: Points in Arkansas, Louisiana, and Texas.

To: Points in western trunk-line, Illinois, and southern territories.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, tariff I. C. C. No. 3974, supp. 55; F. C. Kratzmeir, Agent, tariff I. C. C. No. 3571, supp. 263.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6364; Filed, July 17, 1953;
8:47 a. m.]

[4th Sec. Application 28268]

SCRAP PAPER FROM SOUTH TO
MENASHA, WIS.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper, scrap or waste, carloads.

From: Points in southern territory.

To: Menasha, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1257, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-

No. 140—3

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6365; Filed, July 17, 1953;
8:47 a. m.]

[4th Sec. Application 28269]

MERCHANDISE IN MIXED CARLOADS FROM
PHILADELPHIA, PA., AND BALTIMORE, MD.,
TO ATLANTA, GA., AND GREENVILLE, S. C.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

Territory: From Philadelphia, Pa., to Atlanta, Ga., and from Baltimore, Md., to Atlanta, Ga., and Greenville, S. C.

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

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-980, supp. 2.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6366; Filed, July 17, 1953;
8:47 a. m.]

[4th Sec. Application 28270]

ANHYDROUS AMMONIA FROM SOUTH POINT,
OHIO, MIDLAND, MICH., AND BELLE, W.
VA., TO WHITEWATER, WIS.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by L. C. Schuldt, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, carloads.

From: South Point, Ohio, Midland, Mich., and Belle, W. Va.

To: Whitewater, Wis.

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

Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4370, supp. 62.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6367; Filed, July 17, 1953;
8:47 a. m.]

[4th Sec. Application 28271]

SUGAR FROM NEW ORLEANS, LA., GROUP
TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by F. C. Kratzmeir, Agent, for the Kansas City Southern Railway Company and other carriers.

Commodities involved: Sugar, beet or cane, carloads.

From: Baton Rouge, New Orleans, Gramercy, Reserve, and Three Oaks, La.

To: Springfield, Mo.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, tariff I. C. C. No. 3662, supp. 110.

NOTICES

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6368; Filed, July 17, 1953;
8:48 a. m.]

[4th Sec. Application 28272]

FLY ASH FROM LOUISVILLE, KY., TO HOT
SPRINGS, ARK.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.
Commodities involved: Fly ash, carloads.

From: Louisville, Ky.

To: Hot Springs, Ark.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula, additional destination.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, tariff I. C. C. No. 4053, supp. 13.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6369; Filed, July 17, 1953;
8:48 a. m.]

[4th Sec. Application 28273]

ALUMINA, CALCINED OR HYDRATED FROM
BATON ROUGE, LA., TO OFFICIAL AND ILLI-
NOIS TERRITORY

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by F. C. Kratzmeir, for carriers parties to Agent W. P. Emerson, Jr.'s tariffs I. C. C. Nos. 413 and 417, pursuant to fourth-section order No. 16101.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Destinations in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6370; Filed, July 17, 1953;
8:48 a. m.]

[4th Sec. Application 28274]

BOOTS AND SHOES FROM SPRINGFIELD,
MASS., TO SOUTH

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 610, pursuant to fourth-section order No. 9800.

Commodities involved: Boots or shoes, rubber or rubber and canvas, felt or wool combined, carloads.

From: Springfield, Mass.

To: Points in Georgia, Louisiana, North Carolina, South Carolina, and Tennessee.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6371; Filed, July 17, 1953;
8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 22-A]

RUTLAND RAILWAY CORP.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 22, and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 22 be, and it is hereby vacated and set aside.

(b) Effective date. This order shall become effective at 9:00 a. m., July 14, 1953.

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

Issued at Washington, D. C., July 14, 1953.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-6363; Filed, July 17, 1953;
8:47 a. m.]

[4th Sec. Application 28275]

MAGAZINES OR PERIODICALS FROM KOKOMO,
IND., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No.

4367, pursuant to fourth-section order No. 17220.

Commodities involved: Magazines or periodicals, magazine parts or sections, and newspaper supplements, carloads.

From: Kokomo, Ind.

To: Memphis, Tenn.

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

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

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

By the Commission.

[SEAL]

GEORGE W. LAMB,
Acting Secretary.

[F. R. Doc. 53-6372; Filed, July 17, 1953;
8:48 a. m.]

[4th Sec. Application 28276]

TIRE FABRIC FROM OHIO TO MEMPHIS,
TENN.

APPLICATION FOR RELIEF

JULY 15, 1953.

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

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Tire fabric, rayon cord, carloads.

From: Cleveland, Fairport Harbor, Painesville, and Perry, Ohio.

To: Memphis, Tenn.

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

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

By the Commission.

[SEAL]

GEORGE W. LAMB,
Acting Secretary.

[F. R. Doc. 53-6373; Filed, July 17, 1953;
8:48 a. m.]

