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import and meaning, either alone or in connection or conjunction with any other word or words to designate, describe or refer to any product which is not composed entirely of the hair of the Cashmere goat; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding in part one of the aforesaid order shall not be construed to prohibit acts permitted by Paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder; and to the further provision as respects the prohibition relating to the use of the term "Cashmere", that in the case of a product composed in part of the hair of the Cashmere goat and in part of other fibers, such term may be used as descriptive of the Cashmere content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness, words truthfully designating such other constituent fibers.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 68-68c) [Cease and desist order, Novelty Knitting Mills, Inc., et al., Philadelphia, Pa., Docket 6171, Jan. 29, 1955]

In the Matter of Novelty Knitting Mills, Inc., a Corporation, and Martin J. Feld, Individually and as an Officer of Said Corporation, and Doing Business as Ascot Knitwear Company

This proceeding was heard by Loren H. Laughlin, duly designated as the hearing examiner to hear and initially decide it in the place and stead of J. Earl Cox, the hearing examiner theretofore appointed for such purpose, upon the

complaint of the Commission which charged respondent corporation, and respondent Martin J. Feld, since deceased, both individually and as an officer of said corporate respondent, and doing business as Ascot Knitwear Company, with engaging in unfair and deceptive acts and practices and unfair methods of competition in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and the rules and regulations of the Commission promulgated under said act, by misbranding, advertising, and selling in commerce certain wool products as "Cashmere" and upon the answer of said corporate respondent, which in substance admitted the jurisdiction of the Commission, and, among other things, alleged that it was, and for many years past had been, a closed family corporation of the Feld family, alleged the death of said individual respondent, and that he was the sole active participant in the corporation affairs and business prior to his death, by reason of certain trusts of its capital stock; that the other officers and stockholders, namely, the parents of said individual respondent, had no part in its active management or knowledge of its business practices; that they had no knowledge of the acts complained of and denied the allegations of its competitive status with other corporations and individuals in commerce; and upon a hearing at which it was stipulated between counsel supporting the complaint and said corporate respondent that in lieu of the introduction of oral testimony and other evidence by the parties the proceeding would be submitted for decision on the basis of a "Stipulation as to the Facts" entered into by said counsel at said hearing.

Said stipulation set forth that the hearing examiner might proceed upon the stipulated facts to make his initial decision, stating his findings as to the facts, including inferences he might draw therefrom and his conclusions based thereon, and enter his order disposing of the proceeding without the filing of proposed findings and conclusions or the presentation of oral argument; and that if the proceeding should come before the Commission upon appeal from the initial decision of such examiner or by review upon the Commission's own motion, the stipulation might in the Commission's discretion be set aside and the case remanded for further proceeding under the complaint; that the complaint, insofar as it related to the deceased respondent, as aforesaid set forth, might be dismissed, and that the hearing examiner might upon the basis of the stipulated facts issue an order to cease and desist against said corporate respondent in form and substance as that set out in the "Notice" portion of the complaint in the matter.

At said hearing at which said stipulation, and also a "Stipulation of Counsel", theretofore entered into as a result of a pre-hearing conference, which incorporated attached true copies of the two trust agreements heretofore referred to, were offered in evidence without objection and accepted by said examiner, brief

oral statements were made by the respective counsel, including a statement by counsel for respondent to the effect, among other things, that as a result of said trusts respondent Martin J. Feld, during the respective years thereof not only formulated, directed, and controlled the business policies of the respondent corporation, but without restraint or control by his mother or father, operated the corporate business as if it were a wholly owned sole proprietorship enterprise, noting that the two older people even at the time of the establishment of the earlier trust were aged persons and inactive in corporate affairs except only as to formal matters.

Thereafter, following the announcement that the complaint was dismissed by the hearing examiner as to said deceased respondent, to be confirmed by written order in the initial decision, and the closing of the hearing, the proceeding came on for final consideration and initial decision by said hearing examiner upon the complaint, answer, stipulations, and statements of counsel made at the hearing, and said examiner, having fully and carefully considered the whole record in the matter, and having found that the proceeding was in the interest of the public, that the complaint stated cause for complaint under said acts and the rules and regulations promulgated under the Wool Products Act, and that the Commission had jurisdiction of the subject matter and of the corporate respondent, made his initial decision comprising certain findings as to the facts² from those agreed to and recited in said stipulations, his conclusions¹ drawn therefrom, and his order, including order to cease and desist as to said corporate respondent and order of dismissal as to said deceased individual respondent.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on January 29, 1955.

Said order is as follows:

It is ordered, That the respondent Novelty Knitting Mills, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of sweaters or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "re-

processed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding or misrepresenting such products by:

(1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein;

(2) Failing to securely affix or to place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

(3) Furnishing false guaranties when there is reason to believe the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939.

Provided further That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent, Novelty Knitting Mills, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sweaters or other wool products, do forthwith cease and desist from, directly or indirectly:

Using the term "Cashmere" or any other word or words of similar import and meaning, either alone or in connection or conjunction with any other word or words to designate, describe or refer to any product which is not composed entirely of the hair of the Cashmere goat: *Provided, however*, That in the case of a product composed in part of the hair of the Cashmere goat and in part of other fibers, such term may be used as descriptive of the Cashmere content if there are used in immediate connection or conjunction therewith in letters of at least equal size and con-

² Filed as part of the original document.

spicuousness, words truthfully designating such other constituent fibers.

It is further ordered, That the complaint, insofar as it relates to the deceased respondent Martin J. Feld, individually and as an officer of Novelty Knitting Mills, Inc., and doing business as Ascot Knitwear Company, should be, and the same hereby is, dismissed.

By "Decision of the Commission and Order to File Report of Compliance" Docket 6171, January 28, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent Novelty Knitting Mills, Inc., a corporation, and its officers shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 28, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-1997; Filed, Mar. 8, 1955;
8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of: Health, Education, and Welfare

[Reg. 4, as Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950)

BENEFITS, LUMP-SUM DEATH PAYMENTS

Section 404.340 of Regulations No. 4 (20 CFR, Cum. Supp., 404.1 et seq.) is amended to read as follows:

§ 404.340 *Lump-sum death payments; to persons equitably entitled—*

(a) *When payment is made to persons equitably entitled.* If there is no widow or widower meeting the requirements of § 404.339, or if such person dies before receiving payment of the lump sum, such lump sum will be payable to any person or persons, equitably entitled thereto, upon filing application in accordance with § 404.338, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual. The term "person or persons equitably entitled" shall include, among others:

(1) (i) An organization exempt from the payment of taxes under section 501 (c) (3) or 501 (c) (13) of the Internal Revenue Code of 1954, or (ii) a State or any political subdivision thereof or any instrumentality of any one or more of the foregoing, furnishing goods and services in connection with the burial of the deceased;

(2) A funeral director furnishing goods or services for the burial of any of the following categories of relatives (including relatives by adoption)

spouse, child, stepchild, grandchild, parent, stepparent, grandparent, brother, sister, and any other relative (by blood, marriage, or adoption) living in the same household with the funeral director at the time of death, but only to the extent of the cost of such goods or the actual expenditures from his own funds for the services specifically purchased for such burial.

(b) *When person is not equitably entitled.* The term "person or persons equitably entitled" does not include, among others, any of the following:

(1) The United States Government or any wholly-owned instrumentality thereof;

(2) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation;

(3) Any person paying the expense of the burial of a member or employee of such person to the extent of any payment under a plan, system, or general practice;

(4) Any person, other than a person specified in paragraph (a) (1) and (2) of this section, furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(5) Any person who has been, or will be, wholly or partially reimbursed, to the extent of such reimbursement.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302)

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: March 3, 1955.

O. C. HOBBY,
Secretary.

[F. R. Doc. 55-2000; Filed, Mar. 8, 1955;
8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 39]

PART 24—SANITATION, HEALTH, AND QUARANTINE

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President of the United States by sections 371 and 372 of Title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10595 of February 7, 1955, it is ordered as follows:

1. Such of the provisions of Executive Order 6219 of July 26, 1933; of Executive Order 1448 of December 26, 1911, of Executive Order 4314 of September 25, 1925, the last as amended by Canal Zone Orders No. 15 of July 15, 1948 and No. 25 of March 10, 1952; and of Canal Zone Order No. 10 of September 12, 1947, as are contained in Part 24—Sanitation, Health and Quarantine, of Title 35 of the Code of Federal Regulations are, subject to the provisions following, hereby adopted in the form in which they appear in said part, superseding the corresponding provisions of the forego-

ing Executive orders and Canal Zone orders.

2. (a) The terms "the Panama Canal," and "The Panama Canal" wherever appearing in Subparts A and B of Part 24 are amended to read "the Canal Zone Government"

(b) The term "the Governor of The Panama Canal" wherever appearing in Subpart D of Part 24 is amended to read "the Governor of the Canal Zone";

(c) The terms "the Health Department" and "the Board of Health" wherever appearing in Subpart A of Part 24 are amended to read "the Health Bureau"

(d) The term "the Board of Health of the Canal Zone" wherever appearing in Subparts A and B of Part 24 is amended to read "the Health Bureau of the Canal Zone Government"

(e) The term "the Chief Health Officer of The Panama Canal" wherever appearing in Subpart D of Part 24 is amended to read "the Health Director of the Canal Zone Government"

(f) The term "the Chief Health Officer" appearing in Subpart D of Part 24 is amended to read "the Health Director"

(g) The term "the Collector of The Panama Canal" wherever appearing in Subpart A of Part 24 is amended to read "the Treasurer, Panama Canal Company"

(h) The phrase appearing in § 24.33 of Subpart A of Part 24 that reads "commissioned surgeons of the Army, Navy or Public Health Service" is amended to read "commissioned medical officers of the United States Armed Forces or of the United States Public Health Service";

(i) The phrase appearing in § 24.36 of Subpart B of Part 24 that reads "commissioned dentists of the United States Army and Navy or Marine Hospital Service" is amended to read "commissioned dental officers of the United States Armed Forces or of the United States Public Health Service."

3. Such of the provisions of Subpart C—Maritime and Aircraft Quarantine of Part 24 as are derived from Executive orders and Canal Zone orders are amended to read as follows:

DEFINITIONS AND GENERAL PROVISIONS

§ 24.37 *Definitions.* As used in this subpart, terms shall have the following meaning:

(a) *Aircraft.* Civil aircraft, that is any aircraft that is not used exclusively in the service of the United States or a foreign country, but including any Government-owned aircraft engaged in carrying persons or property for commercial purposes.

(b) *Certificate of vaccination.* Certificate of vaccination or revaccination against cholera, smallpox, or yellow fever conforming with the rules and models prescribed by the International Sanitary Regulations.

(c) *Communicable disease.* An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an affected person, animal, or arthropod (including insecta and arachnida) or through the agency of an intermediate

host, vector or the inanimate environment.

(d) *Contamination.* The presence of undesirable substance or material which may contain pathogenic microorganisms.

(e) *Day.* A period of 24 hours.

(f) *Deratting Certificate.* A certificate issued with respect to a vessel by a quarantine officer, in the form prescribed by the International Sanitary Regulations, recording the inspection and deratting of the vessel.

(g) *Deratting Exemption Certificate.* A certificate issued with respect to a vessel by a quarantine officer, in the form prescribed by the International Sanitary Regulations, recording the inspection and exemption from deratting of the vessel which has a negligible number of rodents on board.

(h) *Disinfection.* The act of rendering anything free from the causal agents of disease.

(i) *Disinfestation.* The act of destroying the vectors of a communicable disease.

(j) *Disinsecting.* The act of destroying insects or other arthropod vectors of a communicable disease.

(k) *Foreign port.* Any seaport or airport other than a port under the control of the United States, a port of the Canal Zone, or the seaports of the cities of Panama and Colon, Republic of Panama.

(l) *Fumigation.* The process by which the destruction of vermin and rodents is accomplished by the employment of gaseous agents.

(m) *Immunity.* The condition of being protected against a particular disease, either as a result of artificial immunization or through a previous attack of the disease in question.

(n) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestations of the disease.

(o) *Infected local area.* A local area (as defined in the International Sanitary Regulations (see § 24.104))

(1) Where there is more than one case of plague, cholera, yellow fever, or smallpox, or where there is one case of human yellow fever transmitted by *Aedes aegypti* or other domiciliary vector of yellow fever; or

(2) Where there is an epidemic of typhus or relapsing fever, or

(3) Where there is plague infection among rodents; or

(4) Which constitutes or is part of a yellow fever endemic zone.

(p) *Infected person.* Any person who is suffering from a quarantinable disease or who is considered by the quarantine officer in charge to be infected with such a disease.

(q) *Infestation.* The condition of harboring vectors.

(r) *International Sanitary Regulations.* The International Sanitary Regulations (World Health Organization Regulations No. 2) adopted by the Fourth World Health Assembly on May 25, 1951.

(s) *Infected vessel or aircraft.* See under particular quarantinable diseases as set forth in §§ 24.76 through 24.86.

(t) *Isolation.* (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons in such a manner as to prevent the spread of infection.

(2) When applied to animals, the separation of an animal or group of animals from other animals or vectors of disease in such manner as to prevent the spread of infection.

(u) *Port of the Canal Zone.* Any seaport or airport in the Canal Zone.

(v) *Port under the control of the United States.* Any seaport or airport in the United States, its territories or possessions other than the Canal Zone.

(w) *Pratique.* A certificate issued by a quarantine officer releasing or provisionally releasing a vessel or aircraft from quarantine.

(x) *Quarantine.* The detention of a person, vessel, aircraft or other conveyance, animal or thing, in such place and for such period of time as may be specified in the regulations in this subpart.

(y) *Quarantine officer.* A medical officer or other specially trained employee assigned to quarantine duty by authority of the Governor.

(z) *Quarantine officer in charge.* The quarantine officer of the Division of Preventive Medicine and Quarantine responsible for the application of these regulations at a designated place or in a designated area.

(aa) *Quarantinable diseases.* The specific communicable diseases: Cholera, plague, relapsing fever, smallpox, typhus, and yellow fever.

(bb) *Relapsing fever.* Louse-borne relapsing fever.

(cc) *Rodents.* Gnawing mammals capable of transmitting or harboring quarantinable diseases.

(dd) *Surveillance.* The temporary supervision of a person who has been released from quarantine by the quarantine officer in charge upon the condition that he will submit himself to further medical examination or inquiry as required.

(ee) *Suspect.* A person who is considered by the quarantine officer in charge as having been exposed to infection by a quarantinable disease and to be capable of spreading that disease.

(ff) *Suspected vessel or aircraft.* See under particular quarantinable diseases in §§ 24.76 through 24.86.

(gg) *Typhus.* Louse-borne typhus.

(hh) *Valid.* (1) With respect to a Deratting Certificate or Deratting Exemption Certificate issued for a vessel, a certificate issued by the competent health authority for a port not more than 6 months before presentation of the Certificate to the quarantine officer, or if the vessel is proceeding to a port designated or approved for the issuance of such Certificates, not more than 7 months before such presentation.

(2) With respect to a certificate of vaccination, a certificate presented within the applicable period of immunity prescribed in § 24.39.

(ii) *Vector.* An animal (including insects) plant, or thing which conveys or is capable of conveying pathogenic organisms from a person or animal to another person or animal.

(jj) *Yellow fever endemic zone.* An area delineated by the World Health Organization in which *Aedes aegypti* or any other domiciliary vector of yellow fever is present but is not obviously responsible for the maintenance of the virus which persists among jungle animals over long periods of time.

(kk) *Yellow fever receptive area.* An area delineated by the World Health Organization in which yellow fever does not exist but where conditions would permit its development if introduced.

§ 24.38 *Periods of isolation and surveillance.* Except as otherwise provided with respect to infected persons, where isolation or surveillance is authorized in this part, the period of such isolation or surveillance shall be reckoned as hereinafter provided and shall not exceed the following appropriate incubation period of the quarantinable diseases:

- (a) Plague: 6 days.
- (b) Cholera: 5 days.
- (c) Yellow fever: 6 days.
- (d) Smallpox: 14 days.
- (e) Typhus: 14 days.
- (f) Relapsing fever: 8 days.

§ 24.39 *Periods of immunity.* The following shall be the recognized period of immunity after successful immunization; in the case of yellow fever, the vaccine must be approved by the World Health Organization:

Cholera: 6 months, beginning 6 days after the first injection of the vaccine and on date of a revaccination during such period of 6 months.

Smallpox: 3 years, beginning 8 days after successful primary vaccination and immediately on revaccination.

Yellow fever: 6 years beginning 10 days after date of original vaccination and from date of a revaccination within such period of 6 years.

§ 24.40 *Compliance with conditions of surveillance.* (a) Every person who is placed under surveillance in accordance with the provisions of this subpart shall, during the period of surveillance:

(1) Give such information relative to his health and his intended destination and report to designated physicians or medical officers at such times for such medical examinations as may be required;

(2) Upon arrival at any address other than that stated as his intended destination when placed under surveillance, report his address to the quarantine officer in charge at the port or place of his entry.

(b) A person under surveillance shall, prior to his departure from the Canal Zone, inform the quarantine officer in charge at the port or place of his entry, or departure, and such officer shall immediately notify the health authority of the place to which the person is proceeding.

§ 24.41 *Departing persons, things, vessels, or aircraft.* (a) If the Chief, Division of Preventive Medicine and Quarantine or the quarantine officer in charge has reason to believe that a person proposing to depart from the Canal Zone by any means is infected with or has been exposed to infection by a quarantinable disease, he shall so advise the person and notify the local health au-

thorities and the master or commander or person in charge of the vessel, aircraft or other conveyance on which the person proposes to depart.

(b) If the quarantine officer has reason to believe that a departing vessel, aircraft or land conveyance has or may have on board possible agents of infection or vectors of a quarantinable disease, he shall notify the master, commander, or person in charge and offer to have performed such disinsecting, disinfection, or other measures as are necessary. He shall, if he considers that a risk of infection exists on board at the time of departure, notify all persons proposing to embark upon such ship, aircraft or conveyance and the health authorities at the next port of call or destination of the conditions aboard such vessel, aircraft or conveyance.

§ 24.42 *Sanitary measures previously applied.* Any sanitary measure, other than medical examination, which has been applied prior to the arrival of a vessel or aircraft with respect to the quarantinable diseases shall not be repeated unless:

(a) After the departure of a vessel or aircraft from the port or airport where the measures were applied there is or has been on board an infected person or suspect, or there has occurred any other incident of epidemiological significance either in that port or airport or on board the vessel or aircraft which, in the judgment of the quarantine officer in charge, requires further application of any such measure; or

(b) The quarantine officer in charge has ascertained on the basis of definite evidence that the individual measure so applied was not substantially effective.

§ 24.43 *Certificate of measures applied.* (a) The quarantine officer in charge shall, upon request, issue free of charge to a carrier a certificate specifying the sanitary measures applied to a vessel, an aircraft or a land conveyance, the parts thereof treated, the methods employed, and the reasons why the measures were applied. In the case of an aircraft this information shall on request be entered instead in the general declaration.

(b) The quarantine officer in charge shall, upon request, issue free of charge:

(1) To any traveler a certificate specifying the date of his arrival or departure and the sanitary measures applied to him and his baggage;

(2) To the consignor, the consignee, or the carrier, or their respective agents, a certificate specifying the sanitary measures applied to any goods.

§ 24.44 *Authorized vaccinating centers; authenticating stamps or seals.* (a) Handling, storage and administration of yellow fever vaccine shall comply with instructions of the World Health Organization.

(b) International certificates of vaccination against yellow fever, shall be authenticated by the official, approved stamp or seal of one of the authorized yellow fever vaccinating centers of the Canal Zone.

(c) International certificates of vaccination against smallpox or cholera per-

formed in the Canal Zone shall be authenticated by one of the following:

(1) The stamp approved under paragraph (b) of this section;

(2) The seal of the Division of Preventive Medicine and Quarantine; or

(3) The stamp or seal of a hospital or clinic under the direction of the Health Bureau.

§ 24.45 *Listing of infected and receptive areas.* The Chief, Division of Preventive Medicine and Quarantine, shall maintain an accurate listing of (a) ports and other areas infected with quarantinable or other communicable diseases, including yellow fever endemic zones, and (b) yellow fever receptive areas.

§ 24.46 *Administration of quarantine laws, rules, and regulations.* The Health Bureau under the supervision and direction of the Health Director through the Division of Preventive Medicine and Quarantine, under the immediate supervision and direction of the Chief of that division, is hereby charged with the administration of all laws, rules, and regulations governing maritime and aircraft quarantine in the Canal Zone. The Chief, Division of Preventive Medicine and Quarantine, shall utilize the facilities and personnel of the Division of Veterinary Medicine in administering all laws, rules, and regulations pertaining to animal quarantine. The general function of the Division of Preventive Medicine and Quarantine under the aforesaid laws, rules and regulations shall be the prevention of the introduction of communicable diseases.

§ 24.47 *Punishment for violations.* A violation of any of the quarantine rules contained in this subpart, or of any regulation prescribed thereunder, is punishable, as provided in section 373 of title 2 of the Canal Zone Code, by a fine of not more than \$500, or by imprisonment in jail for not more than ninety days, or by both; and each day such violation continues constitutes a separate offense.

MEASURES AT FOREIGN PORTS

§ 24.48 *Bills of health.* A vessel or aircraft at any foreign port clearing or departing for a port of the Canal Zone shall not be required to obtain or deliver a bill of health.

§ 24.49 *Measures prescribed by local health authority; vessels and aircraft.* A vessel or aircraft at any foreign port or airport clearing or departing for a port of the Canal Zone shall comply with sanitary measures prescribed by the health authority for such foreign port or airport in accordance with responsibility imposed by the International Sanitary Regulations to prevent the departure of infected persons or the introduction on board the vessel or aircraft of possible agents of infection or vectors of a quarantinable disease.

MEASURES IN TRANSIT

§ 24.50 *Vessels and aircraft; general provisions.* The measures described in §§ 24.51 through 24.55 must be taken in transit with respect to vessels and air-

craft destined for ports of the Canal Zone.

§ 24.51 *Vessels; sanitary inspection and corrective measures.* The master or a designated officer shall make a daily sanitary inspection of all compartments of the vessel normally accessible to passengers or crew. Immediate corrective measures shall be taken if evidence of vermin, rodents or unsanitary conditions is found.

§ 24.52 *Vessels; entries in the official record.* A record of the conditions found and the corrective measures taken shall be entered in an official record.

§ 24.53 *Vessels and aircraft; radio report of disease aboard.* (a) The master of the vessel shall report promptly by radio, to the quarantine officer in charge at the port of entry in the Canal Zone, the occurrence or suspected occurrence on board of any of the communicable diseases listed below: Anthrax, chancroid, chickenpox, cholera, dengue, diphtheria, favus, gonorrhoea, granuloma inguinale, impetigo contagiosa, infectious encephalitis, leprosy, lymphogranuloma venereum, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, smallpox, streptococcal sore throat, syphilis, trachoma, tuberculosis, typhoid fever, typhus, yellow fever, or other diseases characterized by fever or skin rash.

(b) The commander of an aircraft destined for a port of the Canal Zone shall report promptly by radio to the quarantine officer in charge at intended place of landing in the Canal Zone the occurrence or suspected occurrence on board of any of the communicable diseases listed or described in paragraph (a) of this section.

§ 24.54 *Vessels; yellow fever; disinsectization.* (a) An infected or suspected vessel, as defined in § 24.85 bound for a port of the Canal Zone or for transit through the Canal shall be thoroughly disinsectized prior to its arrival in Canal Zone waters and a certificate of the master of the vessel to this effect shall be presented to the quarantine officer upon arrival. The insecticide used and method of disinsectization shall be those prescribed by the Governor.

(b) In the event the disinsectization required under paragraph (a) is not carried out or in the event the quarantine officer in charge finds live mosquitoes on board or otherwise determines that the vessel's own disinsectization was inadequate, the vessel shall be detained in quarantine at a mooring not less than 400 meters from shore until disinsectized by Canal Zone Government personnel and no persons other than quarantine personnel shall be allowed on board until disinsectization is completed.

§ 24.55 *Aircraft; yellow fever; disinsectization.* Infected or suspected aircraft as defined in § 24.85 bound for a port of the Canal Zone, except upon a flight originating in the Republic of Panama or a flight direct from a port under the control of the United States, shall be disinsectized in all compart-

ments not later than thirty minutes before landing. Compartments which are not accessible for disinsectization during flight shall be disinsectized at the last port of departure for the Canal Zone, and shall not be reopened following disinsectization until arrival in the Canal Zone. The insecticide used and method of disinsectization shall be those prescribed by the Governor. When on arrival of an aircraft the quarantine officer in charge, after inspection, determines that the aircraft has not been adequately disinsectized, the aircraft shall be kept tightly closed and disinsectization completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed to board until disinsectization is completed. Additional requirements for disinsectization of aircraft to or from certain regions may be prescribed by the Governor when necessary to prevent the importation or spread of insect vectors of disease.

VESSELS AND AIRCRAFT SUBJECT TO QUARANTINE INSPECTION

§ 24.56 *General provisions.* (a) A vessel or aircraft arriving at a port of the Canal Zone shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or the Republic of Panama or ports in Canada, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Bermuda Islands, or the Islands of Aruba and Curacao; or

(2) In the current voyage the vessel or aircraft has received pratique at a port under the control of the United States, and since receiving such pratique has not touched at a port other than those listed in subparagraph (1) of this paragraph; or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed in subparagraph (1) of this paragraph.

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraph (a) (1) (2) or (3) of this section shall undergo quarantine inspection prior to entering a port of the Canal Zone if the vessel or aircraft:

(1) Has aboard, or during the current voyage has had aboard, a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, scarlet fever, smallpox, streptococcal sore throat, typhoid fever, typhus, or yellow fever; or

(2) Arrives directly from a port where at the time of departure there was present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever; or

(3) Being exempt from inspection under the provisions of paragraph (a) (1) of this section, on arrival at a port of

the Canal Zone has on board a person who has been in a port or area other than those listed in paragraph (a) (1) of this section within 14 days prior to such arrival.

(4) Being exempt from inspection under the provisions of paragraph (a) (1) or (3) of this section, on arrival at a port of the Canal Zone has on board an animal or article that does not comply with admission requirements contained in § 24.100, § 24.101, § 24.102 or § 24.103.

(c) Notwithstanding the provisions of paragraph (a) (2) and (3) of this section a vessel or aircraft having received pratique at a port under the control of the United States, or possessing a duplicate pratique from Canada, shall comply with any conditions and carry out any additional measures specified in the pratique.

§ 24.57 *Vessels and aircraft of armed services.* (a) Vessels and aircraft belonging to or operated by the armed services of the United States may be exempted from quarantine inspection if the Chief, Division of Preventive Medicine and Quarantine is satisfied that they have complied with regulations of such armed services meeting the requirements of the regulations in this part. (For applicable regulations of the Armed Forces see Army Regulations No. 42-40; Navy Department General Order No. 20; Air Force Regulation No. 160-26.)

(b) Vessels belonging to or operated by the armed services of any foreign nation may, in the discretion of the Chief, Division of Preventive Medicine and Quarantine be exempted from quarantine inspection if a commissioned medical officer of such service certifies that:

(1) Any person on board who is infected or suspected of being infected with a communicable disease will be isolated until it is determined whether or not he is infected with a quarantinable disease; and that

(2) The vessel is from a port where at the time of departure there was not present or suspected of being present cholera, plague, relapsing fever, smallpox, typhus, or yellow fever. When it is determined that any person on board such vessel is infected with a quarantinable disease, the vessel and its entire personnel shall be subject to the provisions of §§ 24.76 through 24.86.

(c) Notwithstanding the exemption from quarantine inspection of a vessel or aircraft under this section, compliance shall be required with the provisions of §§ 24.100 through 24.103 concerning the importation of certain animals and articles.

§ 24.58 *Exempt vessels subject to sanitary regulations.* A vessel which has been exempted from quarantine inspection under §§ 24.56 or 24.57 shall nevertheless be subject to the provisions of §§ 24.87 through 24.93.

§ 24.59 *Report of disease or rodent mortality on vessel during stay in port.* The master of any vessel calling at a port of the Canal Zone shall promptly report to the quarantine officer in charge at the port the occurrence of the follow-

ing on the vessel during its stay in port:

(a) A known or suspected case of communicable disease included in the list or description in § 24.53.

(b) Unusual mortality or evidence of disease among rodents.

GENERAL REQUIREMENTS UPON ARRIVAL AT PORTS OF CANAL ZONE

§ 24.60 *Applicability.* The measures prescribed in §§ 24.61 through 24.74 shall be taken with respect to vessels or aircraft which are subject to quarantine inspection pursuant to §§ 24.56 and 24.57, and with respect to persons and things arriving on such vessels or aircraft.

§ 24.61 *Vessels; awaiting inspection.* A vessel shall fly a yellow flag, anchor in the prescribed anchorage and await inspection: *Provided, however* That if the Chief, Division of Preventive Medicine and Quarantine is of the opinion that the proceeding of the vessel to some other designated point in the port would not be likely to cause the introduction of communicable disease, he may direct the vessel to proceed to such a point to await inspection. He shall prescribe necessary measures to insure that there is no movement of any person or thing onto or from the vessel without his permission, pending quarantine inspection.

§ 24.62 *Aircraft; commander's initial responsibility.* The aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the airport of entry. Any baggage, cargo, or other contents on board shall be held at such airport until released by the quarantine officer.

§ 24.63 *Aircraft; report by commander respecting illness, et cetera.* In the case of all arriving aircraft, except from a flight originating in the Republic of Panama, and whether or not the aircraft is subject to quarantine inspection, the aircraft commander's general declaration shall contain a report showing illness (other than air-sickness) that has occurred aboard the aircraft during flight; details of last disinsectization or sanitary treatment, including methods, place, date, and time; and a report of the animals, insects, bacterial cultures, and viruses on board.

§ 24.64 *Maritime quarantine declaration.* (a) On arrival of a vessel, the master shall complete a maritime quarantine declaration on the Canal Zone Government Quarantine Declaration form. The completed form shall be delivered to the quarantine officer at the time quarantine inspection is begun. The declaration shall also be signed by the ship's surgeon if one is carried.

(b) The master of a vessel and the ship's surgeon, if one is carried, shall furnish all information as to health conditions on board during the voyage which may be required by the quarantine officer or Chief, Division of Preventive Medicine and Quarantine, and shall comply with the regulations in this subpart and with any directions or requirements of the Chief, Division of Preventive Medicine and Quarantine, pursuant to the regulations in this subpart.

§ 24.65 *Persons; restrictions on boarding and leaving vessels or aircraft, or having contact with persons aboard—*

(a) *Vessels.* Except with the permission of the quarantine officer, no person, other than quarantine employees, other members of the boarding party and the pilot, shall board or be permitted to board any vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique. A person boarding such vessel shall be subject to the same restrictions as those imposed on the persons on the vessel. No person shall leave or be permitted to leave any vessel subject to quarantine inspection until after it has been inspected by the quarantine officer and granted pratique, except with the permission of the quarantine officer.

(b) *Aircraft.* Except with the permission of the quarantine officer, no person other than quarantine employees shall board or be permitted to board any aircraft subject to quarantine inspection or have contact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft and on a person having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

§ 24.66 *Quarantine inspection and controls.* (a) Quarantine inspection of a vessel or aircraft shall include:

(1) Inspection of the vessel or aircraft, its cargo, manifests, and other papers to ascertain the sanitary history and condition of the vessel or aircraft;

(2) Examination of the persons aboard the vessel or aircraft, their personal effects and records to determine the presence, or risk of introduction, of quarantinable and other communicable diseases.

(b) The quarantine officer in charge may require a vessel or aircraft to remain under quarantine controls until the completion of the measures authorized in this subpart which in his judgment are necessary to prevent the introduction or spread of a quarantinable or other communicable disease.

§ 24.67 *Persons; examination.* All persons on board shall be examined, except that on an approved regular line vessel or aircraft which carries a ship or flight surgeon, such examination may be limited to persons designated by the Chief, Division of Preventive Medicine and Quarantine.

§ 24.68 *Vessels and aircraft; persons and things; communicable diseases other than quarantinable diseases.* (a) Whenever the quarantine officer has reason to believe that any arriving vessel or aircraft, or article or thing aboard, is or may be infected or contaminated with any of the communicable diseases listed in paragraph (c) of this section, he may disinsect, disinfect, disinfest, fumigate and take such other related measures respecting such vessel, aircraft, or article

or thing aboard, or any part thereof, as he considers necessary to prevent the introduction, transmission, or spread of such communicable diseases.

(b) Whenever the quarantine officer has reason to believe that any arriving person is suffering or has been exposed to infection from any of the communicable diseases listed in paragraph (c) of this section, he may place such person in isolation or under surveillance and may disinfect or disinfest his person, clothing or baggage as he considers necessary to prevent the introduction, transmission or spread of such communicable diseases.

(c) The communicable diseases authorizing the application of sanitary and quarantine measures under paragraphs (a) and (b) of this section are: Anthrax, chancroid, dengue, diphtheria, favus, gonorrhoea, granuloma inguinale, infectious encephalitis, leprosy, lymphogranuloma venereum, meningococcus meningitis, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, streptococcal sore throat, syphilis, trachoma, tuberculosis, typhoid fever.

§ 24.69 *Persons; isolation.* Persons held under isolation pursuant to the provisions of §§ 24.68, 24.78, 24.80, 24.82, 24.83, 24.84, and 24.86 may be so held on vessels in quarantine or at facilities of the Canal Zone Government. Such persons shall not have contact with other persons except by permission of the quarantine officer.

§ 24.70 *Persons; isolation substituted for surveillance.* The quarantine officer in charge may require isolation where surveillance is authorized in this subpart whenever he considers the risk of transmission of infection by a suspect to be exceptionally serious.

§ 24.71 *Restriction on movement of articles.* Articles from a vessel or aircraft shall not be carried into the place of detention except by permission of the quarantine officer.

§ 24.72 *Furnishing of fresh crew; vessels only.* After a vessel has been rendered free from infection, it may be furnished with a fresh crew and released from quarantine, while all or part of the original personnel are detained.

§ 24.73 *Disinfection of imports.* When the freight manifest of a vessel or aircraft lists articles which may require disinfection under the provisions of this part, the quarantine officer shall disinfect them on board or request the customs officer to keep the articles separated from the other freight pending appropriate disposition.

§ 24.74 *Exemption for mails.* Except to the extent that mail contains any of the foods or beverages referred to in § 24.77 (d) which the quarantine officer has reason to believe comes from a cholera infected local area, or any article or thing subject to quarantine restrictions under §§ 24.100 through 24.103, nothing in the regulations in this part shall render liable to detention, disinfection or destruction any mail, conveyed under the authority of the postal administration of the United States or of any other Government.

§ 24.75 *Charges for services rendered to persons detained in quarantine.* Subsistence, lodging, medical care and hospital care of crews or passengers detained in quarantine shall be at the expense of the interest controlling the vessel or aircraft, except as otherwise provided in applicable cases or regulations such as those relating to beneficiaries of the U. S. Public Health Service.

PARTICULAR REQUIREMENTS UPON ARRIVAL AT PORTS OF CANAL ZONE

§ 24.76 *Applicability.* In addition to the requirements of §§ 24.61 through 24.74, the particular requirements prescribed in §§ 24.77 through 24.86 (affecting persons, vessels or aircraft, animals, and other imports) shall be observed with respect to vessels or aircraft which are subject to quarantine inspection under §§ 24.56 and 24.57. *Provided, however* That the particular requirements of § 24.81 shall be observed irrespective of whether the vessels or aircraft are subject to quarantine inspection.

§ 24.77 *Cholera; vessels and aircraft; things.* (a) For the purpose of applying sanitary and quarantine measures against the spread of cholera.

(1) An infected vessel means a vessel which has on board on arrival a case of cholera or on which a case of cholera has occurred within 5 days prior to arrival.

(2) An infected aircraft means an aircraft which has a case of cholera aboard on arrival.

(3) A suspected vessel means a vessel which has had on board during the voyage a case of cholera more than 5 days prior to arrival.

(4) A suspected aircraft means an aircraft which has had on board during the voyage a case of cholera which has previously disembarked.

(b) An infected or suspected vessel or aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this subpart.

(c) Personal effects and baggage of any infected person or suspect and any part of the infected or suspected vessel or aircraft considered to be contaminated shall be disinfected. Bedding or linen, human dejecta, bilge water, waste matter or water, and any matter considered to be contaminated shall not be unloaded or discharged until it has been disinfected.

(d) On arrival of an infected or suspected vessel or aircraft, or a vessel or aircraft arriving from an infected local area, the quarantine officer may prohibit the unloading of, or may remove all fish, shellfish, fruit or vegetables to be consumed uncooked, or beverages, unless such food or beverages are in sealed containers and the quarantine officer has no reason to believe that they are contaminated. If any such food or beverage is removed it shall be safely disposed of. If any of said food or beverage forms part of the cargo in a hold of a vessel or freight compartment of an aircraft, the quarantine officer at the port or airport at which such cargo is to be unloaded shall arrange for its safe dis-

posals. Such other special precautions shall be taken as may be necessary to prevent contamination of food or water supplies of the vessel or aircraft.

(e) If the quarantine officer considers the water supply of a cholera infected or suspected vessel or aircraft to be contaminated, he shall require the disinfection and removal of any water carried on board and if necessary the disinfection of the water system and of the water containers.

§ 24.78 *Cholera; vessels and aircraft; persons.* (a) Persons ill from cholera shall be removed and isolated until no longer infectious.

(b) On arrival of an infected vessel or aircraft the quarantine officer may place under surveillance any person disembarking who produces a valid certificate of vaccination against cholera and may isolate all others disembarking. Such surveillance or isolation shall be reckoned from the date of disembarkation.

(c) On arrival of a suspected vessel or aircraft the quarantine officer may place under surveillance any person disembarking. Such surveillance shall be reckoned from the date of arrival.

(d) Any person who, within 5 days prior to arrival, has departed from a cholera infected local area or arrives on a healthy vessel or aircraft which has departed from such an area within such time may be placed under surveillance if he has a valid certificate of vaccination against cholera or may be placed in isolation if he does not have such a certificate. The period of isolation or surveillance shall be reckoned from the date of departure of the person, or the vessel or aircraft, from the infected area.

(e) Any person who has departed from an infected local area within 5 days prior to arrival and who has symptoms indicative of cholera may be required to submit to a stool examination.

§ 24.79 *Plague; vessels and aircraft.* (a) For the purpose of applying sanitary and quarantine measures against the spread of plague:

(1) An infected vessel or aircraft means a vessel or aircraft which has on board on arrival a case of human plague, or a plague infected rodent. A vessel shall also be regarded as infected if a case of plague develops on board in a person more than 6 days after his embarkation.

(2) A suspected vessel means (i) a vessel which, not having a case of human plague on board on arrival, has had on board such a case developed by the person within 6 days of his embarkation or (ii) a vessel on which there is evidence of abnormal mortality of rodents on board, the cause of which is not known on arrival.

(b) An infected or suspected vessel or an infected aircraft shall be detained in quarantine as may be necessary for the effective accomplishment of the applicable sanitary measures prescribed in this part.

(c) On arrival of a vessel which has rodent plague on board the quarantine officer shall require the deratting of the vessel. The following provisions shall apply to such deratting:

(1) The deratting shall be carried out as soon as the holds have been emptied;

(2) One or more preliminary deratting of a vessel with the cargo in situ, or during its unloading, may be carried out to prevent the escape of infected rodents;

(3) If the complete destruction of rodents cannot be secured because only part of the cargo is due to be unloaded, a vessel shall not be prevented from unloading that part, but the quarantine officer may apply any measures which he considers necessary to prevent the escape of infected rodents.

(d) If a rodent dead of plague is found on board an aircraft, it shall be deratted.

§ 24.80 *Plague; vessels and aircraft; persons; things.* (a) Persons ill from plague shall be removed and isolated until no longer infectious.

(b) On arrival of an infected or suspected vessel or infected aircraft the quarantine officer may:

(1) Require any suspect on board to be disinfected and may place him under surveillance, the period of surveillance being reckoned from the date of arrival of the vessel or aircraft;

(2) Require the disinsecting and, if necessary, disinfection of the baggage of any infected person or suspect and of any other article such as used bedding or linen, and any part of the vessel or aircraft, which the quarantine officer considers to be contaminated.

(c) On the arrival of a healthy vessel or aircraft which has come from a plague infected local area the quarantine officer may:

(1) Place under surveillance any suspect who disembarks, the period of surveillance being reckoned from the date of departure of the vessel or aircraft from the infected area;

(2) Require the deratting of the vessel in exceptional circumstances. In such case, the master shall be informed in writing of the reasons for the action.

(d) In exceptional circumstances of an epidemiological nature, when the presence of rodents is suspected on board, an aircraft may be deratted.

§ 24.81 *Smallpox; persons, general.* (a) All arriving persons shall be subject to vaccination against smallpox unless they present evidence satisfactory to the quarantine officer of successful vaccination, or of a revaccination, within 3 years prior to arrival or of a previous attack of smallpox.

(b) Any person subject to vaccination under this section shall be offered vaccination; if he is not vaccinated, he may be placed under surveillance, the period of surveillance being reckoned from the date of his departure from the last territory visited prior to his arrival.

(c) Any person subject to vaccination under this section who has visited a smallpox infected local area within 14 days prior to arrival may be required to be vaccinated, or may be placed under surveillance, or may be vaccinated and then placed under surveillance; if he refuses vaccination, he may be isolated. The period of surveillance or isolation shall be reckoned from the date of departure from the infected local area.

§ 24.82 *Smallpox; infected vessels and aircraft; person.* (a) For the purpose of applying sanitary and quarantine measures against the spread of smallpox, an infected vessel or aircraft means a vessel or aircraft which on arrival has a case of smallpox aboard or has had a case of smallpox on board during the voyage.

(b) On arrival of an infected vessel or aircraft the quarantine officer shall detain the vessel or aircraft in quarantine as may be necessary for the effective accomplishment of the following measures:

(1) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(2) Vaccination shall be offered to any person on board who the quarantine officer considers is not sufficiently protected against smallpox.

(3) The quarantine officer, taking into consideration the danger of infection, may place under surveillance or in isolation any person disembarking. The period of surveillance or isolation shall be reckoned from the last exposure to infection.

(4) The baggage of any infected person shall be disinfected.

(5) Any other baggage or article, or any part of the ship or aircraft, which the quarantine officer considers to be contaminated shall be disinfected.

§ 24.83 *Smallpox; persons; suspects.* The quarantine officer may apply the provisions of paragraph (b) of § 24.82 to any suspect who disembarks from a vessel or aircraft which is not an infected vessel or aircraft.

§ 24.84 *Typhus and relapsing fever; vessels and aircraft; persons; things.* (a) A vessel or aircraft on which a case of typhus or relapsing fever has occurred during the voyage shall be detained in quarantine as may be necessary for the effective accomplishment of the following measures:

(1) Removal and isolation of any infected person on board until he is no longer infectious.

(2) Disinsecting of any suspect on board.

(3) Disinsecting and, if necessary, disinfection of the accommodations occupied by any infected person or suspect, his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever.

(b) The quarantine officer may:

(1) Require the disinsecting of any person who has left a typhus or relapsing fever infected local area, or a local area suspected of being so infected, within 14 days prior to arrival, in the case of typhus, and within 8 days prior to arrival, in the case of relapsing fever, and the disinsecting, and, if necessary, disinfection of his clothing, baggage, and any other article which the quarantine officer considers is likely to spread typhus or relapsing fever.

(2) Place any person so disinsected under surveillance for a period of not more than 14 days in the case of typhus and not more than 8 days in the case of relapsing fever, such period of surveil-

lance being reckoned from the date of the disinsecting.

§ 24.85 *Yellow fever vessels and aircraft; disinsecting.* (a) For the purpose of applying sanitary and quarantine measures against the spread of yellow fever

(1) An infected vessel means a vessel which has on board on arrival or which during its voyage had on board a case of yellow fever.

(2) An infected aircraft means an aircraft which has on board on arrival a case of yellow fever.

(3) A suspected vessel means a vessel which has left a yellow fever infected local area, or a local area suspected of being so infected, within 6 days prior to arrival or which arriving within 30 days after leaving such an area has *Aedes aegypti* aboard.

(4) An aircraft shall be regarded as suspected if it has arrived at a port of the Canal Zone from an airport situated in a yellow fever infected local area or a local area suspected of being so infected.

§ 24.86 *Yellow fever vessels and aircraft; persons.* (a) On arrival of an infected vessel or aircraft the quarantine officer shall remove and isolate all persons ill with yellow fever until no longer infectious.

(b) The quarantine officer may place in isolation or under surveillance any person arriving from an infected area or disembarking from an infected or suspected vessel or aircraft who does not produce a valid certificate of vaccination against yellow fever, until his certificate becomes valid or for not more than 6 days from the date of last possible exposure, whichever is earlier.

(c) Immune persons shall be released.

SANITARY INSPECTION: RODENT AND VERMIN CONTROL

§ 24.87 *General provisions.* Vessels or aircraft arriving at a port of the Canal Zone from a foreign port shall be subject to sanitary inspection to ascertain whether there exists rodent, vermin, or insect infestation, contaminated food or water, or other unsanitary condition requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 24.88 *Disinsecting and disinfection; vessels, aircraft and persons.* Except as otherwise provided in this part:

(a) Such aircraft which have left an area infected with insect borne communicable disease may be disinsected on arrival if the quarantine officer has reason to suspect the presence on board of insect vectors of communicable disease.

(b) Such vessels may be disinfested on arrival if the quarantine officer considers disinfestation necessary to prevent the spread of infection or for the destruction of insects and vermin capable of transmitting communicable disease.

(c) The person, effects and baggage of any vermin infested person arriving aboard a vessel or aircraft shall be disinsected and, if necessary, in the judgment of the quarantine officer, disinsected.

§ 24.89 *Deratting Certificates; Deratting Exemption Certificates; vessels*

only. If a valid Deratting Certificate or Deratting Exemption Certificate is not produced with respect to any arriving vessel the quarantine officer shall:

(a) If he is satisfied that the vessel is free of rodents or is kept in such a condition that the number of rodents on board is negligible, issue a Deratting Exemption Certificate.

(b) If he is satisfied that a Deratting Exemption Certificate should not be issued with respect to such vessel, require the deratting of the vessel. When deratting has been completed to the satisfaction of the quarantine officer, he shall issue a Deratting Certificate.

§ 24.90 *Vessels and aircraft in traffic between United States and Canal Zone.* Vessels or aircraft engaged in trade between ports under the control of the United States and ports of the Canal Zone shall be subject to sanitary inspection as described in § 24.87, when arriving from a port infected or suspected of being infected with a quarantinable disease or when illness on board indicates unsatisfactory sanitary conditions.

§ 24.91 *Vessels entering drydock; fumigation or disinfestation.* No vessel shall be placed in a drydock until it has been fumigated or disinfested for the destruction of rodents, unless the quarantine officer shall determine that such fumigation or disinfestation is unnecessary. The official superintending a drydock shall give to the quarantine officer advance notice of intention to place a vessel therein.

§ 24.92 *Deratting; aircraft only.* An aircraft may be deratted in exceptional circumstances of an epidemiological nature when the quarantine officer suspects the presence of rodents on board.

§ 24.93 *Application of sanitary measures.* The sanitary measures prescribed by § 24.68 and §§ 24.76 through 24.86 shall be applicable after sanitary inspections made pursuant to this subpart.

PRATIQUE: VESSELS AND AIRCRAFT

§ 24.94 *General requirement.* Vessels subject to quarantine inspection under the provisions of §§ 24.56 and 24.57 shall not enter a port of the Canal Zone to proceed through the Panama Canal or to discharge cargo or land passengers unless a certificate of free pratique or provisional pratique has been issued to the master. When it is desired not to comply with the requirements for a certificate of free or provisional pratique, the vessel is at liberty to return to sea if bound for a foreign port.

§ 24.95 *Free pratique; vessels only.* A certificate of free pratique shall signify that the vessel and its master may enter, discharge cargo, and land passengers.

§ 24.96 *Provisional pratique and remand, vessels only.* (a) A certificate of provisional pratique shall signify that the vessel may enter, but that additional measures, as specified in such certificate must be taken in connection with proceeding through the Canal, the discharge of cargo, the landing of passengers, or the sanitary condition of the vessel. A certificate of free pratique

shall be issued after such additional measures have been completed.

(b) The quarantine officer may remand the vessel to the next port for such additional measures as may be necessary. Vessels arriving at quarantine stations at succeeding ports of call under provisional pratique may, in the discretion of the quarantine officer in charge at such stations, be directed to proceed under provisional pratique to the next succeeding port for completion of quarantine measures.

(c) Failure to comply with additional measures specified in a certificate of provisional pratique shall constitute a violation of the rules in this subpart, and the vessel shall become subject to all measures applicable to vessels first arriving at a port of the Canal Zone from a foreign port.

§ 24.97 *Radio pratique; vessels only.* The quarantine officer in charge may grant pratique by radio to a vessel upon the basis of information regarding the vessel, its cargo and persons aboard, received prior to arrival of the vessel, when in his judgment, and in accordance with instructions by the Chief, Division of Preventive Medicine and Quarantine, the entry of the vessel will not result in the introduction, transmission or spread of communicable diseases.

§ 24.98 *Pratique and remand, aircraft only.* When all necessary quarantine and sanitary measures have been applied to the aircraft and persons and things on board, pursuant to the regulations of this part, the quarantine officer shall issue a certificate of free pratique, which may be stamped on a copy or copies of the general declaration, including the traveling general declaration, for presentation to the customs officer. Pending compliance with quarantine requirements the quarantine officer may issue a certificate of provisional pratique for the aircraft stating the measures to be carried out.

§ 24.99 *Notification of remands; vessels and aircraft.* The quarantine officer remanding a vessel or aircraft to another port in accordance with the provisions of § 24.96 or § 24.98 shall give advance notification to the quarantine officer and customs officer in charge at the port to which the vessel or aircraft is remanded. The notification should be timed to arrive ahead of the vessel or aircraft and should be made by telephone or telegraph as indicated in the case of aircraft. The notification shall give complete information regarding measures carried out at the port effecting the remand and measures required at the port to which the vessel or aircraft is remanded.

IMPORTATION OF CERTAIN THINGS

§ 24.100 *Quarantine of dogs and cats.* The owner or person in charge of every dog or cat brought into the Canal Zone from off the Isthmus of Panama shall deliver the animal to a quarantine officer immediately upon the arrival of the animal in the Canal Zone, and every such animal shall be held in quarantine and shall not be released therefrom except in compliance with regulations which are

hereby authorized to be prescribed by the Governor to prevent the spread of rabies or other diseases of animals. Such regulations may provide, among other things, for (a) the detention of the dog or cat for such period of time as may be specified by the Governor; (b) the imposition and collection of reasonable charges for the care of the animal during such quarantine period; (c) the sale or other disposition to be made of the animal in the event of non-payment of such charges or in the event the animal is unclaimed; and (d) the disposition of the proceeds of the sale of the animal, if sold.

§ 24.101 *Quarantine of animals generally.* The quarantinable diseases of animals are glanders, anthrax, tuberculosis, foot-and-mouth disease, contagious pleuro-pneumonia, rinderpest, and surra, together with such other diseases as the Governor may specify and the Governor may prescribe such regulations as he may deem necessary to prevent the introduction and spread of such diseases.

§ 24.102 *Etiological agents and vectors.* (a) A person shall not import into the Canal Zone, nor distribute after importation, any etiological agent or insect, animal or plant vector of human disease or any exotic living insect, animal or plant capable of being a vector of human disease unless accompanied by a permit issued by the Health Director of the Canal Zone Government.

(b) An article or thing coming within the provisions of this section shall not be released from Customs' custody prior to the receipt by the customs officer of a permit therefor issued by the Health Director.

§ 24.103 *Dead bodies.* The remains of a person dead from a quarantinable disease shall not be brought into a port of the Canal Zone unless it is (a) properly embalmed and placed in a hermetically sealed casket, or (b) cremated. The remains of a person who dies of such disease after arrival in quarantine shall be disposed of in such manner as the Health Director of the Canal Zone Government may direct.

APPENDIX

§ 24.104 *Appendix: Excerpts from International Sanitary Regulations (World Health Organization Regulations No. 2)*

PART I—DEFINITIONS

ARTICLE 1

For the purposes of these Regulations—

"Local area" means—

(a) The smallest area within a territory, which may be a port or an airport, having a defined boundary and possessing a health organization which is able to apply the appropriate sanitary measures permitted or prescribed by these Regulations; the situation of such an area within a larger area which also possesses such a health organization shall not preclude the smaller area from being a local area for the purposes of these Regulations; or (b) an airport in connection with which a direct transit area has been established;

4. Regulations of the Governor under Subpart C of Part 24 are re-numbered as follows: §§ 24.97, 24.98, 24.99, 24.100,

and 24.101 are re-numbered §§ 24.100a, 24.100b, 24.100c, 24.100d and 24.100e, respectively; §§ 24.102a, 24.102b, 24.102c, 24.102d, 24.102e, 24.102f and 24.102g are re-numbered §§ 24.101a, 24.101b, 24.101c, 24.101d, 24.101e, 24.101f and 24.101g, respectively.

(Sec. 1, 39 Stat. 527, as amended; 2 CZ Code 371, 372, 48 U. S. C. 1310)

ROBERT T. STEVENS,
Secretary of the Army.

FEBRUARY 26, 1955.

[F. R. Doc. 55-2007; Filed, Mar. 8, 1955; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

FISHING; KATMAI NATIONAL MONUMENT

Paragraph (a) *Fishing* of § 20.46 *Katmai National Monument* is amended to read as follows:

(a) *Fishing.* Fishing is permitted only with artificial lures. Each such artificial lure may consist of not more than two flies or not more than one plug, spoon, or spinner, to which may be attached not more than one treble hook; except that in Brooks River and in all waters within 100 yards of its inlet and outlet, the lures shall be restricted to not more than two flies. Fishing is prohibited within 100 yards above and within 100 yards below the weir in Brooks River. Fishing from the fish ladder over Brooks Falls is also prohibited.

(1) The limit of catch per person per day shall not exceed two red salmon, and 10 fish or 10 pounds and one fish of any other species. Possession of more than one day's limit of fish by any one person at any one time is prohibited.

(2) Notwithstanding the above restrictions, native Aleuts and Eskimos residing in the region may take fish for personal use as food from August 20 to the end of each year.

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

Issued this 24th day of February 1955.

[SEAL] CONRAD L. WIRTH,
Director
National Park Service.

[F. R. Doc. 55-1965; Filed, Mar. 8, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 61, 2d Rev.]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

CITIZENSHIP DECLARATIONS BY OWNERS OR MORTGAGEES OF VESSELS OF THE UNITED STATES

General Order 61 (§ 221.11 *Citizenship Oath by owners or mortgagees of vessels*

of the United States as required by section 40 of the Shipping Act, 1916, as amended) published in the FEDERAL REGISTER issue of December 27, 1951, 16 F. R. 12997, as amended by Amdt. 1, January 10, 1952, 17 F. R. 295; Amdt. 2, November 24, 1953, 18 F. R. 7494, is further revised to read:

§ 221.11 *Citizenship declarations by owners or mortgagees of vessels of the United States as required by section 40 of the Shipping Act, 1916, as amended.* Whenever any bill of sale, mortgage, hypothecation or conveyance of any vessel, or part thereof or interest therein is presented to any collector of customs to be recorded, the vendee, mortgagee or transferee shall file therewith, as provided by section 40 of the Shipping Act, 1916, as amended (sec. 4, 40 Stat. 902; 46 U. S. C. 838), a declaration in writing as follows:

(a) For a corporation, to be executed by the president, secretary or treasurer thereof, or any other official thereof duly authorized by such corporation to execute same (62 Stat. 212), Form MA-4557 (Rev. 2-19-54) and, in connection therewith when appropriate, Form MA-4557-A (Rev. 2-54) for an individual, Form MA-4558 (Rev. 2-19-54) or for a partner, joint owner, or member of co-partnership or unincorporated company or association, Form MA-4559 (Rev. 2-17-54)

(b) Said forms shall read respectively—
Form MA-4557
(2-19-54)

OWNER OR MORTGAGEE OF VESSEL.

(Section 40, Shipping Act, 1916, as amended) U. S. C., Title 46, Sec. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF OFFICER OF INCORPORATED COMPANY*

I, _____ of _____ declare that I am _____ of the _____ a corporation organized under the laws of the State of _____ with offices at _____ that said corporation is the owner (or) mortgagee of the vessel, or part thereof, or interest therein, called _____ of _____, official number _____, gross _____, net _____, built in 19____, at _____ as appears by _____ No. _____ issued at _____, 19____, surrendered*

(Give cause of surrender)

that I am a citizen of the United States of America by birth, having been born at _____ (City) (State)

*This declaration is to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a corporation to any collector of customs for recording.

†Insert "President," "Secretary," or "Treasurer," or any other duly authorized official thereof, as the case may be.

‡Insert full corporate name of company.

§Insert business address of corporation.

*Strike out word or expression not appropriate.

†Insert other means whereby vessel became entitled to American registry, when appropriate.

‡I. e., document now surrendered, or document last surrendered heretofore (U. S. C., title 46, sec. 808).

on _____ (or)¹ by natural-
(Date of birth)
ization before the _____
(Name of court)
for _____, on
(District, county, or State)
_____, having been issued
(Date naturalized)

Naturalization Certificate No. _____, that the president and managing directors of said corporation are citizens of the United States of America; that⁴ the controlling interest (or)⁴ seventy-five (75) per centum of the interest in said corporation is owned by citizens of the United States of America; that the title to a majority of the stock (or)⁴ seventy-five (75) per centum of the stock of said corporation is vested in citizens of the United States of America free from any trust or fiduciary obligation in favor of any person not a citizen of the United States of America, and that such proportion of the voting power of said corporation is vested in citizens of the United States; that through no contract or understanding is it so arranged that⁴ the majority of the voting power (or)⁴ more than twenty-five (25) per centum of the voting power of said corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States of America; that by no means whatsoever is⁴ the control of said corporation (or)⁴ the control of any interest in said corporation in excess of twenty-five (25) per centum conferred upon or permitted to be exercised by any person who is not a citizen of the United States of America.

(Signature)

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

Penalty for false statement: Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both."

(Explanatory clause prescribed by Maritime Administration for execution and attachment as and when desired by party making declaration on behalf of corporate owner or mortgagee of vessel on form (MA-4557) prescribed by Maritime Administration pursuant to section 40 of the Shipping Act, 1916, as amended.)

The basis for the statements of facts above recited with respect to the stock ownership and control of voting power of the company, is as follows:

(1) The stock books of the company show that on _____ 19____, _____

⁴Strike out word or expression not appropriate.

¹Strike out reference to naturalization if party is native-born citizen.

This date must be within 30 days of date of declaration.

⁴The exact figure as disclosed by the stock books of the company must be given and the per centum figure must be not less than 65 per centum, except for an owner operating the vessel in the coastwise trade the per centum figure must be not less than 90 per centum.

per centum of the outstanding stock of the company was owned of record by persons whose addresses on the stock books of the company are in the United States; (2) I know of no substantial change in such percentage since that date; and (3) investigation has failed to disclose the existence of facts or relationships with respect to voting power and control contrary to those above recited.

Form MA-4558
(2-19-54)

OWNER OR MORTGAGEE OF VESSEL

(Section 40, Shipping Act, 1916, as Amended)
U. S. C., Title 46, Sec. 838, 40 Stat. 902

DECLARATION OF VENDEE, TRANSFEREE, OR MORTGAGEE WHEN AN INDIVIDUAL*

I, _____, of _____, declare that I am the sole owner,¹ (or) sole mortgagee,¹ of the vessel or part thereof, or interest therein,¹ called _____ of _____, official number _____ gross _____, net _____, ² built in 19____ at _____ as appears by _____, No. _____ issued at _____, 19____, surrendered³ _____.

(Give cause of surrender)

that I am a citizen of the United States of America by virtue of my birth in _____

(Place of birth) (City and State)

on _____ (or)¹ by virtue of my naturalization under the laws of the United States before the _____

(Name of court)

for _____ (District, State, or county)

on _____, having been issued Naturalization Certificate No. _____

(Signature)

Penalty for false statement: Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both."

*This declaration to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a person in case vessel, or part thereof, or interest therein, is owned by one individual, not in partnership, joint ownership, or an unincorporated company or an association. If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

¹Strike out words not appropriate.

²Insert other means whereby vessel became entitled to American registry, when appropriate.

³I. e., document now surrendered, or document last surrendered heretofore (U. S. C., title 46, sec. 808).

Form MA-4559
(Rev. 2-17-54)

OWNER OR MORTGAGEE OF VESSEL

(Section 40, Shipping Act, 1916, as Amended)
U. S. C., Title 46, Sec. 838, 40 Stat. 902

DECLARATION OF PARTNER, JOINT OWNER, OR MEMBER OF COPARTNERSHIP OR UNINCORPORATED COMPANY OR ASSOCIATION*

I, _____, of _____, (Address)

declare that I am a member of the copartnership¹ (or) unincorporated company¹ (or) association doing business under the name of _____, (Name of firm or association)

with offices at _____, (Business address)

in the city of _____, State of _____, that the copartnership¹ (or) unincorporated company¹ (or) association¹ is the vendee, transferee, or mortgagee of the vessel, or part thereof, or interest therein,¹ called _____

of _____, official number _____, gross _____, net _____, ² built in 19____, at _____ as appears by _____, No. _____, issued at _____, 19____, surrendered³ _____.

(Give cause of surrender)

that I am a citizen of the United States of America by virtue of my birth at _____

(Place of birth) (City and State)

on _____ (or)¹ by virtue of my naturalization under the laws of the United States before the _____

(Name of court)

for _____ (District, county, or State) on _____, (Date naturalized)

having been issued Naturalization Certificate No. _____, that said copartnership¹ (or) unincorporated company (or) association is composed of _____ partners¹ (or) _____

(Number)

members;¹ that each partner¹ (or) member of said firm, copartnership, unincorporated company, or association¹ is a citizen of the United States; that through no contract or understanding is it so arranged that the controlling interest¹ (or) more than twenty-five (25) per centum of the control of or interest in said vessel is vested in, conferred upon, or permitted to be exercised by, any person who is not a citizen of the United States.

(Signature)

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required

*This declaration is to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a copartnership, association, or unincorporated company to any collector of customs for recording.

¹Strike out word or expression not appropriate.

²Insert other means by which vessel became entitled to American registry, when appropriate.

³I. e., document now surrendered, or document last surrendered heretofore (U. S. C., title 46, sec. 808).

for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

Penalty for false statement: Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000, or to imprisonment for not more than five years, or both."

(c) The Maritime Administration Forms Nos. MA-4557 (Rev. 11-1-51) and, in connection therewith, when appropriate, MA-4557-A (Rev. 6-51) MA-4558 (Rev. 11-1-51) and MA-4559 (Rev.

11-1-51) shall continue to be used as available.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interprets or applies sec. 4, 40 Stat. 902, as amended; 46 U. S. C. 838)

This order shall be effective upon date of publication in the FEDERAL REGISTER.

Dated: March 1, 1955.

By order of the Maritime Administration.

[SEAL]

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-2010; Filed, Mar. 8, 1955; 8:53 a. m.]

laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes." The regulations in this part are intended to implement only those sections of said act, hereinafter more fully identified, which require action by the Department of the Interior or its agencies.

§ 186.2 Validation of certain mining claims. The act in section 1 (a) provides as follows:

That (a) subject to the conditions and provisions of this Act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws, shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided*, However, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the Act of August 12, 1953 (67 Stat. 539),² an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said Act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further*, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this act,² must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act, and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period,² if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

§ 186.3 Preference mining locations. The act in section 3 (a) and (b) provides as follows:

(a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this Act,² as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the

² Not later than December 10, 1953.

² Not later than December 11, 1954.

² Not later than December 11, 1954.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 186]

MULTIPLE DEVELOPMENT OF MINERAL DEPOSITS UNDER MINING AND MINERAL LEASING LAWS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 13, 1954 (68 Stat. 708) and Revised Statutes 2478 (43 U. S. C. 1201), it is proposed to issue regulations implementing the said Act of August 13, 1954, supra, so far as is necessary. Primary purposes of the act include the establishment of a system of multiple mineral development by permitting mining and mineral leasing on the same tracts of public domain lands and on such patented lands in which the United States has reserved the mineral deposits; validation of certain mining claims within specified dates; the elimination of fissionable source materials reservations in patents, permits, leases or other authorizations of the United States covering such lands and the determination that valid mining locations may be made for fissionable source materials on the lands mentioned.

The proposed regulations and pertinent forms, Nos. 1 to 6, inclusive, are set forth as appendices to this notice.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations or forms to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: March 7, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[Circular No. 1902]

A new part 186 is added to Title 43, Chapter I, reading as follows:

PART 186—MULTIPLE DEVELOPMENT OF MINERAL DEPOSITS UNDER THE MINING AND MINERAL LEASING LAWS

Sec.
186.1 Purpose and authority.
186.2 Validation of certain Mining Claims.
186.3 Preference mining locations.

- | | |
|--------|--|
| Sec. | |
| 186.4 | Additional evidence required with application for patent. |
| 186.5 | Reservation to United States of Leasing Act minerals. |
| 186.6 | Mining claims and millsites located on Leasing Act lands after August 13, 1954. |
| 186.7 | Procedure to determine claims to Leasing Act minerals under unpatented mining locations. |
| 186.8 | Recordation of notice of application, offer, permit or lease. |
| 186.9 | Request for publication of notice of Leasing Act filing; supporting instruments. |
| 186.10 | Publication of request. |
| 186.11 | Contents of published notices. |
| 186.12 | Mailing of copies of published notice. |
| 186.13 | Service of copies; failure to comply. |
| 186.14 | Proof of publication. |
| 186.15 | Failure of mining claimant to file verified statement. |
| 186.16 | Hearing-time and place. |
| 186.17 | Stipulation between parties. |
| 186.18 | Hearing; procedure. |
| 186.19 | Effect of decision affecting a mining claimant's rights. |
| 186.20 | Recording by mining claimant of request for copy of notices. |
| 186.21 | Relinquishment by mining claimant of Leasing Act minerals. |
| 186.22 | Helium Reserves Nos. 1 and 2; conditions of opening to mining locations and mineral leasing. |
| 186.23 | Fissionable source materials; elimination of reservation in patents, etc. |
| 186.24 | Elimination of fissionable source materials reservation. |
| 186.25 | Mining locations for fissionable source materials. |

AUTHORITY: §§ 186.1 to 186.25 issued under the Act of August 13, 1954 (68 Stat. 708) and R. S. 2478; 43 U. S. C. 1201.)

CROSS REFERENCES: Act of August 12, 1953 (67 Stat. 539, 30 U. S. C. 501-503); validating certain mining claims located subsequent to July 31, 1939, and prior to January 1, 1953; Atomic Energy Act of August 1, 1946 (60 Stat. 755), as amended; Act of October 20, 1914 (38 Stat. 741); Acts of February 25, 1920 (41 Stat. 437), April 17, 1926 (44 Stat. 301) and February 7, 1927 (44 Stat. 1057) and all acts amendatory of and supplementary thereto known as the Mineral Leasing Acts. See Volume 43 CFR, Parts 191 to 196, inclusive, 198, and other appropriate sections of the regulations; also 30 U. S. C. sec. 23, U. S. Mining Laws—43 CFR, Part 185.

§ 186.1 Purposes and authority. The act of August 13, 1954 (68 Stat. 708) was enacted "To amend the mineral leasing

provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this Act or which may acquire validity under the provisions of this Act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 CFR 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

§ 186.4 *Additional evidence required with application for patent.* All questions between mining claimants asserting conflicting rights of possession under mining claims, must be adjudicated in the courts. Any applicant for mineral patent, who claims benefits under sections 1 or 3 of this act, or the act of August 12, 1953, supra, in addition to matters required in Part 185 of this Title, must file with his Application for Patent a certified copy of each instrument required to have been recorded as to his mining claim in order to entitle it to such benefits unless an Abstract of Title or Certificate of Title filed with the Application for Patent shall set forth said instruments in full. The applicant must also file a copy of the notice required to be posted on the claim and state in his application that such notice was duly posted in accordance with the requirements of the act.

§ 186.5 *Reservation to United States of Leasing Act minerals.* Section 4 of the act provides that:

Every mining claim or millsite—

(1) heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

(2) located under the mining laws of the United States after the effective date of passage of this act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in

section 6 hereof)⁴ of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

§ 186.6 *Mining claims and millsites located on Leasing Act lands after August 13, 1954.* (a) Since enactment of the act on August 13, 1954, and subject to its conditions and provisions, including the reservation of Leasing Act minerals to the United States as provided in section 4, mining claims and millsites may be located under the mining laws of the United States on lands of the United States which at the time of location are—

(1) Included in a permit or lease issued under the mineral leasing laws; or

(2) Covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(3) Known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

(b) The Leasing Act minerals in lands covered by mining claims and millsites located after the date of the act or validated by the act may be acquired under the mineral leasing laws, upon appropriate application therefor being filed prior to the issuance of patent to such mining claims or millsites.

§ 186.7 *Procedure to determine claims to Leasing Act minerals under unpatented mining locations.* Section 7 of the act provides a procedure whereby a Leasing Act applicant, offeror, permittee or lessee may have determined the existence and validity of claims to Leasing Act minerals asserted under unpatented mining locations made prior to August 13, 1954, affecting lands embraced within such application, offer, permit or lease. This procedure is described in the succeeding §§ 186.8 to 186.19, inclusive, and involves the prior recording of notice of such application, offer, permit or lease and the filing of a request for publication of notice of the same as provided in §§ 186.8 and 186.9.

§ 186.8 *Recordation of notice of application, offer, permit or lease.* (a).

⁴Section 6 of the act defines rights and obligations where the same lands are being used for mining operations and Leasing Act operations.

Not less than 90 days prior to the filing of such request for publication, there must have been filed for record in each county in which lands covered thereby are situate, a notice of the filing of the application or offer, or of the issuance of the permit or lease, upon which said request for publication is based. Such notice must set forth the date of the filing of such application or offer or of the issuance of such permit or lease, the name and address of the applicant, offeror, permittee or lessee, and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace such lands, or, if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public land surveys are extended to such lands, or a tie by courses and distances to an approved United States mineral monument.

(b) Such notice shall conform to Form No. 1 and No. 1-A appended to the regulations in this part.⁵

§ 186.9 *Request for publication of notice of Leasing Act filing; supporting instruments.* (a) Having complied with the requirement of § 186.8, the applicant, offeror, permittee or lessee may file a Request for Publication of notice of such party's application, offer, permit or lease. Such request for publication shall be filed in the Land Office of the Bureau of Land Management for the Land District in which the lands are situated.⁶ As to lands in states for which there are no Land Offices, any request for publication shall be filed with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D. C. No Request for Publication, or publication, may include lands in more than one Land District.

(b) Any Request for Publication shall conform to Form No. 2 appended to the regulations in this part.⁷

(c) The filing of a Request for Publication must be accompanied by the following:

(1) A certified copy of the Notice of Application, offer, permit or lease recorded as required under § 186.8, setting forth the date of recordation thereof.

(2) An affidavit or affidavits of a person or persons over 21 years of age, setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of the lands covered by such request or any part thereof. If no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof, on the date of such examination, such affidavit or affidavits shall set forth such fact. If any person or persons were so found to

⁵Forms filed as part of the original document.

⁶In this connection, the Land Office for North Dakota and for South Dakota is located at Billings, Montana; that for Nebraska and Kansas, at Cheyenne, Wyoming; and for Oklahoma, at Santa Fe, New Mexico.

be in actual possession or engaged in such working on the date of such examination, such affidavit or affidavits shall set forth the name and address of each such person unless the affiant shall have been unable, through reasonable inquiry, to obtain information as to the name and address of such person; in which event, the affidavit or affidavits shall set forth fully the nature and the results of such inquiry.

(3) The certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim located prior to enactment of the Act on August 13, 1954, together with the address of such person if disclosed by such instruments of record. Such certificate shall conform to Form No. 3 appended to the regulations in this part.⁵

§ 186.10 *Publication of request.* (a) Upon receipt of a Request for Publication and accompanying instruments, if no reason appears for rejecting the request, the Manager, at the expense of the requesting person (who prior to the commencement of publication must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication) shall cause notice of the application, offer, permit or lease to be published in a newspaper, to be designated by the Manager, having general circulation in the county in which the lands involved are situate.

(b) If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semi-weekly or tri-weekly paper, in the issue of the same day of each week for 9 consecutive weeks.

§ 186.11 *Contents of published notice.* (a) The notice to be published as required by the preceding section, shall describe the lands covered by the application, offer, permit or lease in the same manner as is required under § 186.8. Such published notice shall notify whomever it may concern, that if any person claiming or asserting under, or by virtue of, any unpatented mining claim located prior to enactment of the act of August 13, 1954, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such Request for Publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice) a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; that such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(b) Such published notice shall conform to Form 4 appended to the regulations in this part.⁶

§ 186.12 *Mailing of copies of published notice.* Within fifteen days after the date of first publication, the person requesting such publication shall:

(a) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by the affidavit or affidavits of examination of the land filed, as set forth in § 186.9;

(b) Cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person who may, on or before the date of first publication, have filed for record, as to any lands described in the published notice, a Request for Notices, as provided in subsection (d) of section 7 of the act (see § 186.18),

(c) Cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the certificate required to be filed under § 186.9; and

(d) File in the office where the Request for Publication was filed an affidavit that copies have been delivered or mailed as herein specified. Notwithstanding the requirements in paragraphs (a), (b) and (c) of this section, not more than one copy of such notice need be delivered or mailed to the same person.

§ 186.13 *Service of copies; failure to comply.* If any applicant, offeror, permittee or lessee requesting publication of notice under these regulations

shall fail to comply with the requirements of section 7 (a) of the act as to a personal delivery or mailing of a copy of the published notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice shall in no manner affect, diminish, prejudice or bar any rights of that person.

§ 186.14 *Proof of publication.* After the period of newspaper publication has expired, the person requesting publication shall obtain from the office of the newspaper of publication, a sworn statement⁷ that the notice was published at the time and in accordance with the requirements under these regulations of this part, and shall file such sworn statement in the Land Office where the Request for Publication was filed.

§ 186.15 *Failure of mining claimant to file verified statement.* If any claimant under any unpatented mining claim located prior to enactment of the act on August 13, 1954, which embraces any of the lands described in any notice published in accordance with the regulations in this part shall fail to file a verified statement, as specified in such published notice (see § 186.11), within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in § 186.13:

(a) To constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and

(b) To constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation of Leasing Act minerals specified in section 4 of the act (see § 186.5), and

(c) To preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

§ 186.16 *Hearing; time and place.* If any verified statement shall be filed by a mining claimant as contemplated under § 186.11, then the Manager of the Land Office, or the Director, as may be appropriate, shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. Such place of hearing shall be in the county where the lands in question, or part thereof, are located, unless the mining claimant agrees otherwise.

§ 186.17 *Stipulation between parties.* If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement

⁷ 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

⁵ See footnote 5.

pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by the notice published pursuant to that request.

§ 186.18 *Hearing; procedure.* The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals, shall follow the Rules of Practice of the Department of the Interior and the Bureau of Land Management (43 CFR Part 221) relating to contests or protests affecting public lands of the United States.

§ 186.19 *Effect of decision affirming a mining claimant's rights.* If, pursuant to a hearing held as provided in the regulations of this part, the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under a mining claim as to Leasing Act minerals, then no subsequent proceedings under section 7 of the act and the regulations of this part shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim.

§ 186.20 *Recording by mining claimant of request for copy of notices.* (a) Section 7 (d) of the act provides that:

Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or, if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(b) Any request for a copy of notices recorded pursuant to the foregoing sec-

tion 7 (d) of the act, shall conform to Form No. 6, appended to the regulations in this part.⁵

§ 186.21 *Relinquishment by mining claimant of Leasing Act minerals.* Section 8 of the act provides that:

The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

§ 186.22 *Helium Reserves Nos. 1 and 2; conditions of opening to mining location and mineral leasing.* (a) Section 9 of the act provides that:

Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive Orders of March 21, 1924, and January 28, 1926; and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the FEDERAL REGISTER: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entrymen, locator, permittee, or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

(b) No mining location made and no application for permit or lease filed as to Helium Reserve land prior to the time of opening specified in the notice of opening published in the FEDERAL REGISTER will confer any rights on the locator or applicant.

§ 186.23 *Fissionable source materials; elimination of reservation in patents, etc.* Section 10 (c) of the act in its amendment of section 5 (b) 7 of the Atomic Energy Act of 1946 (60 Stat. 755) eliminated the requirement for a reservation of fissionable source materials in patents, conveyances, leases, permits or other authorizations as to public lands or their mineral resources granted by the United States after August 1, 1946, and provided that in cases where any patent, conveyance, lease, permit or other authorization has been issued which reserved to the United States fissionable source materials and the right to enter

upon the land and prospect for, mine and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit or other authorization without such reservation. The provisions of said section 10 (c) are reenacted in section 68 (c) of the Atomic Energy Act of 1954 (68 Stat. 921, 934)

§ 186.24 *Elimination of fissionable source materials reservation.* (a) Any person who holds a patent, conveyance, lease, permit or other authorization issued by the Department of the Interior through the Bureau of Land Management, with a fissionable source material reservation to the United States pursuant to section 5 (b) 7 of the Atomic Energy Act of 1946, prior to its amendment above referred to, and who is desirous of having such reservation eliminated from the patent, conveyance, lease, permit or other authorization, must file an application therefor in the Land Office of the Bureau of Land Management for the Land District in which the lands involved are situate.⁶ As to lands in States for which there are no Land Offices, such application must be filed with the Director of the Bureau of Land Management, Washington 25, D. C.

(b) Such an application must set forth the name and address of the applicant, must fully identify the instrument from which elimination of such reservation is sought, by serial number, date, name of patentee, grantee, lessee, permittee or other designated recipient of authorization, and must set forth the description of the lands to which the application relates.

(c) If the application is for a new or supplemental patent or other conveyance, the applicant must file with and in support of the application, an abstract of title certified by a duly authorized and licensed abstractor of titles, or a certificate of title certified by a duly authorized and licensed title company, certified in either instance to a date inclusive of the date of the filing of such application and showing the applicant to be the holder and owner, as to the lands covered by the application, of the rights granted by the original patent, or conveyance. Any new or supplemental patent, conveyance, lease, permit or other authorization, issued pursuant to such application, will be issued in the name of the applicant. The successor to any original lease, permit or holder of other authorization is shown by the records of the Bureau of Land Management.

(d) If, as to any lands covered by a patent containing a fissionable source material reservation, any rights have been granted by the United States pursuant to such reservation, then any new or supplemental patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

(e) An application for a new or supplemental lease, permit or other authorization, must be filed by the record

⁵ See footnote 5.

⁶ See footnote 6.

holder and owner of such lease, permit or other authorization as shown by the records of the Bureau of Land Management.

(f) If the application (and supporting abstract of title or title certificate, where required) be found to comply with the regulations, in this part, the Manager of the Land Office, will:

(1) Where the application is for a new or supplemental patent or conveyance, transmit the application, including the supporting abstract or title certificate, to the Director of the Bureau of Land Management for appropriate action; or

(2) Where the application is for a new or supplemental lease, permit or other authorization, will forward to the applicant a supplement to and modification of the lease or permit or other authorization setting forth that the fissionable source material reservation of the original lease, permit or other authorization is thereby eliminated from said original lease, permit or other authorization insofar as it relates to the lands covered by the application. No execution by an applicant of a so-issued supplemental and modification instrument shall be required. Such supplemental and modification instrument shall be in accordance with the form hereto attached.*

(g) Appropriate notation shall be made upon the records of the Land Office in which any application was filed of the issuance pursuant thereto of a new or supplemental patent, conveyance, lease, permit or other authorization.

§ 186.25 *Mining locations for fissionable source materials.* (a) In view of the amendment of section 5 (b) (7) of the Atomic Energy Act of 1946 by section 10 (c) of the act of August 13, 1954 (68 Stat. 708) and of the provisions of the Atomic Energy Act of 1954 (68 Stat. 921) it is clear that after enactment of said act of August 13, 1954, valid mining locations under the mining laws of the United States may be based upon a discovery of a mineral deposit which is a fissionable source material.

(b) As to mining locations made prior to the enactment of said act of August 13, 1954, section 10 (d) of the act provides:

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly sec. 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly sec. 3 thereof, any mining claim, heretofore located under the mining laws of the United States for or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

[F. R. Doc. 55-2049; Filed, Mar. 8, 1955; 11:04 a. m.]

*Not filed with the original document.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO-173-A7]

HANDLING OF MILK IN WICHITA, KANSAS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS 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.), hereinafter referred to as the act and the applicable rules of practice and procedure, as amended, governing proceedings to formulate 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 Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area.

Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th 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 proposed marketing agreement and order were formulated, was conducted at Wichita, Kansas, on January 27, 1955, pursuant to notice thereof which was issued January 13, 1955 (20 F. R. 401,491)

The material issues of the hearing related to:

1. The pricing of Class II milk for the months of March through June of each year;
2. The conditions under which a cooperative association should be defined as a handler;
3. Clarification of pool plant requirements when milk is moved between plants;
4. Dates of payments;
5. Mid-month advance payments; and
6. Methods of reporting information to cooperative associations.

Consideration has already been given to issue number one with respect to milk delivered in the month of March 1955. The longer range aspects of that issue and all other issues are considered in this decision.

Findings and conclusions. The following findings and conclusions are made upon the basis of the testimony received at the hearing and the record thereof:

1. The price for Class II milk for all months of the year should be the higher of the U. S. average price paid for manufacturing milk or the average of the prices paid for milk by four Kansas milk manufacturing plants. This is the price presently provided in the order for the months of July through February; for

the months of March through June the Class II price now is the price paid by the four Kansas plants.

The present Class II pricing provisions were included in the Wichita order April 1, 1954. For the last nine months of 1954 the U. S. average manufacturing milk price exceeded the four-Kansas-plant price each month by from 11.0 to 17.7 cents, averaging 15.2 cents. During this period the principal cooperative association representing producers in the market has marketed a substantial volume of Class II milk to non-pool plants. Upon the basis of this experience this association proposes that the Class II pricing provisions applicable for the months of July through February should also apply for the months of March through June.

Increases in the volume of Class II milk in spring months are not as substantial in the Wichita market as in some other markets. This is due to the comparatively level pattern of production in the Wichita market. The ability of the cooperative association to market Class II milk to manufacturing plants relieves handlers of any problem in finding a market for milk receipts beyond their own needs. Experience of the past year indicates that there is no need to continue in the order the provision for a lower Class II price in spring months as an assurance that all milk will be handled. Substantial volumes of Class II milk priced at the U. S. average price have been marketed without loss. It is concluded that the pricing provisions now used for the months of July through February should be adopted for all months of the year.

2. Provision should be made to permit a cooperative association to report to the market administrator with respect to all milk delivered during the month by any member producers whose milk the cooperative association diverts for its account to an unapproved plant at any time during the month, and with respect to milk of its members delivered to the regulated plant of another cooperative association; for any such milk received at a regulated plant the order should require the receiving handler to pay the cooperative association the appropriate class price of the order.

The Wichita order presently provides that a cooperative association shall be defined as the handler with respect to the milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of the cooperative association. Except as the operator of an approved plant a cooperative association is not otherwise defined as a handler under the order.

Marketing practices which have arisen in the market comparatively recently make it desirable that a cooperative association be the reporting handler with respect to certain other milk. The bargaining cooperative association representing Wichita producers now markets a substantial part of the reserve milk supply of the market by diversion to unapproved plants. As Class I needs of the market require some of this milk, it is the practice of the association to supply it by shifting producers to handlers' plants as

needed. Such shifts are sometimes of short duration. In some cases it has been necessary to shift certain producers whose milk the association diverted at some time during a month to more than one handler's plant during the same month. Occasions have also arisen when the bargaining association delivered milk of its members to a regulated plant operated by another cooperative association.

Reporting and accounting difficulties arise when a single producer's milk is accounted for part of the month by the cooperative association and for the remainder of the month by the handler. Producers and handlers are in agreement that in situations such as those outlined above, operations under the order and relationships with producers would be improved if the association acted as the handler for each producer's deliveries for the entire month, collecting class prices for milk delivered to the approved plant of another handler. When deliveries are made to the approved plant of another cooperative association, membership relationships of each association with its members are improved if each acts as the reporting handler with respect to milk of its members.

It is concluded that the order should define a cooperative association as the handler with respect to milk of any producer delivered to an approved plant in any month in which the association is a handler with respect to milk of the same producer by virtue of diversion to an unapproved plant, and also with respect to all milk of its member producers delivered to the approved plant of another cooperative association. The handler who receives any milk for which a cooperative association is so defined as the handler should be required to pay not less than the appropriate class prices therefor. The present provisions for classification of milk transferred between handlers provide appropriate means for establishing classification for the limited volume of milk for which it is likely that a cooperative association will qualify as a handler under such provisions.

3. The language of the pool plant requirements should be clarified with respect to the credit for Class I disposition when milk is transferred between approved plants.

Class I disposition as a percentage of receipts of milk from producers determines pool plant status under the Wichita order. The record indicates that some question has arisen concerning credit for Class I disposition when milk moves between plants. In one particular case in the Wichita market one plant bottles for another plant the second plant's entire needs of half gallon packages, and the bottling plant plans its supply of milk to include the needs for such milk. In such case it appears that the Class I sales of such packages should for purposes of pool plant determination be credited to the bottling plant. On the other hand, except for such unusual circumstance, it would appear that Class I credit allowed for pool plant qualification with respect to milk moved to another approved plant should be limited to that which must be

classified as Class I milk in order to protect the prior claim producer milk has to Class I utilization.

4. The required date of final payment to producers should be specified as two working days after the 10th of the month, instead of the 12th of the month as presently specified. This will permit proper time for computation of payments on occasions when holidays and non-work days fall on the 11th day or 12th of the month. The uniform price is announced by the 10th day of the month and the two days presently provided are sufficient for computation of payments except when holidays and non-work days interfere.

The date for payments to the producer settlement fund should be advanced from the 12th of the month to the 11th, but the date of payments from the fund should remain on the 12th. This will facilitate clearance of pool balances.

No change need be made in the requirement that payment of billings resulting from audit adjustments should be made within 5 days of presentation. It was proposed that payment of such billings be at the next regular date of payment of pool balances. Such an arrangement might provide less than the five days now provided.

5. The order should provide a more specific minimum advance payment with respect to milk delivered during the first 15 days of the month.

The order presently provides that handlers shall make payment by the 27th of the month at the approximate value of milk delivered the first 15 days of the month. This requirement is indefinite in nature.

A definite rate of payment should be specified at not less than 110 percent of the Class II price of the preceding month, without adjustment for butterfat or deduction for hauling and advance payment should not be required to be made to any producer who has discontinued delivery to the handler. Such provisions will provide for simplicity of computation of the minimum advance and avoid likelihood that the required advance may exceed the final settlement for milk delivered throughout the month, from which final settlement the advance is deductible.

6. More latitude may be provided with respect to the means whereby a cooperative association is informed concerning individual deliveries of its member producers. The order presently requires that handlers supply such information by the 12th of the month when remitting marketing service deductions. Handlers and the cooperative association agree that definite time and manner of submitting such information need not be detailed in the order if the right of the association to the information upon request is included. Such a change will provide desirable flexibility in the means whereby the information is furnished.

General findings. (a) The proposed marketing agreement and the 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 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.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Delete § 968.8 (c) and substitute therefor the following:

(c) For the purpose of this decision the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

(2) Milk for which a cooperative association which does not operate a plant is defined as the handler pursuant to § 968.9 (b) shall be deemed to have been received by such cooperative association at a pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited as a Class I disposition of the transferring plant only to the extent that classification as Class

I milk is required pursuant to § 968.44 (a) (2)

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

2. Delete § 968.9 (b) and substitute therefor the following:

(b) Any cooperative association with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted to an unapproved plant for the account of such cooperative association;

(2) The milk of any producer delivered to the approved plant of another handler during the same month in which such cooperative association is the handler pursuant to subparagraph (1) of this paragraph with respect to any milk of such producer; and

(3) The milk of any member producer delivered for the account of such cooperative association to the approved plant of another cooperative association.

3. Delete § 968.51 (b) and substitute therefor the following:

(b) *Class II milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture.

Present Operator and Location

Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Bennett Creamery Co., Ottawa, Kans.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Iola, Kans.

(2) The average price reported by the United States Department of Agriculture for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

4. In § 968.80 (a) delete "12th day" and substitute therefor the following: "second working day following the 10th day."

5. Delete § 968.80 (b) and substitute therefor the following:

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class II price for 3.8 percent milk for the preceding month, without deduction for hauling.

6. Add the following as § 968.80 (d)

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.9 (b) (2) or (3), not less than the value of such milk as classified pursuant to § 968.44 (a) at the applicable respective class price(s).

7. In § 968.83 delete "12th day" and substitute therefor "11th day"

8. Delete the last sentence appearing in § 968.86 (b) and substitute therefor the following: "When requested by the cooperative association, a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test."

Filed at Washington, D. C., this 4th day of March 1955.

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

[F. R. Doc. 55-2009; Filed, Mar. 8, 1955; 8:53 a. m.]

Agricultural Research Service

17 CFR Part 319 I

FOREIGN QUARANTINE NOTICES

FOREIGN COTTON AND COVERS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160) is considering amending Subpart—Foreign Cotton and Covers, in the following respects:

a. Amend § 319.8-1 as follows:

1. Redesignate paragraphs (g), (h), (i), (j), (k), (l) (m), (n), (o), (p), (q) (r), (s) (t), (u) (v) (w), (x), (y) and (z) thereof, respectively, as paragraphs (h) (i) (j) (k) (l) (m), (n), (o) (p), (q) (r) (s), (t), (u), (v), (y), (z), (aa), (bb), and (cc)

2. Add new paragraphs (g), (w), and (x) to read as follows:

(g) *Gin trash.* All of the material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton except the lint, cottonseed, and gin waste. Gin trash shall be subject to the same regulations as hereinafter applicable to seed cotton and cottonseed.

(w) *Approved fumigation facilities.* Approved vacuum fumigation plant at a port where an inspector is available to supervise the fumigation.

(x) *Utilization.* Processing or manufacture at a mill or plant specifically approved by the Chief of the Branch in lieu of fumigation at time of entry.²

3. Amend § 319.8-1 (f) and redesignated (r) to read as follows:

²A list of approved mills and plants may be obtained from the Plant Quarantine Branch, Room 406, U. S. Appraisers Stores, 408 Atlantic Ave., Boston 10, Mass.

(f) *Waste.* All forms of cotton waste derived from the manufacture of cotton lint, in any form or under any trade designation, including gin waste (but excepting gin trash as defined in paragraph (g) of this section) and thread waste; and waste products derived from the milling of cottonseed.

(r) *West Coast of Mexico.* The State of Sinaloa, the State of Sonora (except that part of the Imperial Valley lying between San Luis Mesa and the Colorado River) and the Territory of Baja California, in Mexico.

b. Amend § 319.8-2 as follows:

1. Delete § 319.8-2 (c)

2. Redesignate paragraphs (d), (e) (f), (g), and (h) thereof, respectively, as paragraphs (c) (d), (e) (f) and (g)

3. Amend redesignated § 319.8-2 (e) to read as follows:

(e) Upon receipt of an application to import lint, linters, waste, or covers without fumigation, for utilization under agreement as defined in § 319.8-8 (a) (2), an investigation will be made by an inspector to determine that the receiving mill or plant is satisfactorily located geographically, is equipped with all necessary safeguards, and is apparently in a position to fulfill all precautionary conditions to which it may agree. Upon determination by the inspector that these qualifications are fulfilled, the owner or operator of the mill or plant may sign an agreement specifying that the required precautionary conditions will be maintained. Such signed agreement will be a necessary requisite to the release at the port of entry of any imported lint, linters, waste, or covers for forwarding to and utilization at such mill or plant in lieu of vacuum fumigation or other treatment otherwise required by this subpart. Permits for the importation of such materials will be issued in accordance with paragraph (a) of this section.

c. Amend § 319.8-5 to read as follows:

§ 319.8-5 *Marking of containers.* Every bale or other container of lint, linters, waste, or covers imported or offered for entry shall be plainly marked with a bale number or other mark to distinguish it from other bales or containers. Bales of lint and linters from contiguous areas of Mexico, the West Coast of Mexico, and the Imperial Valley of Mexico shall, in addition, be tagged or otherwise marked to show the gin or mill or origin, unless for immediate export.

d. Redesignate § 319.8-6 as § 319.8-8 and amend the same as follows:

1. Amend redesignated § 319.8-8 (a) (1) (i), (ii), and (iii) to read as follows:

(1) (i) Entry of lint, linters, and waste compressed to high density will be authorized, subject to vacuum fumigation, at any port where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste arriving at a northern port where there are no approved fumigation facilities may be entered for transportation in bond to another northern port where such facilities are available for fumigation.

(iii) Importations of such lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered only (a) for immediate transportation in bond by all-water route to a port where approved fumigation facilities are available, there to receive the required fumigation before release, or (b) for immediate transportation in bond by all-water route to a northern port for entry without vacuum fumigation for utilization as provided for in subparagraph (2) of this paragraph.

2. Amend the opening paragraph of redesignated § 319.8-8 (a) (2) to read as follows:

(2) Entry of lint, linters, and waste compressed to high density will be authorized without vacuum fumigation at any northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch to the effect that, in consideration of the waiving of vacuum fumigation as a condition of entry and the substitution of approved utilization therefor:

3. Amend redesignated § 319.8-8 (b) (1) (i) (ii) and (iii) to read as follows:

(1) (i) Entry of lint, linters, and waste, uncompressed or compressed below high density, will be authorized, subject to vacuum fumigation, through any northern port, through any port in the State of California, and through any port on the Mexican Border, where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste arriving at a northern port where there are no approved fumigation facilities may be entered only for immediate transportation in bond to another northern port where such facilities are available, for fumigation.

(iii) Importations of such lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered only (a) for immediate transportation in bond by all-water route to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, (b) if compressed below high density, for immediate transportation in bond by all-water route to a northern port for entry without vacuum fumigation for utilization as provided for in paragraph (a) (2) of this section, or (c) if uncompressed waste derived from cotton milled in a non-cotton-producing country² for immediate transportation in bond by all-water route to a northern port for entry without vacuum fumigation for utilization as provided for in paragraph (a) (2) of this section.

²For the purposes of this subpart the following countries are considered as non-cotton-producing countries: Austria, Belgium, Canada, Denmark, Elre, Finland, France, Germany, Great Britain (United Kingdom), Iceland, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden, and Switzerland.

4. Amend redesignated § 319.8-8 (b) (2) to read as follows:

(2) Entry without vacuum fumigation will be authorized for compressed lint, linters, and waste and for uncompressed waste derived from cotton milled in non-cotton-producing countries,² arriving at a northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch as provided for in paragraph (a) (2) of this section.

e. Redesignate § 319.8-7 as § 319.8-6, and delete from the first sentence therein the words "from countries other than Mexico."

f. Redesignate § 319.8-19 as § 319.8-7.
g. Redesignate § 319.8-8 as § 319.8-9, and amend it to read as follows:

§ 319.8-9 *Covers.* (a) Entry of covers which have been used with foreign cotton (1) will be authorized, subject to vacuum fumigation, through northern ports, or ports in the State of California, (2) may be authorized, without vacuum fumigation, through northern ports, or ports in the State of California for movement of the covers to an approved mill or plant, the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8-8 (a) (2) provided that movement from a California port to another port for utilization shall be by an all-water route, and (3) may be authorized, without vacuum fumigation, through Mexican Border ports named in the permits for vacuum fumigation in parts of the United States designated as pink bollworm regulated areas in § 301.52-2 of this chapter. Any covers which have been previously used with root crops and the importation of which the inspector finds involves the risk of introducing plant pests associated with such crops may be entered only in accordance with paragraph (d) of this section.

(b) Covers used solely to cover cotton, requiring vacuum fumigation as a condition of entry, which arrive at a port other than a northern port, at which port approved fumigation facilities are not available, may be entered for immediate transportation in bond by all-water route to a northern port, or to a California port where such facilities are available, for vacuum fumigation or forwarding to an approved mill for utilization, provided that such forwarding may not be made overland from a northern port to a California mill.

(c) Covers of the kinds ordinarily used for wrapping or containing cotton, grain, or root crops but which have not been so used, and American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only, may enter at any port under permit and upon compliance with §§ 319.8-4 and 319.8-5, without vacuum fumigation or other treatment.

(d) Bags, slit bags, parts of bags, and other covers, of the type used for root crops or which have been used for root crops may be entered subject to immediate treatment in such manner

and according to such method as the inspector may select from administratively authorized procedures known to be effective under the conditions under which the treatment is applied, except that such articles are enterable from Canada without treatment as prescribed in this paragraph unless they are found to be contaminated with the golden nematode; and, in addition to any safeguard measures to be prescribed by the inspector pursuant to § 319.8-23, the inspector may also prescribe the manner of discharge from the carrier and conveyance to the place of treatment. If suitable treatment facilities are not available at the port of first arrival the inspector may require the shipment to move in bond via an all-water route to a port where such facilities are available. In the event bags, slit bags, or parts of bags, or other covers are classified by the inspector as falling under the requirements of paragraph (e) of this section, as well as this paragraph, the requirements of this paragraph shall be met as a condition of entry and, if deemed necessary by the inspector, the requirements under paragraph (e) of this section shall also be met as a further condition of entry.

(e) Bags, slit bags, parts of bags, and covers that have been used as containers of wheat or wheat products that have not been so processed as to have destroyed all flag smut disease spores, or that have been used as containers of field seeds separated from wheat during the process of screening, coming from a country named in § 319.59, the quarantine on account of the flag smut disease³ may be entered subject to immediate treatment at the port of arrival if intended for reuse here as grain containers, or if not so intended may enter subject to movement to an approved mill or plant, the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8-8 (a) (2)

(f) Bags, slit bags, parts of bags, and other covers that have been used for grains exported from the United States and returned thereto empty without use abroad, may be entered without permit other than the authorization provided in this paragraph upon presentation to an inspector of satisfactory evidence of their origin and subsequent handling.

(g) Entry of bags, slit bags, parts of bags, and other covers from any country will be authorized without treatment but upon compliance with other applicable requirements of this subpart if the inspector finds that they have obviously not been used in a manner that would contaminate them, or when in the in-

³The countries named in §§ 319.59, 319.59-1 et seq., the Flag Smut Disease Quarantine, are Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including but not limited to Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cypress, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen.

spector's opinion, there is no pest risk associated with their entry.

(h) The finding, in any bale, of bags, slit bags, parts of bags, or other covers that are subject to any provision of this section, will subject all bales in the shipment to the most stringent requirements of this section applicable to such bags, slit bags, parts of bags, or other covers found in the one bale. However, in the case of bales of American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only, if there appear attached to such material patches of the finer burlaps or other fabrics which, in the opinion of the inspector, are strictly in the nature of patches and represent such an inconsiderable proportion as not to affect the character of the bale as a whole, the presence of such patches may be disregarded, if they cover less than one side of a bale, and if, in the judgment of the inspector, they do not present a risk of golden nematode or flag smut introduction. Use of materials as marking patches which fall under the provisions of paragraph (d) or (e) of this section may subject the entire shipment to the requirements of such provisions.

h. Redesignate § 319.8-9 as § 319.8-10 and amend as follows:

1. Delete paragraph (b) and redesignate paragraphs (c) and (d) as (b) and (c)

2. Amend redesignated § 319.8-10 (a) (1) and (2) to read as follows:

(a) *Lint, linters, and waste.* (1) Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into contiguous areas of Mexico of cotton and covers grown or handled in other parts of Mexico infested with the pink bollworm or in countries other than Mexico or the United States, the entry of lint, linters, and waste that have been certified by an inspector as having been produced in the contiguous areas of Mexico and as having been handled under sanitary conditions paralleling those required by § 301.52-1 et seq. of this chapter for like products originating in adjacent parts of the United States designated as pink bollworm regulated areas in § 301.52-2 of this chapter or amendments thereof, will be authorized through ports on the Mexican Border named in the permits for movement into such regulated areas of the United States. Gin and oil mill wastes from the contiguous areas of Mexico may be similarly authorized entry subject to treatment under supervision of an inspector according to procedures administratively approved under § 301.52 et seq. of this chapter as a prerequisite for movement out of an area regulated on account of pink bollworm. Such lint, linters, and waste must be in covers free of contamination to the satisfaction of the inspector. Upon arrival at such ports, the lint, linters, and waste will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of § 301.52-1 et seq. of this chapter, applicable to like products produced in the area into which the importation is made.

(2) If the Chief of the Branch or the inspector finds that effective quarantines are not so maintained by Mexican officials, or if an inspector is unable to certify lint, linters, or waste as specified in subparagraph (1) of this paragraph, entry will be refused under this section and will only be authorized in accordance with the requirements of § 319.8-8, or as provided in § 319.8-13.

1. Amend § 319.8-10 as follows:
1. Redesignate this section as § 319.8-11.

2. Amend redesignated § 319.8-11 (a) and (b) to read as follows:

(a) *Compressed lint and linters.* Contingent (1) upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the West Coast of Mexico of cotton and covers grown or handled in parts of Mexico infested with the pink bollworm or in countries other than Mexico or the United States, and (2) upon continued freedom of this area from infestation with the pink bollworm, the entry of lint and linters that are compressed and that originate in the West Coast of Mexico will be authorized through such ports as are specified in the permits. If the Chief of the Branch or the inspector determines that either of these contingencies is not met, entry will be refused under this paragraph and will only be authorized in accordance with the requirements of § 319.8-8, or as provided in § 319.8-13.

(b) *Uncompressed lint and linters.* Uncompressed lint and linters from the West Coast of Mexico in covers free of contamination to the satisfaction of the inspector may be entered for immediate transportation in bond to a port designated by the inspector and by a route selected by him from a list of administratively approved ports and routings available to him, for compression, vacuum fumigation, or immediate exportation, or such material may be entered for movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch similar to that described in § 319.8-8 (a) (2)

j. Redesignate § 319.8-11 as § 319.8-12.
k. Redesignate § 319.8-12 as § 319.8-13 and amend the same to read as follows:

§ 319.8-13 *Special authorization for lint, linters, and waste from Mexico.* (a) Compressed lint, linters, and waste originating in the contiguous area of Mexico, the West Coast of Mexico, or the Imperial Valley of Mexico, which are not eligible for entry under §§ 319.8-10 through 319.8-12, and from all other areas of Mexico, may be entered under permit at ports on the Mexican Border named in the permits, for movement via rail, over specified routes if required by the inspector, to (1) New Orleans, La., for vacuum fumigation or immediate exportation, (2) an approved mill or plant in the north, or other designated plants for manufacture into cellulose, the owner or operator of which has executed an agreement with the Branch as provided in § 319.8-8 (a) (2), or (3) north-

ern ports for vacuum fumigation or exportation.

(b) Uncompressed lint, linters, and waste are enterable only at Mexican Border ports specified in the permits (1) for movement to Fabens, Tex., for vacuum fumigation after which they will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of § 301.52-1 et seq. of this chapter applicable to like products produced in the area into which the importations is made, or (2) for compression at designated places located in parts of the United States designated as pink bollworm regulated areas in § 301.52-2 of this chapter. After compression such lint, linters, and waste may be moved under the same conditions as described under paragraph (a) of this section.

(c) All such lint, linters, and waste enterable under this section must be in covers uncontaminated with uncrushed cottonseed to the satisfaction of the inspector.

1. Redesignate § 319.8-13 as § 319.8-14.
m. Redesignate § 319.8-14 as § 319.8-15.

n. Redesignate § 319.8-15 as § 319.8-16, and amend the same to read as follows:

§ 319.8-16 *Importation for exportation, and importation for transportation and exportation; storage.* (a) Importation of cotton and covers for exportation, or for transportation and exportation in accordance with this subpart shall also be subject to §§ 352.1 through 352.8 of this chapter, and amendments thereof.

(b) Importation at northern ports of unfumigated lint, linters, waste, cottonseed cake, cottonseed meal, and covers used only for cotton, for exportation or for transportation and exportation through another northern port, may be authorized by the inspector under permit if, in his judgment, such procedures can be authorized without risk of introducing the pink bollworm.

(c) Importation, for purposes of storage in Customs custody pending exportation, of lint, linters, and waste, compressed to high density, will be authorized under permit at any port where approved vacuum fumigation facilities are available, or may hereafter be made available, and where there are inspectors at the port to supervise such storage, if the bales of such material are free of surface contamination, subject to segregation from other cotton and covers satisfactory to the inspector and to such collection and disposal of waste as may be required under § 319.8-23.

(d) Except as provided in § 319.8-22 (a) (4), compressed lint, linters, and waste, uncompressed waste derived from cotton milled in a non-cotton-producing country, and covers, arriving at a port in the north for entry for exportation, vacuum fumigation, or utilization in accordance with the requirements in this subpart, may be allowed movement in Customs custody for storage at a point in the north pending such exportation, movement to an approved mill or plant for utilization, or to an approved plant for vacuum fumigation, when there are inspectors available to supervise such

storage, if the bales are free of surface contamination, subject to segregation from other cotton and covers satisfactory to the inspector, and to such collection and disposal of waste as may be required under § 319.8-23. Such lint, linters, waste, and covers shall remain under Customs custody until released by the inspector.

(e) Importation of lint, linters, and waste from Mexico for transportation and exportation will be authorized under permit if such material is compressed before, or immediately upon entering into the United States, or is compressed while en route to the port of export at a compress specifically authorized in the permit. The ports of export which may be named in the permit shall be limited to those that have been administratively approved for such exportation.

(f) Importation of uncompressed lint, linters, and waste from Mexico will be authorized under permit at Brownsville, Texas, for exportation. Importation of such material may also be authorized at such other ports and under such conditions as may be designated in the permits for transportation to and exportation from the designated ports.

o. Redesignate §§ 319.8-16, 319.8-17, and 319.8-18, respectively, as §§ 319.8-17, 319.8-18, and 319.8-19.

p. Amend § 319.8-20 to read as follows:

§ 319.8-20 *Release of cotton and covers after 18 months' storage.* Cotton and covers, the entry of which has been authorized subject to vacuum fumigation or other treatment because of the pink bollworm only, and which have not received such treatment but have been stored for a period of 18 months or more in a port in the north, in a location within the pink bollworm regulated area designated in § 301.52-2 of this chapter, or other places as may be authorized, will be released from further plant quarantine entry restrictions.

q. Amend § 319.8-22 (a) (4) to read as follows:

(4) Prompt vacuum fumigation of cotton and covers (other than high density cotton free of surface contamination) will be required at non-northern ports. Similar prompt vacuum fumigation will be required at Norfolk, Va., during the period June 15 to October 15 of each year, except for covers which have been used to contain only lint, linters, or waste, the bales of which are compressed to a density of 28 or more pounds per cubic foot and are free of surface contamination.

(r) Make appropriate changes in the cross references throughout the subpart to conform to redesignations.

The purposes of this revision are to provide for relaxation in some of the requirements for entry of cotton and covers where experience with trade practices and in enforcement of the regulations has shown they can be relaxed without increasing the hazard of pest introduction; and to extend the requirement for fumigation of bagging used for root crops, or of a kind used for root crops,

to all such material regardless of origin, except that imported from Canada, because of the impracticability of determining whether or not such bagging has previously been used for root crops produced on soil infested with the golden nematode, and because of the present lack of knowledge concerning golden nematode distribution in foreign countries. Other changes are proposed in the text for the sake of clarity.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply sec. 5, 7, 37 Stat. 316, 317, as amended; 7 U. S. C. 159, 160)

Done at Washington, D. C., this 3d day of March 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-1967; Filed, Mar. 8, 1955; 8:45 a. m.]

ment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: March 2, 1955.

Released: March 4, 1955.

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

[F. R. Doc. 55-2004; Filed, Mar. 8, 1955; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 11297; FCC 55-268]

TELEVISION BROADCAST STATIONS
TRANSMITTER LOCATION AND ANTENNA
SYSTEM

1. Notice is hereby given of proposed rule making in the above-entitled matter.
2. The Commission's rules presently do not require that television antennas and transmitters be located within any specific distance from the community to be served. On December 14, 1954, Lake Huron Broadcasting Corporation, permittee of television station WKNX-TV on Channel 57 in Saginaw, Michigan, filed a petition requesting the amendment of § 3.685 of the Commission's rules governing television broadcast stations by adding the following to paragraph (j)

(1) Subject to subparagraphs (2) and (3) of this paragraph, no application will be granted proposing location of the antenna more than five miles from the nearest border of the city limits or boundary of the city listed in the Table of Assignments to which the channel applied for has been assigned.

(2) The foregoing provisions may be waived only upon verified, written request by the applicant, and only if the Commission shall find that public interest, convenience or necessity would be better served by location of the transmitter or as proposed instead of within said five mile limit.

(3) Any such request for waiver shall set forth, under oath, the facts and reasons warranting such a finding and shall include the following information:

(i) A map showing the field intensity contours of the minimum signal required to be placed over the principal city, the Grade A field intensity contour and the Grade B field intensity contour, operating with the heights and powers specified by the applicant; and maps showing the said contours at four separate locations at assumed points five miles

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11296; FCC 55-267]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations; Docket No. 11296.

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

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Mountain Park, N. Mex.-----	-----	260

3. The purpose of the proposed amendment is to provide a Class B channel in Mountain Park, New Mexico, thereby facilitating consideration of a pending application for a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 1, 1955 a written statement or brief setting forth his comments. Comments in support of the proposed amend-

from the boundaries in directions north, south, east and west of the center of the city listed in the Table of Assignments to which the channel applied for has been assigned, assuming operation with maximum power at 1,000 feet where it is proposed to locate the antenna in Zone I, and with maximum power at 2,000 feet where it is proposed to locate the antenna in Zones II and III; such maps should each be drawn to a sufficiently large scale to show clearly the boundaries of the principal community to which the channel has been assigned.

(ii) The populations within the respective contours shown in said maps.

(iii) The other television services available under existing authorizations and the Table of Assignments within the several contours shown in such map. (This may be shown by appropriate maps.)

(iv) A full disclosure of all understandings and agreements, oral or written, with any network organization or representatives thereof pertaining to network affiliations or pertaining to the availability of network programs contingent upon the proposed location of the antenna.

(v) A full disclosure of applicant's known plans with respect to the location of all studios, main or otherwise, the hours of local programming, and a description of the general nature thereof, proposed to be provided through each main studio.

(vi) A full disclosure of all of applicant's reasons for proposing the location of the antenna outside the five-mile limit.

3. Lake Huron also requests that, until final determination of its petition, the Commission withhold action on any application hereafter filed which would be inconsistent with the provisions of its proposed rule.

4. Lake Huron urges, in support of its proposal, that the purpose of the proposed rule is to require that television channels be employed to serve primarily the communities and areas for which the channels have been assigned in order to insure that the channels will be used in a manner consistent with a fair efficient, and equitable distribution of service as contemplated by the basic television assignment plan, and to prevent a relative concentration of service in particular areas and communities at the expense or to the detriment of other areas and communities. Although Lake Huron concedes that the Commission has on a number of prior occasions stated that approval of the location of sites at points substantially distant from the principal city to which the channel has been assigned would be determined on a case-to-case basis, it urges that the facts and criteria which could assist the Commission in reaching a determination on the individual cases have not been delineated. Lake Huron suggests that its proposed rule would afford the Commission a basis for effectuating its policy by obtaining the information necessary to reach a determination on the individual cases. It is also submitted that the proposed rule would afford applicants a guide as to the nature of the showing required in justifying the

location of a site at a distance from the city to be served. Lake Huron urges that its proposed rule is not unduly restrictive or unreasonable, and suggests that it would be analogous to the present main studio rule, which while specifying a definite limitation on the location of the main studio, permits a waiver upon appropriate showing. On January 28, 1955, WJR, The Goodwill Station, Inc., permittee of television station WJRT, authorized to operate on Channel 12 in Flint, Michigan, filed an opposition to the Lake Huron petition.

5. The Commission is of the view that a rule limiting the distance that a transmitter and antenna site may be located from the principal community to be served should be adopted. The Commission believes that such sites should be located within five miles of the nearest border of the principal community to be served unless a showing is made that good cause exists for locating the transmitter outside this area. Where a transmitter cannot be located within five miles of the principal city because of such factors as air hazard considerations or local zoning restrictions, or where the applicants establish good cause for locating the site outside the five-mile area, the Commission would permit the location of sites beyond the five-mile area. The proposal advanced by Lake Huron would require applicants seeking a waiver of the rule to present a detailed verified showing supporting the request. The Commission sees no necessity for the request for waiver to be under oath. Furthermore, the Commission believes that some of the detailed information that would be required to be submitted under the Lake Huron proposal would be unnecessary and impracticable in many cases in order for the Commission to reach a determination as to the necessity for permitting a site to be situated beyond the five-mile area. Accordingly, the Commission is proposing to amend § 3.685 of its rules by adding the following subparagraphs to paragraph (j)

(1) Subject to subparagraphs (2) and (3) of this paragraph, no application will be granted proposing the location of the antenna more than five miles from the nearest border of the city limits or boundary of the principal city to be served.

(2) The foregoing provision may be waived only upon written request by the applicant if the Commission shall find that the public interest, convenience or necessity would be better served by the location of the antenna as proposed instead of within the five-mile limit.

(3) Any request for waiver shall set forth the facts and reasons warranting such a finding and shall include the following information:

(i) A full disclosure of all understandings and agreements, oral or written, with any network organization or representatives thereof, pertaining to network affiliations or pertaining to the availability of network programs contingent upon the proposed location of the antenna.

(ii) A full disclosure of the applicant's known plans with respect to the location of all studios, main or otherwise, the hours of local programming, and a description of the general nature thereof,

proposed to be provided through each such studio.

(iii) A full disclosure of all of the applicant's reasons for proposing the location of the antenna outside the five-mile limit and the facts which the applicant believes demonstrate that locating the antenna as proposed would better serve the public interest, convenience and necessity.

6. Lake Huron requests that the Commission withhold action on applications which may be inconsistent with its proposal during the pendency of this proceeding. It is the Commission's view, however, that it should continue to consider applications which propose to locate transmitter and antenna sites at some distance from the principal community to be served on a case-to-case basis as it has been doing. The Commission believes that there is no necessity for withholding action on such applications until this proceeding is completed.

7. Authority for the issuance of the proposed amendment is contained in sections 4 (l), 303 (a) (b) (c) (d) (e) (f) (g), (r) and 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the amendment proposed should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 15, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: March 2, 1955.

Released: March 3, 1955.

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

[F. R. Doc. 55-2005; Filed, Mar. 8, 1955;
8:52 a. m.]

[47 CFR Part 3]

[Docket No. 11233]

RADIO BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING
COMMENTS

In the matter of amendment of Part 3
of the Commission's rules and regula-

tions and the Standards of Good Engineering Practice concerning bandwidth and spurious emissions of AM and FM stations; Docket No. 11233.

1. On December 9, 1954, the Commission issued a notice of proposed rule making (FCC 54-1518) in the above-entitled proceeding which specified that comments should be filed on or before March 7, 1955, with replies to comments due 10 days thereafter.

2. On February 28, 1955, the National Association of Radio and Television Broadcasters (NARTB) filed a request for extension of time in which to file comments to September 1955 or March 1956. NARTB states that further time is necessary in order that more information can be obtained relating to interference produced by transmitters operating in the aural broadcast service to determine whether the proposed limits are appropriate.

3. WFBR, the Baltimore Radio Show, Inc., by letter dated February 4, 1955, also requests a six months' extension of time in order to make measurements and tests on their own operation and to cooperate with appropriate industry committees to secure quantitative information on spurious radiation.

4. Kear and Kennedy, Consulting Engineers, in a letter dated February 17, 1955, on behalf of Sarkes Tarzian, Inc., also request a one-year extension so that they, together with other broadcast station licensees and NARTB, can make studies of the matter.

5. The Commission is of the view that an extension of time for the filing of comments in the above-entitled proceeding would serve the public interest, convenience, and necessity and is warranted. We believe, however, in view of the work already done by the Radio-Electronics-Television Manufacturers Association (RETMA) in this field, that the necessary information can be submitted by June 6, 1955, and that it is not necessary to extend the time for filing comments beyond this date.

6. In view of the foregoing: *It is ordered*, That the date for filing com-

ments in the above-entitled matter is extended to June 6, 1955; and the date for filing Replies to such comments is extended to June 16, 1955.

Adopted: March 3, 1955.

Released: March 4, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2002; Filed, Mar. 8, 1955;
8:51 a. m.]

[47 CFR Part 9]

[Docket No. 11295; FCC 55-258]

AVIATION SERVICES

TYPES OF EMISSION

In the matter of amendment of § 9.175 of the Commission's rules governing Aviation Services; Docket No. 11295.

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

2. It is proposed to amend § 9.175 of the Commission's rules governing Aviation Services to allow licensees of stations authorized to use A3 emission in the Aviation Services to transmit tone signals superimposed on the normal aeronautical frequencies for the sole function of establishing or maintaining voice communications.

3. The purpose of this proposal is to make provisions for the operation of Selective Calling Systems in the Aviation Services in order to permit selective calling of any individual aircraft or aeronautical enroute station. Selective calling is accomplished by the transmission of coded tone pulses superimposed on the normal aeronautical frequencies. The received frequency is automatically decoded and used to activate a visual or aural alerting device.

4. The authority for the proposed amendment, the text of which appears below, is contained in sections 4 (i) 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

5. An interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 8, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

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

Adopted: March 2, 1955.

Released: March 4, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

Proposed amendment of Part 9—Aviation Services.

Amend § 9.175 to read as follows:

§ 9.175 *Types of emission.* Stations in the aviation services may be authorized to use type A1, A2, A3 and special emission as may be appropriate. The authorization to use A3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish or maintain voice communications. Special emission includes all types not provided for by existing international regulations, such as all types of FM, pulse transmissions, and frequency shift keying.

[F. R. Doc. 55-2003; Filed, Mar. 8, 1955;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT ADMINISTRATOR ET AL.

REDELEGATIONS OF AUTHORITY

SECTION 1. *Acting Administrator's succession and authority.* (a) The Assistant Administrator shall perform the duties of the Administrator during the unavailability of the Administrator.

(b) Unless the Administrator has designated in writing, pursuant to Secretary's Order No. 2704, another person to perform such duties, the line of succession for Acting Administrator, during the simultaneous unavailability of the Administrator and the Assistant Administrator shall be (1) Chief Engineer, (2)

Director of Administrative Management, and (3) Director of Operations and Maintenance.

(c) The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law or Departmental orders. Any person exercising the functions of the Acting Administrator shall sign documents under the title "Acting Administrator."

SEC. 2. *Designation of acting officials.*

(a) Where a deputy or assistant head exists and is available, such deputy or assistant (or if more than one, the person designated by competent authority) shall serve as the acting head of the organizational unit during the unavailability of the head of such unit, and in

the absence of a specific designation to the contrary. The person having general supervision of an organizational unit may designate or approve the designation of an employee under his jurisdiction to serve as the acting head of such unit.

(b) Employees serving in an "acting" capacity shall perform the duties and exercise the powers of the position and shall sign all documents in an "acting" capacity.

SEC. 3. *General.* All authority delegated herein, except authority with respect to which the Administrator has only limited authority of redelegation, may be exercised by all the supervisors of the delegatee. All delegated authority shall be exercised in accordance with

applicable statutes, regulations, orders and instructions, and in accordance with such policies as may be established from time to time by the Administrator, Assistant Administrator, or Acting Administrator. Failure to comply with administrative procedures and controls shall not impair the legal authority delegated, but may be grounds for appropriate disciplinary measures.

Sec. 4. Redelelegation of authority. Unless otherwise provided, and to the extent permitted by law or Departmental order, the director of a division may, in writing and with the written approval of the Assistant Administrator:

(a) Redelegate to officers and employees of his division, in whole or in part, the authority herein or hereafter delegated to him or to any employee under his jurisdiction;

(b) Withdraw to himself any of the authority delegated to an employee of his division.

Sec. 5. Assistant Administrator. The Assistant Administrator may:

(a) Perform all duties and exercise the powers of the Administrator except those which the Administrator cannot redelegate or can redelegate only to a specified number of persons;

(b) Authorize or approve the attendance of employees at meetings or conventions of members of societies or associations concerned with the work of the Administration.

Sec. 6. Contracts for engineering and architectural services. (a) The Chief Engineer is authorized to exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services (19 F. R. 7422) and redelegated to the Bonneville Power Administrator by Secretary's Order No. 2774 (19 F. R. 7625) to enter into contracts for engineering and architectural services in connection with the activities of the Bonneville Power Administration, without advertising pursuant to section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1952 ed., Sec. 252) subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

(b) This authority may not be redelegated.

Sec. 7. Land activities. (a) The Chief Engineer may:

(1) Negotiate for the purchase of all interests in real estate and other rights and privileges pertaining to real property necessary for the Administration's programs; and dispose of land and property rights, except purchase or disposition of electric utility system properties;

(2) Approve appraisals, purchase, and accept options for the purchase of all interests in real estate;

(3) Execute agreements under which the Administration receives or grants permits, franchises, or other rights or privileges pertaining to real property, and authorize the publication of advertisements, notices, or proposals when required by law therefor.

(b) The Assistant to the Chief Engineer may exercise the authority dele-

gated by paragraph (a) (1) of this section, and, when the amount involved does not exceed \$25,000, the authority delegated by paragraph (a) (2) and (3) of this section.

(c) The Assistant to the Chief Engineer may issue the necessary purchase orders for procuring title services. The Administrative Assistant for land activities may issue such orders when the obligated amounts do not exceed \$50.00.

Sec. 8. Materials and construction contracts. (a) The Chief of Supply may execute contracts and amendments to contracts and procurement transactions for construction or clearing, and for materials or equipment without monetary limitation.

(b) The Head of Procurement Section, when the amount involved does not exceed \$50,000, may:

(1) Execute contracts and amendments to contracts and procurement transactions for construction or clearing, for materials or equipment, and for the purchase of supplies and services (excepting personal services and services in connection with the transfer or transmission of electric energy);

(2) Execute contracts and amendments to contracts for the sale or disposal of surplus personal property.

(c) The Purchasing Agent may exercise the authority delegated to the Head of Procurement Section when the amount involved does not exceed \$500.

(d) The Chief of Construction may authorize change orders under clearing or construction contracts when the amount involved does not exceed \$5,000 or 25 percent of the amount of the original contract, whichever is smaller: *Provided*, That such authorization will be subsequently confirmed by an appropriate contract document signed by the respective contracting officer. Extensions of time require prior approval of the Administration's respective contracting officer.

Sec. 9. Operations and Maintenance. (a) The Director of Operations and Maintenance may execute any document and exercise any authority conferred upon the Power Manager or Assistant Power Manager (which positions no longer exist) under contracts executed prior to September 12, 1954.

(b) The Deputy Director of Operations and Maintenance may compromise and finally settle any claim for charges arising under any contract for power delivered or transferred to or for a customer.

(c) The Chief of Customer Service and Power Requirements may:

(1) Make interim arrangements for the short term sale, purchase, exchange, or wheeling of power, including the charges applicable thereto; such arrangements to be confirmed in writing and subsequently formalized by contracts executed by the Administrator or Assistant Administrator;

(2) Approve, in writing, a purchaser's resale rate schedules and any additions or modifications thereof, pursuant to a power contract providing therefor;

(3) Approve load estimates of customers for use in resale rate determinations and service planning.

(d) The Chief of System Operations and Power Resources may:

(1) Execute agreements with customers for the operation or maintenance of their equipment installed on premises of the Administration;

(2) Execute agreements for the operation or maintenance by customers of equipment of the Administration;

(3) Make agreements with customers which establish capabilities of their generating facilities for the purpose of applying the computed demand provision of rate schedules.

(e) The Power Dispatchers of the Branch of System Operations and Power Resources each may make emergency arrangements for the sale, purchase, exchange, or wheeling of power including the charges applicable thereto, when an outage or similar emergency requires such action to prevent disruption of service or to restore interrupted service on the Administration's system or an interconnected system.

(f) The Chief of Maintenance and the Chief of System Operations and Power Resources each may make arrangements with customers and other persons for them to perform services and to furnish materials or equipment for the Administration when an outage or similar emergency requires the immediate performance of the services and the furnishing of materials. Such arrangements may involve purchase, hire, or loan of equipment, materials, and services deemed necessary to correct the outage or emergency.

(g) The Area Managers, with respect to matters wholly within their respective areas, may:

(1) Exercise the authority delegated by paragraphs (c) (1), (e) and (f) of this section;

(2) Execute joint pole contact agreements.

Sec. 10. Claims. The Head of the Disbursement Audit Section may compromise and finally settle any claim arising under any contract (except power contracts)

Sec. 11-39. [Reserved.]

Sec. 40. Revocation. These delegations supersede the delegations of authority published in the FEDERAL REGISTER August 8, 1951 (16 F. R. 7780), and December 9, 1954 (19 F. R. 8107) and all other existing delegations issued by the Administrator inconsistent with these delegations.

(Secretary's Order No. 2563, 15 F. R. 3193; Secretary's Order No. 2753, 19 F. R. 2145; 50 Stat. 731, as amended; 16 U. S. C. 832, et seq; Secretary's Order No. 2704, 17 F. R. 8128; Secretary's Order No. 2576, as amended; Secretary's Order No. 2774, 19 F. R. 7625; Secretary's Order No. 2696, as amended, 17 F. R. 6795, 19 F. R. 433, 19 F. R. 5953; Secretary's Order No. 2735; and Secretary's Order No. 2642, as amended, 16 F. R. 6318, 19 F. R. 7417)

Dated: February 28, 1955.

WM. A. PEARL,
Administrator.

[F. R. Doc. 55-1963; Filed, Mar. 8, 1955; 8:45 a. m.]

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture has filed an application, Serial No. Montana 013790 (SD) for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws. The applicant desires the land for a roadside zone.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

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

The lands involved in the application are:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

U. S. Highways Nos. 16 and 16A, Roadside Zone

A strip of land 330 feet on each side of the center line of U. S. Highways Nos. 16 and 16A through the following legal subdivisions:

- T. 1 S., R. 6 E.,
 Sec. 14: S $\frac{1}{2}$ SE $\frac{1}{4}$,
 Sec. 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 22: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 Sec. 28: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 Sec. 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$,
 Sec. 30: S $\frac{1}{2}$ S $\frac{1}{2}$,
 Sec. 31: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$,
 Sec. 32: NW $\frac{1}{4}$.
 T. 1 S., R. 5 E.,
 Sec. 20: SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 21: NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$,
 Sec. 22: SW $\frac{1}{4}$, NW $\frac{1}{4}$,
 Sec. 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Sec. 26: S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
 Sec. 27: SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 Sec. 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 Sec. 29: NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 Sec. 30: NE $\frac{1}{4}$,
 Sec. 35: NE $\frac{1}{4}$,
 Sec. 36: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.

THEO E. ANHDER,
 Acting State Supervisor,
 Bureau of Land Management.

MARCH 1, 1955.

[F. R. Doc. 55-1964; Filed, Mar. 8, 1955;
 8:45 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture has filed an application, Serial No. M-013681 (SD), for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws. The applicant desires the land for public camp grounds, picnic sites and other public recreation uses.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

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

The lands involved in the application are:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

South Dakota Baptist Organization Camp

T. 2 S., R. 5 E.

Sec. 1: NW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Total area 60 acres.

Pactola Reservoir Recreation Area

T. 1 N., R. 5 E.,

Sec. 1: SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$,Sec. 3: SW $\frac{1}{4}$ SW $\frac{1}{4}$,Sec. 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$,Sec. 5: SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$,Sec. 6: SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$,Sec. 8: W $\frac{1}{2}$,Sec. 9: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$,Sec. 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ andS $\frac{1}{2}$ SE $\frac{1}{4}$,Sec. 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$.

T. 2 N., R. 5 E.,

Sec. 30: SE $\frac{1}{4}$,Sec. 31: E $\frac{1}{2}$ NE $\frac{1}{4}$,Sec. 32: W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area 2,120 acres.

East Spearfish Creek Camp and Picnic Area

T. 4 N., R. 2 E.,

Sec. 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ andSE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,Sec. 35: E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Total area 90 acres.

THEO E. ANHDER,
 Acting State Supervisor

Bureau of Land Management.

MARCH 1, 1955.

[F. R. Doc. 55-2006; Filed, Mar. 8, 1955;
 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4865]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: Georgia 39P Hart----- Amount \$385,000

[SEAL]

ROBERT T. BEALL,
 Acting Administrator

[F. R. Doc. 55-1968; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4866]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: North Carolina 36V Randolph----- Amount \$50,000

[SEAL]

ROBERT T. BEALL,
 Acting Administrator

[F. R. Doc. 55-1969; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4867]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: North Carolina 10W Haywood----- Amount \$50,000

[SEAL]

ROBERT T. BEALL,
 Acting Administrator

[F. R. Doc. 55-1970; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4868]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: Texas 106N Taylor----- Amount \$935,000

[SEAL]

ROBERT T. BEALL,
 Acting Administrator

[F. R. Doc. 55-1971; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4869]

FLORIDA

LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: *Amount*
 Florida 26T Hardee----- \$50,000
 [SEAL] ROBERT T. BEALL,
Acting Administrator.
 [F. R. Doc. 55-1972; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4870]
 KANSAS
 LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: *Amount*
 Kansas 39N Pottawatomie----- \$190,000
 [SEAL] ROBERT T. BEALL,
Acting Administrator
 [F. R. Doc. 55-1973; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4871]
 ALLOCATION OF FUNDS FOR LOANS
 FEBRUARY 4, 1955.

I hereby amend:

(a) Administrative Order No. 3635, dated April 1, 1952, by reducing the loan of \$750,000 therein made for "California 41A Anza" by \$200,000 so that the reduced loan shall be \$550,000.

[SEAL] ROBERT T. BEALL,
Acting Administrator
 [F. R. Doc. 55-1974; Filed, Mar. 8, 1955;
 8:46 a. m.]

[Administrative Order 4872]
 KENTUCKY
 LOAN ANNOUNCEMENT

FEBRUARY 4, 1955.

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

Loan designation: *Amount*
 Kentucky 3U Jackson----- \$1,225,000
 [SEAL] ROBERT T. BEALL,
Acting Administrator.
 [F. R. Doc. 55-1975; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4873]
 NEW YORK
 LOAN ANNOUNCEMENT

FEBRUARY 8, 1955.

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

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

Loan designation: *Amount*
 New York 24K Onelda----- \$68,000
 [SEAL] ANCHER NELSEN,
Administrator
 [F. R. Doc. 55-1976; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4874]
 SOUTH DAKOTA
 LOAN ANNOUNCEMENT

FEBRUARY 8, 1955.

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

Loan designation: *Amount*
 South Dakota 35D Bennett----- \$325,000
 [SEAL] ANCHER NELSEN,
Administrator
 [F. R. Doc. 55-1977; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4875]
 OKLAHOMA
 LOAN ANNOUNCEMENT

FEBRUARY 8, 1955.

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

Loan designation: *Amount*
 Oklahoma 30 V Choctaw----- \$40,000
 [SEAL] ANCHER NELSEN,
Administrator
 [F. R. Doc. 55-1978; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4876]
 TEXAS
 LOAN ANNOUNCEMENT

FEBRUARY 11, 1955.

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

Loan designation: *Amount*
 Texas 88S Nuces----- \$740,000
 [SEAL] ANCHER NELSEN,
Administrator.
 [F. R. Doc. 55-1979; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4877]

OHIO

LOAN ANNOUNCEMENT

FEBRUARY 11, 1955.

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

Loan designation: *Amount*
 Ohio 39S Paulding----- \$360,000
 [SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-1980; Filed, Mar. 8, 1955;
 8:47 a. m.]

[Administrative Order 4878]
 MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 14, 1955.

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

Loan designation: *Amount*
 Minnesota 56U Crow Wing----- \$885,000
 [SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-1981; Filed, Mar. 8, 1955;
 8:48 a. m.]

[Administrative Order 4879]
 IOWA

LOAN ANNOUNCEMENT

FEBRUARY 14, 1955.

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

Loan designation: *Amount*
 Iowa 27S Buena Vista----- \$25,000
 [SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-1982; Filed, Mar. 8, 1955;
 8:48 a. m.]

[Administrative Order 4880]
 ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 15, 1955.

I hereby amend:
 (a) Administrative Order No. 784, dated November 1, 1943, by reducing the allocation of \$10,000 therein made for "New York 4023S1 Chautauqua" by

206727
 Oklahoma State

\$9,441 so that the reduced allocation shall be \$559.

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-1983; Filed, Mar. 8, 1955;
8:48 a. m.]

[Administrative Order 4881]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 18, 1955.

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

Loan designation: *Amount*
Georgia 66T Taylor..... \$910,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1984; Filed, Mar. 8, 1955;
8:48 a. m.]

[Administrative Order 4882]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 21, 1955.

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

Loan designation: *Amount*
Illinois 38L McLean..... \$223,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1985; Filed, Mar. 8, 1955;
8:48 a. m.]

[Administrative Order 4883]

INDIANA

LOAN ANNOUNCEMENT

FEBRUARY 21, 1955.

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

Loan designation: *Amount*
Indiana 18L Rush..... \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1986; Filed, Mar. 8, 1955;
8:48 a. m.]

[Administrative Order 4884]

NORTH DAKOTA

LOAN ANNOUNCEMENT

FEBRUARY 23, 1955.

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

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

Loan designation: *Amount*
North Dakota 17R McHenry..... \$910,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1987; Filed, Mar. 8, 1955;
8:48 a. m.]

[Administrative Order 4885]

KANSAS

LOAN ANNOUNCEMENT

FEBRUARY 24, 1955.

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

Loan designation: *Amount*
Kansas 33P Pratt..... \$165,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-1988; Filed, Mar. 8, 1955;
8:49 a. m.]

[Administrative Order 4886]

FLORIDA

LOAN ANNOUNCEMENT

FEBRUARY 24, 1955.

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

Loan designation: *Amount*
Florida 15X Lafayette..... \$100,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-1989; Filed, Mar. 8, 1955;
8:49 a. m.]

[Administrative Order 4887]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 24, 1955.

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

Loan designation: *Amount*
South Carolina 32S Calhoun.... \$355,000

[SEAL] FRED H. STRONG,
Acting Administrator

[F. R. Doc. 55-1990; Filed, Mar. 8, 1955;
8:49 a. m.]

[Administrative Order 4888]

NEW MEXICO

LOAN ANNOUNCEMENT

FEBRUARY 28, 1955.

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

Loan designation: *Amount*
New Mexico 8Y Roosevelt..... \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1991; Filed, Mar. 8, 1955;
8:49 a. m.]

[Administrative Order 4889]

NEW MEXICO

LOAN ANNOUNCEMENT

FEBRUARY 28, 1955.

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

Loan designation: *Amount*
New Mexico 8X Roosevelt..... \$382,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 55-1992; Filed, Mar. 8, 1955;
8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6921, 6922]

K. L. M. ROYAL DUTCH AIRLINER; FOREIGN
PERMIT RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the applications of K. L. M. Royal Dutch Airlines under section 402 of the Civil Aeronautics Act of 1938, as amended, for an amendment of its foreign air carrier permit with respect to foreign air transportation between Willemstad, Curacao, and Oranjestad, Aruba, N. A., and Miami, Florida, U. S. A., and between Amsterdam, The Netherlands, and New York, New York, U. S. A.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 16, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 3, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 55-2011; Filed, Mar. 8, 1955;
8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11294; FCC 55-253]

STANISLAUS COUNTY BROADCASTERS, INC.,
AND McCLATCHY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Stanislaus County Broadcasters, Inc. (assignor), McClatchy Broadcasting Company (assignee), for assignment of the broadcast license for Station KBOX, Modesto, California; Docket No. 11294, File No. BAL-1912.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of March 1955;

The Commission having under consideration the above-entitled application requesting consent to the assignment of the license for Station KBOX, Modesto, California, from Stanislaus County Broadcasters, Inc., to McClatchy Broadcasting Company, assignee; and

It appearing that there is a substantial overlap between Stations KBOX and KFBK, Sacramento, California, and KMJ, Fresno, California, which are also owned by the assignee; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applicants were advised by letter dated January 12, 1955, that the Commission was unable to find at that time that a grant of their application would serve the public interest, convenience, and necessity, because of the possible violation of § 3.35 of the Commission's rules (47 CFR 3.35) and regulations, and of its established policy with respect to a substantial overlap of the primary service areas of these stations; and

It further appearing that, the application, considered in the light of § 3.35 of our rules, and our established policy, raises a serious question as to whether grant of the instant application would result in a serious overlap between Stations KBOX and KFBK and KMJ.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a date to be determined, in Washington, D. C., upon the following issues:

1. To determine the degree of overlap between Stations KBOX, Modesto, and KFBK, Sacramento, California, and KMJ, Fresno, California.

2. To determine if the overlap as manifested by Issue No. 1, is so substantial as to violate § 3.35 of the Commission's rules and regulations.

3. To determine, in light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience, and necessity.

Released: March 4, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-1998; Filed, Mar. 8, 1955;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-622, 54-186, 59-93, 70-1804]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION; ORDER CONSOLIDATING PROCEEDINGS, AND ORDER FOR HEARING IN CONSOLIDATED PROCEEDINGS

MARCH 3, 1955.

In the matters of Cities Service Company, File No. 31-622; Arkansas Fuel Oil Corporation (formerly Arkansas Natural Gas Corporation) Cities Service Company, File No. 54-186; Arkansas Fuel Oil Corporation, (formerly Arkansas Natural Gas Corporation) and its subsidiaries and Cities Service Company, File Nos. 59-93 and 70-1804.

Notice is hereby given that Cities Service Company ("Cities") a registered holding company, has filed with this Commission an application, pursuant to section 3 (a) (5) of the Public Utility Holding Company Act of 1935 ("act") for the exemption of Cities, as a holding company, and each of its subsidiaries, as such, from all the provisions of the act except those relating to the Commission's order dated May 5, 1944 (File No. 59-24) as modified by the supplemental order therein dated October 12, 1944, issued pursuant to section 11 (b) (1) of the act insofar as those orders relate to the disposition by Cities of its interest in Dominion Natural Gas Company, Limited ("Dominion")

The application states that Cities is a corporation organized under the laws of the State of Delaware, having its principal executive offices located at 60 Wall Street, New York, New York; that Cities is not a public-utility company; and that its primary business is holding securities of companies engaged principally in the oil and natural gas business. It is further stated that in compliance with the modified order at File No. 59-24, Cities has disposed of all of its interests in public-utility companies with the single exception of Dominion, a gas utility company which is organized under the laws of the Province of Ontario, Dominion of Canada, and which operates exclusively in the Province of Ontario. It is further stated that Cities owns all of the outstanding capital stock of Dominion, and that Dominion is not engaged in any business in the United States and has no investors in the United States other than Cities.

The application also states that all terms, conditions, and reservations of jurisdiction by the Commission heretofore made with respect to Cities or any of its subsidiaries have been disposed of except the following: (a) Reservations of jurisdiction as to fees and expenses in connection with (1) the sale by Cities of its interest in Arkansas Louisiana Gas Company (File No. 70-3305) in respect of which a petition to review, among other things, the order of the Commission permitting the sale, has been filed with the United States Court of Appeals for the District of Columbia Circuit; (2) a stock split-up by Cities (File No. 70-3325), (3) a 2 percent stock dividend de-

clared by Cities (File No. 70-3326) and (b) reservation of jurisdiction to consider problems which may be presented by the continued existence of a minority interest in Arkansas Fuel Oil Corporation, which reservation it is stated by Cities will be rendered moot by the granting of the application for exemption.

By order dated February 9, 1949, at File No. 59-93, the Commission instituted a proceeding directed to Cities and its then registered holding company subsidiary, Arkansas Natural Gas Corporation ("Arkansas-Natural"), to determine, inter alia: "Whether the corporate structure of Arkansas-Natural unduly or unnecessarily complicates the structure of the holding company system of which it is a part, or unfairly or inequitably distributes voting power among security holders of the Arkansas-Natural system in contravention of section 11 (b) (2) of the act, and, if so, what steps should be required of Arkansas-Natural and its subsidiaries and of Cities to eliminate such complexities and to distribute fairly and equitably voting power among the security holders of Arkansas-Natural." Subsequently, by order dated October 1, 1952, at File No. 54-186, the Commission approved an amended plan filed, pursuant to section 11 (e) of the act, in response to the proceeding instituted at File No. 59-93.

The section 11 (e) plan, as approved, provided among other things for the merger of Arkansas Fuel Oil Company, then a subsidiary of Arkansas-Natural, into Arkansas-Natural; the conversion of both the then outstanding common and Class A stock of Arkansas-Natural into new common stock of the merged company on the basis of one-half new share for each old share outstanding; and the change of the name of Arkansas-Natural to Arkansas Fuel Oil Corporation (herein referred to as "Fuel Oil") Upon consummation of the plan, Cities, as the holder of an aggregate of 51.5 percent of the outstanding shares of common and Class A stock of Arkansas-Natural, received 51.5 percent of the new common stock of Fuel Oil and the public received the balance of 48.5 percent thereof.

In its Findings and Opinion approving the section 11 (e) plan (Holding Company Act Release No. 11511) the Commission stated (mimeo. page 17)

• • • The Class A Committee objects to the failure of the plan to make provision for the elimination of the minority public interest which will remain in Fuel Oil after consummation of the plan.

We recognize that the continued existence of a minority interest in Fuel Oil presents a problem which may require corrective action. However, in view of the fact that Fuel Oil will remain under our jurisdiction as long as Cities is a registered holding company (a status which will continue until terminated by us), we believe that consideration of this problem may be deferred until a later date.

The order approving the section 11 (e) plan expressly reserved jurisdiction in respect of, among other matters, the "resolution of the problems presented by the continued existence of a minority

public interest in Fuel Oil after consummation of the plan."

By order dated October 7, 1953, at File No. 30-153, the Commission granted an application filed by Fuel Oil, pursuant to section 5 (d) of the act, declaring that Fuel Oil had ceased to be a holding company within the meaning of the act. The order, inter alia, stated:

The Commission finds that * * * it is necessary for the protection of investors that the Commission retain jurisdiction over [Fuel Oil] to the same extent as though it were still in all respects a registered holding company in respect of the matters over which jurisdiction was reserved in the Commission's Order dated October 1, 1952 (File Nos. 54-186, 59-93 and 70-1804) to the extent that the matters specified therein have not heretofore been disposed of, and that except for such retained jurisdiction the registration of [Fuel Oil] as a holding company should cease to be in effect.

It is therefore ordered, Pursuant to the provisions of section 5 (d) of the act that [Fuel Oil] has ceased to be a holding company and that, subject to the condition prescribed below, the registration of [Fuel Oil] as a holding company shall cease to be in effect; provided, however, that this order shall be subject to the condition, which is prescribed as necessary for the protection of investors, that the Commission shall retain jurisdiction over [Fuel Oil] in respect of any further proceedings, investigations or orders which the Commission may deem necessary or appropriate pursuant to the reservation of jurisdiction contained in the Commission's Order of October 1, 1952 (File Nos. 54-186, 59-93 and 70-1804) in the same manner and to the same extent as though [Fuel Oil] were in all respects a registered holding company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the section 3 (a) (5) application of Cities for exemption, and that a hearing be held to resolve such problems as may be presented by the continued existence of the public minority interest in Fuel Oil, and

It further appearing that the application of Cities for exemption and the reserved issue in the section 11 (e) plan proceeding are related and involve common issues of fact and law that evidence offered in respect of each such matter has a bearing on the other; that substantial saving of time and expense will result if the hearings on such matters are consolidated and heard together, so that evidence heretofore and hereafter adduced in respect of each matter may be considered, to the extent relevant and pertinent, as evidence in respect of each of such matters:

It is ordered, That the consolidated proceedings in respect of Cities and Arkansas-Natural, at File Nos. 54-186, 59-93 and 70-1804, be consolidated with the proceeding, at File No. 31-622, in respect of Cities' application for exemption pursuant to section 3 (a) (5) of the Act; that a hearing be held in the consolidated proceedings, and that the evidence heretofore and hereafter adduced in respect of each such matter shall be considered, to the extent relevant and pertinent, in respect of each of such matters for all purposes; and without prejudice to the right of the Commission, upon its own motion, or on the motion of any interested person, to sever such pro-

ceedings, or any issue therein, either for hearing or determination.

It is further ordered, That none of the evidence heretofore taken in the consolidated proceedings at File Nos. 70-1804, 59-93, and 54-186 shall be deemed to be evidence in these consolidated proceedings except to the extent that any of that evidence is specifically identified and offered in evidence in these consolidated proceedings and admitted as relevant and material to the issues.

It is further ordered, That the hearing in the consolidated proceedings be held on April 25, 1955, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing room clerk in Room 193 will advise the room in which such hearing will be held. Any person desiring to be heard, or otherwise to participate, in the proceedings shall file with the Secretary of the Commission on or before March 25, 1955, a written request as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That a pre-hearing conference before the hearing officer hereinafter designated be held on March 29, 1955, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C. for the purpose of (1) determining the scope and nature of the evidence proposed to be presented by each interested person and the order of presentation thereof, and (2) agreeing upon the evidence in the consolidated proceedings at File Nos. 70-1804, 59-93, and 54-186 which is to be deemed relevant and material to the issues in these consolidated proceedings.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this 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 application and of the consolidated proceedings upon the section 11 (e) plan of Cities and Arkansas-Natural, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the specification of additional matters and questions upon further examination:

1. Whether Cities is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company.

2. Whether the granting of the requested exemption is detrimental to the public interest or the interest of investors or consumers prior to full compliance by Cities with the order of May 5, 1944, as modified by the order of October 12, 1944 (File No. 59-24) issued pursuant to section 11 (b) (1) of the act in respect of the divestment of Dominion.

3. Whether the granting of the requested exemption is appropriate prior to the determination of the petition to review the Commission's order permitting Cities to sell its interest in Arkansas Louisiana Gas Company.

4. Whether the granting of the requested exemption prior to the resolution of any problems presented by the publicly-held minority interest in Fuel Oil is detrimental to the public interest or the interest of investors or consumers.

5. Whether the continued existence of the public-held minority interest in Fuel Oil complies in all respects with the provisions of section 11 (b) (2) of the act and is fair and equitable to the persons affected thereby.

6. Whether for any other reason the granting of the requested exemption is detrimental to the public interest or the interest of investors or consumers.

It is further ordered, That at said hearing attention will be directed to the matters and questions herein specified.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing by serving copies of this Notice and Order, by registered mail, upon all of the parties and participants in the consolidated proceedings upon the section 11 (e) plan (File Nos. 59-93, 54-186 and 70-1804) and upon Arkansas Fuel Oil Corporation, successor to Arkansas Natural Gas Corporation; that notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of the hearing shall be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-2008; Filed, Mar. 8, 1955;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 50]

MOTOR CARRIER APPLICATIONS

MARCH 4, 1955.

Protests, consisting of an original and two copies, to the granting of an application within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall spe-

cify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 547 Sub 4, LETA WALL AND LAWRENCE ZVACEK, doing business as WALL TRUCK LINE, Holden, Mo. Applicant's attorney Carl V. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier* over irregular routes, transporting: *Iron and steel*, and *iron articles and steel articles*, between Holden, Mo., and Ottawa, Kans.

No. MC 1150 Sub 15, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney H. Lauren Lewis, Morrell Building No. 50, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rapid City, S. Dak. and points within 20 miles of Rapid City, to points in North Dakota, Montana, Wyoming and Nebraska. Applicant is authorized to conduct operations in Kansas, North Dakota, South Dakota and Wyoming.

No. MC 3246 Sub 12 (reopened-further hearing) PAUL A. FISHER AND J. CLIFFORD JOHNSON, doing business as MASTERSON TRANSPORTATION COMPANY, 805 Lexington Avenue, Warren, Pa. Applicant's attorney Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Steam generators, heavy forgings, machinery, machinery parts, iron and steel tanks, furnaces, boilers, factory equipment*, and other commodities requiring specialized handling or rigging because of size or weight, between Warren, Pa., and points within fifteen (15) miles thereof, and Titusville, Pa., and points within five (5) miles thereof, on the one hand, and on the other, points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Applicant is authorized to con-

duct operations in Connecticut, Indiana, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 17481 Sub 13, MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Ave., St. Paul 14, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between (1) Minneapolis, Minn., and Chicago, Ill., (a) over U. S. Highway 12, (b) over city streets from Minneapolis to St. Paul, Minn., thence over U. S. Highway 61 to La Crosse, Wis., thence over U. S. Highway 14 to Chicago, and return over the same route, (c) over the above specified routes from Minneapolis to Madison, Wis., thence over U. S. Highway 18 to Milwaukee, Wis., thence over U. S. Highway 41 to Chicago, and return over the same route, (d) over route specified under (A) (1) (a) above from Minneapolis to Wisconsin Dells, Wis., thence over U. S. Highway 16 to Milwaukee, Wis., thence over route specified under (A) (1) (c) above to Chicago, and return over the same route, (e) over Minnesota Highway 55 from Minneapolis to Hastings, Minn., thence over route specified under (A) (1) (b) above to La Crosse, Wis., thence over U. S. Highway 16 to Tomah, Wis., thence over route specified under (A) (1) (a) above to Wisconsin Dells, Wis., thence over route specified under (A) (1) (a) above to Madison, Wis., thence over routes specified under (A) (1) (a) (b) and (c) above (also over route specified under (A) (1) (d) above from Wisconsin Dells, Wis.), to Chicago, and return over the same routes, and (f) over U. S. Highway 52 from Minneapolis to Dubuque, Iowa, thence over U. S. Highway 20 to Marengo, Ill., thence over Illinois Highway 176 to junction U. S. Highway 12, thence over route specified under (A) (1) (a) above to Chicago, and return over the same route; serving all intermediate and off-route points in the Minneapolis-St. Paul, Minn., and Chicago, Ill., Commercial Zones, as defined by the Commission, and the off-route point of Chemolite Siding (located in Cottage Grove Township of Washington County, Minn., adjacent to U. S. Highway 61), unrestricted, and the intermediate point of Milwaukee, Wis., restricted to traffic moving to and from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and (B) between St. Paul, Minn., and junction Minnesota Highways 55 and 56, over Minnesota Highway 56, serving no intermediate points, as an alternate route for operating convenience only, in connection with above-specified regular route operations over routes described under (A) (1) (e), and (f) above. The applicant states that the regular route operations now being applied for as described above are to be substituted in

lieu of certain portions of irregular route operations presently being performed under outstanding authority (1) in Certificate No. MC 17481 Sub 2, dated April 22, 1949, as follows: *General commodities* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Invergrove, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn., to Milwaukee, Wis., and between points in the Twin Cities area as described above, on the one hand, and, on the other, those points in Illinois which are located in the Chicago, Ill., Commercial Zone, as defined by the Commission; canned or preserved foodstuffs, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Milwaukee, Wis., and those points in Illinois which are located in the Chicago, Ill., Commercial Zone, as defined by the Commission; and cocoa and chocolate coating, from Milwaukee, Wis., to points in the Twin Cities area, as described above, and (2) in Certificate No. MC 17481 Sub 9, dated October 26, 1951, as follows: Used empty containers and skids, from Milwaukee, Wis., to points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission. Applicant proposes to continue all presently authorized irregular route operations (1) not described above, and (2) also from and/or to and from (as presently authorized) any of the above-described Twin Cities area points which are or may not be located in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission. Applicant is not presently authorized to conduct any regular route operations but is authorized to conduct irregular route operations in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 24907 Sub 8, ELMOR BRUHN, Highway 54, P. O. Box 122, Logan, N. Mex. For authority to operate as a *common carrier* over irregular routes, transporting: *Salt*, from Hutchinson and Lyons, Kans., and points within five (5) miles thereof to Union, Harding, Quay, Curry, Chaves, De Baca, Roosevelt, Eddy and Lea Counties, N. Mex. and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 29392 Sub 5, LES JOHNSON CARTAGE, a corporation, Denmark, Wis. Applicant's attorney Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Cement*, from Green Bay and Manitowoc, Wis., to points in the Upper Peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return, (2) *construction materials*,

supplies, and equipment, and contractor's equipment and supplies, between construction, installation, repair and demolition sites in Wisconsin and construction, installation, repair and demolition sites in the Upper Peninsula of Michigan, and (3) *heavy and cumbersome commodities* requiring special or unusual equipment or handling, between points in Wisconsin, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 29654 Sub 28, FURNITURE EXPRESS, INC., Fluvanna Road, R. D. #1, P. O. Box 585, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting *New furniture*, from Salamanca and Randolph, N. Y., to Jamestown, N. Y., and *damaged, defective, or returned articles* of new furniture on return movements. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

No. MC 30319 Sub 52, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 N. San Jacinto, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Dallas, Tex., and Denison, Tex., from Dallas over U. S. Highway 75 to Denison, and return over the same route, serving all intermediate points located on the Texas and New Orleans Railroad and the off-route and off-rail points of Tom Bean and Perrin Air Force Base, Tex., and (2) between Dallas, Tex., and Sherman, Tex., from Dallas over U. S. Highway 67 to Greenville, Tex., thence over U. S. Highway 69 to junction State Farm Road 697, thence over State Farm Road 697 to Sherman, and return over the same route, serving the intermediate point of Greenville, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 31024 Sub 23, NEPTUNE STORAGE, INC., 369 Huguenot St., New Rochelle, N. Y. Applicant's attorney: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Computing machines*, uncrated, and *component parts of computing machines*, loose or in packages, when transported at the same time with uncrated computing machines, between New York, N. Y., Paoli, Pa., and Plymouth, and Detroit, Mich., on the one hand, and, on the other, points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in the District of Columbia and in all states in the United States excepting Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Ore-

gon, South Dakota, Texas, Utah, Washington, and Wyoming.

No. MC 35624 Sub 8, DEAN S. AXTELL, 2000 S. W "G" Street, Grants Pass, Oreg. Applicant's representative: I. R. Perry, P. O. Box 594, Grants Pass, Oreg. For authority to operate as a *common carrier* over irregular routes, transporting: *Mineral ores* and *mineral concentrates*, from points in Mendocino, Sonoma, Eldorado, Butte, Tuolumne, Humboldt, Fresno, San Benito, and San Joaquin Counties, Calif., to Grants Pass, Oreg., and *mine supplies, mine equipment, lumber* and *lumber products*, on return movements. Applicant is authorized to conduct operations in California and Oregon.

No. MC 38588 Sub 12, ARIZONA-NEVADA EXPRESS, a corporation, 201 East Henshaw Road, Phoenix, Ariz. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between (1) Phoenix, Ariz., and Las Vegas, Nev., (a) over combined U. S. Highways 60, 70, and 89 from Phoenix to Wickenburg, Ariz., thence over U. S. Highway 89 to Ashfork, Ariz., thence over U. S. Highway 66 to Kingman, Ariz., thence over combined U. S. Highways 93 and 466 to Alunite, Nev., thence over combined U. S. Highways 93, 95, and 466 to Las Vegas, and return over the same route, serving all intermediate points between Kingman, Ariz., and Las Vegas, Nev., without restriction, and all intermediate points between Phoenix, Ariz., and Kingman, Ariz., restricted to traffic moving to or from points north or west of Kingman, and (b) over above-described route from Phoenix, to Wickenburg, Ariz., thence over combined U. S. Highways 60 and 70 to junction Arizona Highway 72, thence over Arizona Highway 72 to the Arizona-California State line, thence over unnumbered California highway through Earp, Calif., to Vidal Junction, Calif., thence over U. S. Highway 95 to Alunite, Nev., thence over above-described route to Las Vegas, and return over the same route, serving no intermediate points, (2) Phoenix, Ariz., and Kingman, Ariz., (a) over above-described routes from Phoenix to Wickenburg, Ariz., thence over route described under (1) (a) above to Congress Junction, Ariz., thence over Arizona Highway 93 to junction U. S. Highway 66 about 1 mile east of Kingman, Ariz., thence over route described under (1) (a) above to Kingman, and return over the same route, serving all intermediate points, and the off-route points of Date Creek, Hillside, Bagdad, Yava, Signal, Deluge Wash Mine, Kaaba Mine, and Haulapai Mountain Park, Ariz., (b) over above-described routes from Phoenix to Wickenburg, Ariz., thence over route described under (1) (a) above to junction U. S. Highway 66, thence over U. S. Highway 66 to Kingman, and return over

the same route, serving no intermediate points, and (c) over above-described routes from Phoenix, to Wickenburg, Ariz., thence over routes described under (1) (b) and (2) (b) above to junction U. S. Highway 66, thence over route described under (1) (b) above to junction Nevada Highway 77, thence over Nevada Highway 77 to the Nevada-Arizona State line, thence over Arizona Highway 68 to junction combined U. S. Highways 93 and 466, thence over route described under (1) (a) above to Kingman, (also over unnumbered Arizona Highway from junction Arizona Highway 68 at or near Bullhead City, Ariz., through Bullhead City, and Goldroad, Ariz., to junction U. S. Highway 66 at or near McConico, Ariz., thence over route described under (2) (b) above to Kingman, and return over the same highways, serving all intermediate points in Arizona, excepting those located on the specified portions of combined U. S. Highways 60, 70, and 89, combined U. S. Highways 60 and 70, and Arizona Highway 72, without restriction, and intermediate points in Nevada, restricted to traffic having origin or destination in Arizona or points beyond, and the off-route point of Davis Dam, Ariz., and points within 25 miles of Davis Dam, and (3) Phoenix, Ariz., and Prescott, Ariz., over above-described routes from Phoenix, to junction Arizona Highway 69, thence over Arizona Highway 69 to Prescott, and return over the same route, serving no intermediate points, as an alternate route in connection with regular route operations between Phoenix, Ariz., and Las Vegas, Nev., over route described under (1) (a) above. The applicant states that this application is primarily a request for clarification of present outstanding authority under Certificates issued in Docket No. MC 38588 and Subs thereof, and for improvement of routes over which said presently authorized regular route operations are now being conducted. The applicant also indicates that the authority now being applied for, if and when granted, is to be substituted in lieu of present outstanding authority in all instances where there is duplication with said present outstanding authority. Applicant is authorized to conduct operations in Arizona, California, and Nevada.

No. MC 42487 Sub 292, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, 2029 N. W. Quimby Street, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk* (except liquid petroleum products, in bulk, in tank vehicles) and *commodities requiring special equipment*, (1) between Portland, Oreg., and junction U. S. Highway 99E and Oregon Highway 51, from Portland over U. S. Highway 99W to junction Oregon Highway 57, thence over Oregon Highway 57 to junction Oregon Highway 51, thence over Oregon Highway 51 to junction U. S. Highway 99E, and return over the same route, serving no intermediate points, as an

alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Seattle, Wash., and Medford, Oreg., and (2) between junction U. S. Highway 99E and unnumbered Oregon Highway north of Salem, Oreg., and junction U. S. Highway 99E and unnumbered Oregon Highway south of Salem, Oreg., over unnumbered Oregon Highway (Salem By-Pass) serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Seattle, Wash., and Medford, Oreg. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington and Wisconsin.

No. MC 42537 Sub 16, CASSENS TRANSPORT COMPANY, a corporation, R. F. D. No. 3, P. O. Box 473, Edwardsville, Ill. Applicant's attorney Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Automobiles, trucks, automobile bodies, and chassis*, in initial and secondary movements, in truckaway service, from Detroit, Mich., and points in Wayne and Macomb Counties, Mich., to points in Oregon, Washington, and California. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, and Ohio.

No. MC 46990 Sub 5, TRAILWAYS VAN LINES, INC., 158-01 South Road, Jamaica, N. Y. Applicant's attorney Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Maine, Michigan, New Hampshire, Ohio, South Carolina and Vermont.

NOTE: Applicant states that it presently has authority to perform the operations within the territory covered by this application, through established gateways of Syracuse, N. Y., and points within thirty-five (35) miles thereof, and the authority applied for in this application is to enable the applicant to perform a more direct and economical service. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

No. MC 64932 Sub 172, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. Applicant's attorney Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Spent sulphuric acid, and/or alkylation acid*, in bulk, in tank vehicles, from Lawrenceville, and Robinson, Ill., to points in the Chicago, Ill., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana,

Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Ohio, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 75320 Sub 66, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 E. Mill Street, P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between junction U. S. Highway 45 and Mississippi Highway 45W at or near Shannon, Miss., and junction U. S. Highway 45 and U. S. Highway 82 at Columbus, Miss., over U. S. Highway 45, and return over the same route, serving no intermediate points, and serving no points not presently authorized to be served, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with carrier's regular route operations between (a) Greenwood, Miss., and Vernon, Ala., (b) Tupelo, Miss., and Mayhew, Miss., and (c) Columbus, Miss., and Mobile, Ala., and (2) between junction U. S. Highway 82 and Mississippi Highway 45W at or near Mayhew, Miss., and junction Mississippi Highway 45W and U. S. Highway 45, north of Macon, Miss., over Mississippi Highway 45W, and return over the same route, serving no intermediate points, and serving no points not now authorized to be served, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with carrier's regular route operations between (a) Greenwood, Miss., and Vernon, Ala., (b) Tupelo, Miss., and Mayhew, Miss., and (c) Columbus, Miss., and Mobile, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Oklahoma, and Tennessee.

No. MC 79086 Sub 2, GUNN MOTOR EXPRESS, INCORPORATED, 188 East Church St., Beverly, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron grinding balls*, in bulk, in dump vehicles, from Cinamisson Township, Burlington County, N. J. to points in Pennsylvania.

No. MC 80289 Sub 7, HARRY KOVLER, doing business as RED LINE FURNITURE CARRIERS, 1339 Unruh Street, Philadelphia 11, Pa. Applicant's representative: G. A. Bruestle, President, Motor Carriers Service Bureau, Inc., S. E. Cor. Broad & Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Uncreated furniture*, from Chicago, Ill., and Michigan City, Ind., to points in Ohio and Pennsylvania. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia and the District of Columbia.

No. MC 82336 Sub 16, UNITED PARCEL DELIVERY, INC., 663 Bryson

Street, Youngstown, Ohio. Applicant's attorney Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture of new furniture, from Clifton, Bound Brook, Elizabeth, Mount Holly, Millville, and Paterson, N. J., Buffalo, and New York, N. Y., Philadelphia, Pa., and Norwalk, and Shelton, Conn., to Columbiana, Ohio.

No. MC 83539 Sub 18, C & H TRANSPORTATION CO., INC., 2135 West Commerce St., P. O. Box 5976, Dallas, Texas. Applicant's attorney W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gases*, in bulk, when moving in specially constructed Government-owned or shipper-owned trailers or semi-trailers, for the U. S. Government or its cost-type contractors, and *empty gas cylinders* and *empty specially constructed Government-owned or shipper-owned trailers*, between points in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, North Dakota, South Dakota, Wisconsin, Missouri, Nebraska and Colorado.

No. MC 93132 Sub 2, GEORGE H. LOESCHER, doing business as DIXON RAPID TRANSFER, P. O. Box 35, Dixon, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Rockford, Ill., from St. Louis over U. S. Highway 40 to Illinois Highway 111, thence over Illinois Highway 111 to junction Illinois Highway 162, thence over Illinois Highway 162 to junction By-Pass U. S. Highway 40, thence over By-Pass U. S. Highway 40 to junction Illinois Highway 159, thence over Illinois Highway 159 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction Illinois Highway 2, thence over Illinois Highway 2 to Rockford, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement.

No. MC 98263 Sub 10, KATHERINE M. LEE AND TIM M. BABCOCK, doing business as BABCOCK AND LEE, P. O. Box 173, Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Casper, Wyo., and points within a radius of 10 miles thereof, to points in Montana. Applicant is authorized to conduct operations in Montana and Wyoming.

No. MC 102616 Sub 606, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission in Ex Parte No. MC-45, in bulk, in tank vehicles, from Etowah, W. Va., to Bluefield, Va. Applicant is authorized to conduct operations in Con-

necticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 103435 Sub 65, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's attorney: Marion F Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier* transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Montevideo, Minn., and Minneapolis, Minn., over Minnesota Highway 7, serving no intermediate points and serving Montevideo for jointer purposes only, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between St. Paul, Minn., and Miller, S. Dak. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington and Wyoming.

No. MC 106977 Sub 9, T. S. C. MOTOR FREIGHT LINES, INC., P. O. Box 2625, Houston 1, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highway 11 and Mississippi Highway 43, approximately five (5) miles south of Nicholson, Miss., and New Orleans, La., from junction U. S. Highway 11 and Mississippi Highway 43, approximately five (5) miles south of Nicholson, Miss., over Mississippi Highway 43 to Pearlinton, Miss., thence over U. S. Highway 90 to junction U. S. Highway 11, thence over presently authorized route to New Orleans, La., and return over the same route, serving no additional points nor any intermediate points on the alternate route, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations, between Birmingham, Ala., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi and Texas.

No. MC 107527 Sub 27, POST-TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. Applicant's attorney: John C. Allen, 1212 Wilshire Boulevard, Los Angeles 17, Calif. For authority to operate as a *contract carrier* over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Hercules, Calif., to Salt Lake City, Utah. Applicant is authorized to conduct operations in California and Nevada.

No. MC 108375 Sub 3, LeROY L. WADE & SON, INC., 1615 Izard St., Omaha, Nebr. Applicant's attorneys: Loyal G. Kaplan and Samuel Zacharia, Suite 939, Omaha National Bank Building, Omaha

2, Nebr. For authority to operate as a *common carrier* over irregular routes, transporting: *Automobiles, trucks, chassis, unfinished automobiles and trucks, and automobile and truck parts and accessories* when moving with these commodities, by truckaway or driveaway service, in secondary movements, from Omaha, Nebr., points in Douglas County, Nebr., and Sioux City, Iowa, to points in Nebraska, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota and Iowa, and *damaged shipments of the above-specified commodities*, on return movement. Applicant is authorized as a *contract carrier* to conduct operations in Missouri, Iowa, Nebraska, and South Dakota.

No. MC 109811 Sub 6, VIRGIL E. LEONHARDT, doing business as Leonhardt Trucking, 214 Wyandot Building, Galion, Ohio. Applicant's attorney: D. H. Armstrong, 16 East Broad Street, Columbus, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: (1) *Truck bodies, accessories, and parts therefor ice control spreaders, concrete mixers and parts thereof*, from Galion, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (2) *truck bodies, accessories and parts therefor*, from Wapakoneta, Ohio, to the destination points specified in (1) above, and (3) *damaged shipments of the commodities specified in this application*, from the above-specified destination points to Galion and Wapakoneta, Ohio. Applicant is authorized to conduct operations in all States and the District of Columbia, except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

No. MC 110148 Sub 32, TRANSIT, INC., Herman, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Colorado, South Dakota, Minnesota, Iowa, Missouri, and Kansas, and *contaminated shipments of the commodities specified in this application*, on return movement.

No. MC 110148 Sub 33, TRANSIT, INC., Herman, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Etter, Tex., to points in Nebraska; and *contaminated shipments of the commodities specified in this application*, on return movement.

No. MC 111008 Sub 5, JESSE KIRK, JR., doing business as JESSE KIRK, JR., TRUCK LINE, P. O. Box 461, North Travis St., Cameron, Texas. Appli-

cant's attorney: Emory B. Camp, Cameron, Texas. For authority to operate as a *contract carrier* over irregular routes, transporting: *Salt and Salt products*, from Winnfield, La., and points within ten (10) miles thereof to points in Texas and Arkansas. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 111435 Sub 6, C. & E. TRUCKING CORP., 60 Montgomery St., Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar St., New York, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Liquid sugar and invert sugar* in bulk, in tank vehicles, from Yonkers, N. Y., to Bradford and Eric, Pa. Applicant is authorized to conduct operations in New York, Maryland, Pennsylvania and Virginia.

No. MC 112497 Sub 36, HEARIN TANK LINES, INC., P. O. Box 3096, Mason Street (Istrouma Branch), Baton Rouge 5, La. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles (except asphalt and asphalt products), (1) from Tuscaloosa and Birmingham, Ala., to points in Mississippi, and (2) from Birmingham, Ala., to points in Tennessee and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia and Louisiana.

No. MC 113336 Sub 4, PETROLEUM TRANSIT COMPANY, INC., P. O. Box 921, Lumberton, N. C. Applicant's attorney: James E. Wilson, Continental Building, Fourteenth at "K" Northwest, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from Wilmington, Morehead City, Beaufort, River Terminal, Thrift, Friendship, and Salisbury, N. C., to points in North Carolina. Applicant is authorized to conduct operations in Georgia, North Carolina, and South Carolina.

No. MC 114885 Sub 1, TANK TRUCK TRANSPORT, LIMITED, a Canadian corporation, P. O. Box 116, Point Edward, Ontario, Canada. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products, coal tar products, acids and chemicals* (not restricted to those defined by the Commission in Ex Parte No. MC-45), and *chemical products*, in bulk, in tank and hopper vehicles, between ports of entry on the International Boundary line between United States and Canada at or near Cape Vincent, Niagara Falls, Roosevelttown, N. Y., and the junction of New York Highways 12 and 180, on the one hand, and, on the other, Syracuse and Niagara Falls, N. Y. RESTRICTION: Service is to be restricted to shipments originating at or destined to points in Canada.

No. MC 114964 Sub 3, WALTER J. KURESKO, 55 Reel St., Coatesville, Pa. Applicant's representative: John H. Derby, Room 816, 1201 Chestnut St., Philadelphia 7, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy products*

(except poultry, dead, and/or dressed, and rabbits, dead) and orange juice, in cans, glass containers, and paper containers, from (1) Philadelphia, Pa., to Wilmington, Del., and (2) Wilmington, Del., to points in Pennsylvania within 100 miles of Philadelphia, Pa., with empty containers on return movements.

No. MC 115111, (Amended) published in the February 2, 1955, issue of the Federal Register, page 729. PROVOST CARTAGE, INC., 362 Revere Street, Winthrop, Mass. Applicant's attorney Raymond E. Bernard, 15 State Street, Boston, Mass. For authority to operate as a contract carrier over irregular routes, transporting: *Powdered commodities*, such as but not limited to soda ash, sodium potash and sodium phosphate (powdered) in bulk, in hopper tank trucks, from Solvay and Syracuse, N. Y., to the United States-Canada International Boundary line at the ports of entry of Cape Vincent (Thousand Islands, N. Y.) Niagara Falls, and Rooseveltown, N. Y.

No. MC 115111 Sub 1, (Amended) published in the February 2, 1955, issue of the Federal Register, page 729. PROVOST CARTAGE, INC., 362 Revere Street, Winthrop, Mass. Applicant's attorney Raymond E. Bernard, 15 State Street, Boston, Mass. For authority to operate as a contract carrier over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Solvay and Syracuse, N. Y., to the United States-Canada International Boundary line at the Port of Entry of Rooseveltown, N. Y.

No. MC 115165, RUPRECHT WALZ, Menno, S. Dak. For authority to operate as a contract carrier over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, moving in railway express service, between Scotland, S. Dak. and Marion, S. Dak., from Scotland, over South Dakota Highway 35 to junction U. S. Highway 18, thence over U. S. Highway 18 via Menno, to junction U. S. Highway 81, thence over U. S. Highway 81 via Freeman, to junction unnumbered highway approximately seven (7) miles north of Freeman, thence east and north over said unnumbered highway to Marion, S. Dak., and return over the same route, serving the intermediate points of Menno and Freeman, S. Dak.

No. MC 115194, WILLIAM J. REINING, Beach Lake, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, New York. For authority to operate as a contract carrier over irregular routes, transporting: *Limestone*, pulverized, in hopper, spreader and flat vehicles, from Limecrest (Sussex County) N. J., to points in Wayne and Pike Counties, Pa., and points in Sullivan County, N. Y., restricted to service from the site of the plant of Limestone Products Corporation of America.

No. MC 115196, LeROY L. WADE, 322 North 38th St., Omaha, Nebr. Applicant's attorneys: Loyal G. Kaplan and Samuel Zacharia, Suite 939 Omaha National Bank Building, Omaha 2, Nebr.

For authority to operate as a common carrier over irregular routes, transporting: *Automobiles, trucks, chassis, unfinished automobiles and trucks, and automobile and truck parts and accessories* when moving with these commodities, by truckaway or driveaway service, in secondary movements, from Omaha, Nebr., points in Douglas County, Nebr., and Sioux City, Iowa, to points in Nebraska, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota and Iowa, and *damaged shipments of the above-specified commodities*, on return movement.

No. MC 115197, AMERICAN TRANSPORT, INC., 1727 East Division St., P. O. Box 683, Springfield, Mo. Applicant's attorney James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, (1) from Coffeyville, Kans., to Ava, Mo., and (2) from Kansas City, Arkansas City, Coffeyville, Neodesha, and Chanute, Kans., to points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State line and extending along U. S. Highway 36 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Oklahoma State line, thence north along the Missouri-Oklahoma State line and the Missouri-Kansas State line to point of beginning, including points on the indicated portions of the highways indicated.

NOTE: Applicant holds permits in MC 111147 and Subs 1 and 2 as contract carrier of same commodities in the same area. Applicant offers all such authority for cancellation concurrently with effective date of certificate herein requested in order that its operations may be converted from that of a contract carrier to that of a common carrier by motor vehicle.

No. MC 115200, ROY McDANIEL AND H. LEWIS McDANIEL, doing business as ROY McDANIEL & SON, R. D. No. 2, Ellwood City, Pa. Applicant's attorney Marshall G. Matheny, First National Bank Building, New Castle, Pa. For authority to operate as a contract carrier over irregular routes, transporting: *Stone, sand and gravel*, in bulk, in dump trucks, and *kiln lining sand and clay*, in bulk, in dump trucks, and in bags, (1) from quarries in Big Beaver Township, Beaver County, Pa., and Big Beaver Township, Lawrence County, Pa., to points in Ohio, West Virginia, Michigan, Maryland and that portion of New York on and west of New York Highway 14, and (2) from quarries in Wilmington, Hickory, Pulaski and Neshannock Townships, Lawrence County, Pa., to points in Ohio, West Virginia, Michigan, Maryland and that portion of New York on and west of New York Highway 14. Roy McDaniel presently holds Permit No. MC 100688 issued May 27, 1940, authorizing operations as a contract carrier, over irregular routes, in the transportation of *stone, sand, and gravel*, from Koppel, Pa., and points in Hickory Township, Lawrence County, Pa., to points in Brooke, Ohio, and Hancock Counties, W. Va., and Columbiana, Jefferson, Ma-

honing, Portage, Trumbull, Stark, and Summit Counties, Ohio. It is the intention of applicant partner, Roy McDaniel, to submit said Permit No. MC 100688 for cancellation if and when the authority sought in the instant application is granted to the applicant partnership.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 96, THE GREY-HOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney Edmund M. Brady, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a common carrier, over regular routes, transporting: *Passengers and their baggage*, and *express and mail* in the same vehicle with passengers, between junction Michigan Highway 112 and U. S. Highway 24 and junction U. S. Highways 24 and 25, over U. S. Highway 24, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Chicago, Ill., and Detroit, Mich., and between Port Austin, Mich., and Dayton, Ohio. Applicant is authorized to conduct operations throughout the United States.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12622, JESSIE DAMAST AND JULIUS WEIN, doing business as SKI CLUB OF AMERICA, 9 Central Park West, New York, N. Y. Applicant's attorney Louis B. Bruman, 135 Broadway, New York 6, N. Y. For a license as a broker in arranging for the transportation of *Passengers and their baggage*, in the same vehicle with passengers, in interstate or foreign commerce, in round trip, special or charter operations by motor vehicle, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, to skiing areas, ski lodges, and ski slopes in Connecticut, Massachusetts, New Hampshire, Vermont, and New York, and return.

No. MC 12623, THE FRIENDSHIP TRAVELING CLUB OF CHESTER COUNTY, PA. 301 West Barnard St., West Chester, Pa. Applicant's attorney Joseph F. Harvey, Sixteen West Market St., West Chester, Pa. For a license as a broker in arranging for the transportation of *Passengers and their baggage*, in the same vehicle with passengers, in interstate or foreign commerce, in round trip, special or charter operations by motor vehicle, from West Chester, Pa., to points in the United States, including the District of Columbia, and ports of entry on the International Boundary Line between the United States and Canada, and return.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC-F 5705 published in the May 19, 1954, issue of the FEDERAL REGISTER, page 2916. Supplemental application filed February 28, 1955, to show the controlling stockholders of Peerless, Inc., to be Leland James and Eric Rendahl, Portland, Ore.

No. MC-F 5856 published in the December 22, 1954, issue of the FEDERAL REGISTER, page 8798. Supplemental application filed February 28, 1955, to

show the controlling stockholders of Peerless, Inc., to be Leland James and Eric Rendahl, Portland, Ore.

No. MC-F 5906 published in the February 16, 1955, issue of the FEDERAL REGISTER, page 1004. Supplemental application filed February 28, 1955, to show the controlling stockholders of Peerless, Inc., to be Leland James and Eric Rendahl, Portland, Ore.

No. MC-F-5906. E. W. A. PEAKE, ET AL.—CONTROL, CONSOLIDATED FREIGHTWAYS, INC.—PURCHASE—DAVE M. FRANKLIN. Application has been filed under section 210a (b) in connection with the above-entitled proceeding. Notice of the filing of the application under Section 5, Interstate Commerce Act, appears in the FEDERAL REGISTER, issue of February 16, 1955, at page 1004.

No. MC-F-5908 published in the February 9, 1955, issue of the FEDERAL REGISTER, page 848. Supplemental application filed February 28, 1955, to show the controlling stockholders of Peerless, Inc., to be Leland James and Eric Rendahl, Portland, Ore.

No. MC-F-5925. Authority sought for control by LAWRENCE J. GIBBONS, 3210-20 Spring Garden St., Philadelphia, Pa., of the operating rights and property of AUCH INTER-BOROUGH TRANSIT COMPANY, 1516 Butler Pike, Conshohocken, Pa. Applicant's attorney: John V. Espenshade, 1606 Lincoln-Liberty Bldg., Philadelphia 7, Pa. Operating rights sought to be controlled: (1) *Passengers and their baggage*, as a common carrier over irregular routes, restricted to traffic originating in the territory indicated, from Langhorne, Pa., and points in specified portions of Montgomery, Bucks, Philadelphia, and Delaware Counties, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia, and return; and (2) *passengers and their baggage*, restricted to traffic originating and terminating at the same points, in the territory indicated, in special operations, on round-trip sightseeing or pleasure tours, from points in portions of the four counties specified above, to points in the same states and the District of Columbia, and return. Applicant is not a carrier, but is majority stockholder in Merz White Way Tours, a corporation, holding common carrier authority to perform passenger charter operations in Pennsylvania, New Jersey, Delaware, New York, Maryland, Connecticut, Illinois, Virginia, North Carolina, Maine, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5926. Authority sought for purchase by LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh St., Elberton, Ga., of the operating rights and property of G. N. CHILDRESS, doing business as G. N. CHILDRESS TRANSPORTATION CO., P. O. Box 1011, Sanford, N. C. Applicants' attorney: Reuben G. Crumm, 805 Peachtree Street Building, Atlanta, Ga. Operating rights sought to be transferred: (1) *General commodities*, with certain exceptions, including household goods as defined by the Commission, as a common carrier, over regular

routes, between specified points in North Carolina and South Carolina, including routes between Wilmington, N. C., on the one hand, and, on the other, Sanford and New Bern, N. C., and between Wilmington, N. C., on the one hand, and, on the other, Hartsville and Darlington, S. C., serving specified intermediate and off-route points; (2) *general commodities*, with certain exceptions, including household goods, as defined by the Commission, over irregular routes, from New York, N. Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to Sanford and Olivia, N. C., from Richmond, Norfolk, and Jarratt, Va., to Dunn, N. C., and points in North Carolina within 100 miles of Dunn, except Sanford and Olivia; from Wilmington, N. C., to Richmond and Norfolk, Va., Murfreesboro and Dunn, N. C., and points in North Carolina within 100 miles of Dunn; and from Sanford, N. C., to points in North Carolina within 100 miles of Sanford; and (3) *specified commodities*, over irregular routes, varying as to origin and destination points, in a number of states, primarily in eastern states, including *cotton and cotton goods*, between points in North Carolina, South Carolina and Georgia; *lumber* from points in four North Carolina counties, to points in Virginia, Maryland, and the District of Columbia, *lubricating oils, greases and insecticides*, from Charleston, S. C., to Sanford, N. C., and *granite and crushed stone*, from Columbia, Rion, and Winnsboro, S. C., to Dunn and Goldsboro, N. C. Vendee is authorized to operate in Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Delaware, Kentucky, Michigan, Ohio, Tennessee, West Virginia, Missouri, Illinois, North Carolina, Rhode Island, Florida, Alabama, Massachusetts, Connecticut, Wisconsin, Minnesota, Mississippi, Iowa, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5927. Authority sought for control by DAVID H. RATNER, 628 East Adam St., Springfield, Ill., of the operating rights and property of TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicants' attorney: James Clarence Evans, 710 Third National Bank Bldg., Nashville 3, Tenn. Operating rights sought to be controlled: (1) *General commodities*, with certain exceptions, including household goods, as defined by the Commission, as a common carrier over regular routes, between Nashville, Tenn., and Atlanta, Ga., via U. S. Highway 41, between Nashville, Tenn., and Greensboro, N. C., over specified routes, serving specified intermediate and off-route points; and (2) a substantial irregular-route operation of numerous specified commodities, from, to, and between specified points and areas in Tennessee, Georgia, Alabama, Florida, Mississippi, North Carolina, and South Carolina, including, among others, *dairy products, eggs, and poultry*, from Murfreesboro, Tenn., to points in eastern Alabama, and to points in Florida, Georgia, North Carolina, and South Carolina; *packing-house and dairy products, eggs,*

and *poultry*, from Montgomery, Ala., to Nashville, Tenn., and points in Georgia, and from Nashville, Tenn., to points in eastern Alabama, and to points in Florida, Georgia, North Carolina and South Carolina, *frozen foods, and fresh fruits and fresh vegetables*, between Atlanta, Ga., on the one hand, and, on the other, Chattanooga, Tenn., points in eastern Alabama, except Montgomery, and those in Florida, Georgia, North Carolina, and South Carolina; *canned and fresh fruits, and canned fruit juices*, from points in portion of Florida, to Chattanooga, Tenn., and *lard and vegetable oil compounds*, from Jacksonville, Fla., to Atlanta, Ga., and from Charlotte, N. C., to points in South Carolina. Applicant is not a motor carrier, but control Hayes Freight Lines, Inc., a motor common carrier authorizing to transport property in Illinois, Indiana, Ohio, Kentucky, Tennessee, Michigan, Pennsylvania, applicant and Joseph E. Grinpas are authorized to control through common management, Southwest Freight Lines, Inc., a motor common carrier authorized to operate in Illinois, Colorado, Nebraska, Kansas, Oklahoma, Iowa, Missouri, and Arkansas; and applicant and Paul L. Shriver control Service Transfer & Storage, Inc., which has been authorized to temporarily operate the properties of Earl F. Schultz, doing business as Service Transfer & Storage Company, who is authorized to operate in Minnesota, Wisconsin, Illinois, South Dakota, Ohio, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5928. Authority sought for control by L. A. EDWARDS, JOSEPH M. MELENDEZ, ELDON JOHNSTON, and TRUMAN A. STOCKTON, JR., 201 E. Henshaw Rd., Phoenix, Ariz., of the operating rights and property of ARIZONA-NEVADA EXPRESS, 201 E. Henshaw Rd., Phoenix, Ariz. Applicants' attorney: Ronald Webster, Jr., 604 Heard Bldg., Phoenix, Ariz. Operating rights sought to be controlled: (1) *General commodities*, with certain exceptions, including household goods, as defined by the Commission, as a common carrier, over regular routes, between Phoenix, and Kingman, Ariz., over two routes, serving certain intermediate points, some subject to restriction; *general commodities*, with certain exceptions, not including household goods, between Las Vegas, Nev., and Bullhead City, Ariz., serving certain intermediate and off-route points; *general commodities*, without exceptions, over several routes in Arizona, principally between Kingman, on the one hand, and, on the other, Prescott and Davis Dam Site, serving certain intermediate and off-route points; (2) *general commodities*, without exceptions, over irregular routes between Kingman, Ariz., and points within 25 miles of Kingman; and dangerous explosives, between Kingman, Ariz., and points in Arizona within 50 miles of Kingman; and (3) *general commodities*, with certain exceptions, including household goods, over regular and irregular routes, between Phoenix, Ariz., on the one hand, and, on the other, Davis Dam and points within five miles thereof, and Kingman, Ariz., and points within 25

miles of Kingman, partly over a specified route, with no service at intermediate points. Applicants are not carriers, but have interests in motor common carriers as follows: Applicants L. A. Edwards and Joseph M. Melendez own together 100 percent and 99 percent, respectively, of the outstanding capital stock of Best-Way Transportation, a corporation, and Triple X Transfer, Inc., operating in the State of Arizona; applicant Eldon Johnston owns 3/4 of the outstanding capital stock of Johnston's Fuel Liners, Inc., holding authority to operate in Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Montana; and applicant Truman A. Stockton, Jr., owns approximately 38 percent of the outstanding capital stock of Denver-Laramie-Walden Truck Line, Inc., authorized to operate in Wyoming and Colorado. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5929. Authority sought for purchase by WILLIAM O'DONELL, JR., P. O. Box 367, Route 1, Elkhorn, Wis., of the operating rights and property of ZAMORSKI CARTAGE COMPANY, 653 Milwaukee St., Whitewater, Wis. Applicants' attorney C. R. Dineen, 341 Empire Bldg., 710 No. Plankinton Ave., Milwaukee 3, Wis. Operating rights sought to be transferred: *Milk and manufactured milk products*, as a *contract carrier* over a regular route, from Fort Atkinson, Wis., to Chicago, Ill., serving the intermediate point of Whitewater, Wis., and, over irregular routes, *milk and cream*, in cans, or in bulk, in tank vehicles, *fluid skim milk*, in bulk, in tank vehicles, *concentrated whole and skim milk*, in cans, or in bulk, in tank vehicles, and *sweetened condensed whole and skim milk*, in cans, or in bulk, in tank vehicles, from Fort Atkinson, Wis., to Dallas, Tex., Birmingham, Ala., and Nashville and Memphis, Tenn., and similar commodities from Fort Atkinson to Houston, San Antonio, Amarillo, Plainview, Lubbock, Abilene, Waco, and Austin, Tex., and from Antigo, Turtle Lake, Appleton, and Shawano, Wis., to Houston, San Antonio, Amarillo, Plainview, Lubbock, Abilene, Waco, Austin, and Dallas, Tex. Vendee is authorized to perform similar operations, as a contract carrier in Wisconsin, Illinois, Indiana, Michigan, Iowa, Minnesota and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5930. Authority sought for purchase by COAST TRUCK LINES, INC., 1540 4th Avenue South, Seattle, Wash., of a portion of the operating rights of BELLINGHAM TRANSFER, INC., 1726 Ellis St., Bellingham, Wash., and for acquisition by C. G. SOIKE, Seattle, Wash., of control of the operating rights through the purchase. Person to whom correspondence is to be addressed: John W. Newbegin, Secretary-Treasurer, Coast Truck Lines, Inc., 1540 4th Avenue South, Seattle, Wash. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as defined by the Commission, as a *common carrier*, over regular routes, between

Everett and Bellingham, Wash., via U. S. Highway 99, serving all intermediate points on southbound traffic, and those north of Burlington, Wash., on northbound traffic; and the off-route point of Edison; and *hides, pelts*, and *tallow*, between Bellingham and the boundary of the United States and Canada, via U. S. Highway 99, with no service at intermediate points. Vendee is authorized to operate in Washington and Oregon. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5931. Authority sought for purchase by LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue, So., Seattle, Wash., of a portion of the operating rights of BELLINGHAM TRANSFER, INC., 1726 Ellis St., Bellingham, Wash., and for acquisition by UNITED MOTOR EXPRESS, INC., 1106 Broadway, Oakland, Calif., of control of the operating rights through the purchase. Applicants' attorney Henry T. Ivers, 1405 Hoge Bldg., Seattle, Wash. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier* over a regular route, between Seattle and Everett, Wash., via U. S. Highway 99, service on southbound traffic only. Vendee is authorized to operate in California, Washington, and Oregon. Application has not been filed for temporary authority under section 210a (b)

CORRECTIONS

Application No. MC 105997 Sub 9, published on Page 1304, issue of March 2, 1955, should have included applicant's address: 80 Prospect Street, Nutley, N. J.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-1996; Filed, Mar. 8, 1955;
8:50 a. m.]

[4th Sec. Application 30323]

VARIOUS COMMODITIES FROM AND TO
POINTS IN THE SOUTHWEST
APPLICATION FOR RELIEF

MARCH 4, 1955.

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

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedules indicated in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities.

Between: Points in southwestern territory, on the one hand, and points in official, southern, southwestern and western trunkline territories, on the other.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days

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

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-1993; Filed, Mar. 8, 1955;
8:50 a. m.]

[4th Sec. Application 30324]

ALUMINA, CALCINED OR HYDRATED, BETWEEN POINTS IN WESTERN TRUNK-LINE TERRITORY ETC.

APPLICATION FOR RELIEF

MARCH 4, 1955.

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

Filed by W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Alumina, calcined or hydrated, carloads.

Between: Points in western trunk-line territory, including points in Illinois, Indiana and Kentucky, and between points in western trunk-line territory and points in southern territory.

Grounds for relief: Rail competition, circuitry, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4076, supp. 1, W. J. Prueter, Agent, I. C. C. No. A-4077, supp. 1.

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] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-1994; Filed, Mar. 8, 1955;
8:50 a. m.]

