THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 20 NUMBER 14

Washington, Thursday, January 20, 1955

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 44]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 8772, 20 F. R. 176), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (3), (20), and (22), of paragraph (a), relating to California, are deleted.

2. Subparagraphs (11), (15), (16), (17), (19), (21), (23) and (24), of paragraph (a), relating to California, are amended to read:

(11) NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM, in Orange County.

* * * * *

(15) Lots 2, 3, and 4, Sec. 12, T. 12 S., R. 3 W., SBBM; NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; W. ½ of NW. ¼ of NW. ¼ Sec. 32, T. 11 S., R. 4 W., SBBM; NW. ¼ of SW. ¼ of SE. ¼ Sec. 24, T. 16 S., R. 1 W., SBBM; Sec. 30, T. 16 S., R. 1 E., SBBM; and NE. ¼ Sec. 28, T. 15 S., R. 1 E., SBBM, in San Diego County.

(16) Secs. 20 and 29, T. 2 S., R. 6 E., MDBM; N. ½ Sec. 5 and W. ½ Sec. 4, T. 1 N., R. 6 E., MDBM; and SE. ¼ Sec. 22, T. 1 N., R. 6 E., MDBM, in San Joaquin County.

(17) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; S. ¼ of SW. ¼ Sec. 36, T. 5 S., R. 4 W., MDBM; SW. ¼ Sec. 20, T. 4 S., R. 6 W., MDBM; and NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM, in San Mateo County.

* * * * *

(19) NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; that part of the NE. ¼ Sec. 9, T. 6 S., R. 2 W., lying west of Steirlin Road, east of Bayshore Highway, south of San Francisco Bay, and north of Charleston Avenue; NW. ¼ Sec. 15, T. 6 S., R. 2 W., MDBM; and SE. ¼ of T. 5 S., R. 1 W., MDBM, in Santa Clara County.

* * * * *

(21) That part of Secs. 16 and 21, T. 8 N., R. 8 W., MDBM, lying south of Faught Creek and west of Faught Road; and that part of Rancho Aqua Calente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road, in Sonoma County.

* * * * *

(23) NW. ¼ Sec. 15, T. 20 S., R. 24 E., MDBM; and NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM, in Tulare County.

(24) Sec. 16, T. 2 N., R. 22 W., MDBM; and Sec. 22, T. 1 N., R. 20 W., MDBM, in Ventura County.

3. A new subdivision (ix) is added to subparagraph (3) of paragraph (c), relating to Essex County, in Massachusetts, to read:

(ix) That part of the Town of Saugus lying north of Water Street, east of the Saugus River, and west of Walnut Street.

4. Subdivision (iii) of subparagraph (7) of paragraph (c), relating to Plymouth County, in Massachusetts, is deleted.

5. Subdivision (iii) of subparagraph (1) of paragraph (f), relating to Bristol County, in Rhode Island, is amended to read:

(iii) That part of the Town of Warren lying south of School House Road, north of Palmer Avenue, west of Market Street, and east of the Warren River; and that part of the Town of Warren lying north of Andy Road, south of Child Street, east of Long Lane and west of Kinnicutt Avenue.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following area in Massachusetts within the areas quarantined because of vesicular exanthema:

That part of the Town of Saugus, lying north of Water Street, east of the Saugus River, and west of Walnut Street, in Essex County.

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FEDERAL REGISTER

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

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR 1953 Supp., Part 76, Subpart B, as amended, will apply to such area.

The amendment also excludes certain areas in California, Massachusetts, and Rhode Island, from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 14th day of January 1955.

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

[F. R. Doc. 55-528: Filed, Jan. 19, 1955; 8:57 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 18 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 385—EXPORTATIONS OF TECHNICAL DATA

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars: Paragraph (f) *Aluminum scrap* is deleted.

This part of the amendment shall become effective as of January 13, 1955.

2. Section 373.65 *Ultimate consignee and purchaser statements,* paragraph (a) *Scope* is amended in the following particulars: Subdivision (iii) (*a*) of subparagraph (1) *General* is amended to read as follows:

(*a*) The application for license to export a proposed shipment is covered by an Import Certificate, submitted in accordance with § 373.2 (or by a Swiss Blue Import Certificate as provided in § 373.67, or by a Hong Kong Import License as provided in § 373.69, or by a Yugoslav End-Use Certificate as provided in § 373.70).

This part of the amendment shall become effective as of February 28, 1955.

3. Part 373, Licensing Policies and Related Special Provisions, is amended by the addition of a new § 373.70 to read as follows:

§ 373.70 *Yugoslavia*—(a) *End-Use Certificate requirement.* License applications for the export of commodities to Yugoslavia shall be accompanied by the original End-Use Certificate issued to the Yugoslav importer by the Federal Chamber for Foreign Trade in Belgrade (Beograd). Where the End-Use Certificate covers commodities for which more than one export license application is submitted, the original of the End-Use Certificate shall be attached to the first such application. Each subsequent ap-

[1] This amendment was published in Current Export Bulletin No. 743, dated January 13, 1955.

plication shall include the following certification:

I (we) certify that I (we) have not submitted applications, including the present application, against the Yugoslav End-Use Certificate No. _____ in excess of the total quantity authorized thereon. This End-Use Certificate was submitted in support of Application No. _____

(BFC Case No. or if Case No. is unknown, the Applicant's Reference No., date of submission of the application to which the End-Use Certificate was attached, and Schedule B Nos. shown on that application.)

NOTE: 1. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this subchapter.)

2. *Purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and may be concerned with several commodities; however, the End-Use Certificate shall relate only to purchase orders placed by a single importer with a single United States exporter.

3. *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the End-Use Certificate. The applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the End-Use Certificate is issued.

4. *Yugoslav End-Use Certificate as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an End-Use Certificate. The Department of Commerce will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the United States exporter whose license application should be approved. A Yugoslav End-Use Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

(b) *Return of End-Use Certificate.* The Yugoslav End-Use Certificate provides a certification by the Yugoslav importer to his Government that he will import the commodities through the Yugoslav customs frontier and that he will not reexport the goods without obtaining permission from his Government. If the Yugoslav importer is unable to obtain the commodities covered by the End-Use Certificate, he is required by the Government of Yugoslavia to produce evidence of such inability. Therefore, where United States exporters are requested by their foreign importers to return unused or partially used End-Use Certificates, U. S. exporters shall return such Certificates in the same manner established for the return of a Swiss Blue Import Certificate (see § 373.67 (b) (1), (2), and (3)).

(c) *Exceptions.* (1) The Bureau of Foreign Commerce will consider the granting of an exception to the requirement for submission of the Yugoslav End-Use Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. Requests for exception shall be submitted in the same manner prescribed for exceptions for the submission of a Swiss Blue Import Certificate (see § 373.67 (c)).

(2) Applicants are advised that delay may be entailed in the review of a license application under this exception clause in view of the necessary added consideration, although the Bureau of Foreign Commerce will process the application as quickly as possible. The BFC can give no assurance that an export license will be issued for any exportation where an exception to this section is requested.

(d) *Amendment request for increased quantities.*[1] A request for amendment to increase the quantity of an export license which is covered by a Yugoslav End-Use Certificate shall include the following certification on Form IT– or FC–763 or on a signed attachment thereto:

I (we) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. _____.

This part of the amendment shall become effective as of February 28, 1955.

4. Section 380.2 *Amendments or alterations of licenses*, paragraph (j) *Licenses covered by an Import Certificate or a Swiss Blue Import Certificate* is amended to read as follows:

(j) *Licenses covered by an import certificate, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate.* A request for an amendment of an export license covering a commodity subject to the import certificate procedure (§ 373.2 of this subchapter), the Swiss Blue Import Certificate procedure (§ 373.67 of this subchapter), or to the Yugoslav End-Use Certificate procedure (§ 373.70 of this subchapter), which proposes a change in any party to the transaction named on the license or any increase in the net quantity set forth on the license, must be accompanied by a new or appropriately amended certificate if the proposed amendment is not in accordance with the certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted certificate, the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under the _____ Import Certificate or End-Use Certificate No. _____.
(Name of country)
(Strike out inapplicable title of form)

This part of the amendment shall become effective as of February 28, 1955.

5. Section 385.51 *Technical data under mandatory control* is amended in the following particulars: The commodity entry set forth opposite Schedule B number 501400 is amended to read as follows: "Aviation fuel blending agents".

This part of the amendment shall become effective as of January 15, 1955.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-460; Filed, Jan. 19, 1955; 8:45 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 12[2]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Abrasive products (report abrasive refuse in 596098; and diamond compounds in 540910):				
541150	Abrasive pastes, compounds, and cake, incorporating grains of silicon carbide or fused aluminum oxide.[1]	Lb.	MINL 1	100	R
	Electronic-type components:				
708010	Parts, n. e. c., specially fabricated for transistors [2 3]		RARA 52	25	RO
708010	Waveguides [2 3]		RARA 52	100	RO

[1] This commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).
[2] This commodity is subject to the IC/DV procedure (see § 370.2 of this subchapter), effective Feb. 28, 1955.
[3] This commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

[1] Section 380.2 of this subchapter contains other provisions applicable to amendments of applications covered by a Yugoslav End-Use Certificate.

[2] This amendment was published in Current Export Bulletin No. 743, dated January 13, 1955.

This part of the amendment shall become effective as of 12:01 a. m., January 20, 1955.

2. The following commodities are deleted:

Dept. of Commerce Schedules B No.	Commodity
654502	Spent nickel catalyst.
	Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c. (specify by name):
794960	Landing mats, aircraft.[1]
	Other industrial chemicals:
839900	Mercury compounds.

[1] Landing mats, aircraft, require export authorization from the Department of State (see § 370.4 (a) of this subchapter). All outstanding licenses issued by the Department of Commerce remain valid until they expire or are revoked.

This part of the amendment shall become effective as of 12:01 a. m., January 13, 1955.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Metal manufactures, n. e. c., and parts, n. e. c.:				
	Other metals, except precious (specify by name and type of metal):				
619950	Aluminum plates and sheets, perforated, in which (1) the average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more, or the magnesium content is 9.5 percent or more (formerly 630301). (1) [22]	Lb.	NONF	100	RO
	Non ferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name):				
664998	Crystalline silicon (silicon metal) containing 99 percent silicon or over. (1) [4]	Lb.	MINL	None	RO
	Steam turbine generator sets (turbogenerators):				
700805	5,000 kilowatts up to and including 7,500 kilowatts (specify rating).[24]	No.	ELME 1	None	R
708410	Hydrophones. (6) [2] [8]	No.	RARA 52	None	RO
829910	Antiknock compounds [23]	Lb.	PETR	25	RO
900238	Photomicrographic and oscillograph cameras. (2) [18]	No.	FILM	None	RO
900600	Parts, n. e. c., specially fabricated for photomicrographic and oscillograph cameras. (2) [18]		FILM	100	RO
902300	Lenses for photomicrographic, oscillograph, and high speed cameras capable of recording at rates in excess of 250 frames per second.[18]	No.	FILM	None	RO

[2] The processing code is changed or related commodity group number is changed (see § 372.5 (f) of this subchapter).

[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective Feb. 28, 1955.

[18] The commodity description is revised without substantive change.

[22] The commodity coverage is increased, effective Jan. 20, 1955.

[23] Perforated aluminum plates are changed from Schedule B No. 630301 to 619950 to conform with Schedule B.

[24] The requirement to specify rating is added.

[8] See § 370.4 (a) of this subchapter for detection and navigational apparatus requiring export authorization from the Department of State. All outstanding licenses issued by the Department of State or Bureau of Foreign Commerce prior to Jan. 1, 1954, remain valid until they expire or are revoked.

This part of the amendment shall become effective as of January 13, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., January 20, 1955, may be exported under the previous general license provisions up to and including February 12, 1955. Any such shipment not laden aboard the exporting carrier on or before February 12, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945, Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-461; Filed, Jan. 19, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6129]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RICHARD H. DAVIMOS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Individual or corporate business as association or guild; § 3.30 *Composition of goods;* § 3.55 *Demand, business, or other opportunities;* § 3.135 *Nature:* Product or service; § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name*—Vendor: § 3.2395 *Individual or corporate business as association or guild.* I. In connection with the offering for sale, sale, or distribution of respondents' orchid plants in commerce: (1) Misrepresenting the kind and type of orchid plants offered for sale and sold by them; (2) misrepresenting the time within which their orchid plants will bloom; (3) misrepresenting the retail value of the flowers which their orchid plants will produce; and (4) using the word "guild" or any other word of similar import or meaning as a part of a trade name, or otherwise, or representing in any other manner that respondents' business is other than a commercial enterprise operated for profit; and, II, in connection with the offering for sale, sale, or distribution in commerce, of respondents' combination soil conditioner and fertilizer, designated "Loamium", or any other product of substantially similar composition or possessing substantially similar properties, representing directly or by implication: (1) That said product will change soil texture or change the clay, sand, silt ratio of soil or add to the soil elements other than those contained in said product; and (2) that said product will effectively form and stabilize soil aggregates without revealing the extent to which the soil must be cultivated or the degree to which the product must be worked into the soil to effect the formation and stabilization of soil aggregates to the extent represented to result from the use of said product; (3) that any smaller amount of said product is needed to condition a given area of soil to a given depth than is actually required; and (4) that said product contains a soil penetrant, when such is not a fact; prohibited.

(Sec. 2, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, Richard H. Davimos et al. t. a. Orchids, etc., Harrison, N. J., Docket 6129, Dec. 18, 1954]

In the Matter of Richard H. Davimos, and Casper Pinsker, Jr., Individually and as Copartners Trading as Orchids, Orchid Guild, White House Company

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair and deceptive acts and practices in violation of the Federal Trade Commission Act, in the advertising of their orchid plants and chemical soil conditioner and plant fertilizer; and upon a stipulation for a consent order disposing of all the issues in the proceeding, pursuant to agreement entered into by respondents and counsel supporting the complaint, by which respondents admitted all the jurisdictional allegations set forth in the complaint; it was stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with

such allegations; respondents, in effect, requested that their answer to the complaint be withdrawn and expressly waived the filing of an answer thereto and further proceedings before the hearing examiner or the Commission; and it was stipulated that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Respondents further agreed that the order contained in said stipulation should have the same force and effect as if made after full hearing, presentation of evidence, and findings and conclusions thereon, and expressly waived all right, power, and privilege to contest the validity of said order, and said stipulation recited further that said complaint might be used in construing the terms of said order and that such order might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and it was agreed that said stipulation for consent order, together with the complaint, should constitute the entire record in the proceeding.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters; interpreted said last agreement, for the reasons set forth, as meaning that the complaint and stipulation for consent order should constitute the entire record upon which the initial decision should be based; noted that while the terms of the proposed order to cease and desist relating to the advertising of orchid plants were the same as those contained in the default order accompanying the complaint, there were variances between said order and that proposed in the stipulation with respect to the soil conditioner and fertilizer concerned; and that the attorney supporting the complaint explained and justified such variances in his memorandum transmitting the stipulation for consent order to the examiner, on the ground that the order as changed in said matter reflected more recent information on the subject, conformed to the provisions of the Commission's recent trade practice rules for the Chemical Soil Conditioner Industry, was more accurate in the light of recent developments in said industry, and would "inhibit the false, misleading, and deceptive representations stated in the complaint while permitting truthful statements affecting said product."

Concluding, in view of the provisions of the stipulation as outlined and the statements and explanations presented by counsel supporting the complaint, that the stipulation for consent order should be accepted and that such action, together with the issuance of the order contained therein, would resolve all the issues arising by reason of the complaint in the proceeding, and would safeguard the public interest to the same extent as could be accomplished by full hearing and all other adjudicative procedure waived in said stipulation; said examiner accordingly, in consonance with the terms of said agreement, accepted the stipulation for consent order submitted, granted respondents' request that their answer to the complaint, theretofore submitted, be withdrawn, and issued order to cease and desist.

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 December 18, 1954.

Said order is as follows:

It is ordered, That respondents, Richard H. Davimos and Casper Pinsker, Jr., individually and as copartners, trading as Orchids or Orchid Guild, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their orchid plants in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Misrepresenting the kind and type of orchid plants offered for sale and sold by them;

2. Misrepresenting the time within which their orchid plants will bloom;

3. Misrepresenting the retail value of the flowers which their orchid plants will produce;

4. Using the word "guild" or any other word of similar import or meaning as a part of a trade name, or otherwise, or representing in any other manner that respondents' business is other than a commercial enterprise operated for profit.

It is further ordered, That said respondents, Richard H. Davimos and Casper Pinsker, Jr., individually and as copartners trading as the White House Company, or under any other name, and respondents' 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 their combination soil conditioner and fertilizer, designated Loamium, or any other product of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from representing directly or by implication:

1. That said product will change soil texture or change the clay, sand, silt ratio of soil or add to the soil elements other than those contained in said product;

2. That said product will effectively form and stabilize soil aggregates without revealing the extent to which the soil must be cultivated or the degree to which the product must be worked into the soil to effect the formation and stabilization of soil aggregates to the extent represented to result from the use of said product;

3. That any smaller amount of said product is needed to condition a given area of soil to a given depth than is actually required;

4. That said product contains a soil penetrant, when such is not a fact.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6129, December 18, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondents Richard H. Davimos, and Casper Pinsker, Jr., individually and as copartners trading as Orchids, Orchid Guild, White House Company, 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: December 18, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-503; Filed, Jan. 19, 1955; 8:54 a. m.]

TITLE 25—INDIANS

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

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

JANUARY 10, 1955.

On November 25, 1954, notice of intention to amend § 130.47 was published in the daily issue of the FEDERAL REGISTER (19 F. R. 7606).

Interested persons were thereby given opportunity to participate in the preparation of the proposed amendments by submitting data or argument within thirty days from the date of publication of the notice. No written or oral communications were received within the period specified. Subsequent to that date one unsupported communication was received, and after giving due consideration to the statements presented in this document, it was determined that sufficient justification was not submitted to alter the amendment as proposed by the notice in the FEDERAL REGISTER. Therefore, the said section is hereby amended and promulgated as follows:

§ 130.47 *Assessments.* (a) The rate of assessment of operation and maintenance charges on irrigable land of the Modoc Point Unit to which water can be delivered is hereby fixed at $3.85 per acre per annum for the calendar year 1955, and subsequent years, until further notice.

(b) The rate of assessment of operation and maintenance charges on land under the Sand Creek Unit shall remain at $3.00 per acre per annum until further notice.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

DON C. FOSTER,
Area Director.

[F. R. Doc. 55-464; Filed, Jan. 19, 1955; 8:46 a. m.]

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 186—LEASING OF TRIBAL LANDS FOR MINING

LEASES TO BE MADE BY TRIBES

Section 186.2 of the regulations in this part is hereby amended to read as follows:

§ 186.2 *Leases to be made by tribes.* Indian tribes, bands or groups may, with the approval of the Secretary of the Interior or his authorized representative, lease their land for mining purposes. No oil and gas lease shall be approved unless it has first been offered at an advertised sale in accordance with § 186.3. Leases for minerals other than oil and gas may be negotiated and approved without advertising.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

DOUGLAS MCKAY,
Secretary of the Interior.

JANUARY 14, 1955.

[F. R. Doc. 55-463; Filed, Jan. 19, 1955; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

RECORDS TO BE KEPT

On November 24, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 7586), under which Part 545, issued pursuant to sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; as amended, 29 U. S. C. 201 et seq.), would be amended by the addition of a new paragraph designated as (d) of § 545.7.

Interested persons were given 15 days in which to submit their views and comments relative to the proposed amendment. No comments have been received.

Accordingly, pursuant to authority contained in sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, § 545.7 is hereby amended by the addition of a new paragraph, designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator, pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(Secs. 6, 11, 52 Stat. 1062, 1066, as amended; 29 U. S. C. 206, 211)

This amendment shall become effective February 21, 1955.

Signed at Washington, D. C., this 14th day of January 1955.

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

[F. R. Doc. 55-468; Filed, Jan. 19, 1955; 8:47 a. m.]

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

RECORDS TO BE KEPT

On November 24, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 7586), under which Part 681, issued pursuant to sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; as amended, 29 U. S. C. 201 et seq.), would be amended by the addition of a new paragraph designated as (d) of § 681.7.

Interested persons were given 15 days in which to submit their views and comments relative to the proposed amendment. No comments have been received.

Accordingly, pursuant to authority contained in sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, § 681.7 is hereby amended by the addition of a new paragraph, designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211)

This amendment shall become effective February 21, 1955.

Signed at Washington, D. C., this 14th day of January 1955.

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

[F. R. Doc. 55-469; Filed, Jan. 19, 1955; 8:47 a. m.]

PART 695—HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

RECORDS TO BE KEPT

On November 24, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 7587), under which, Part 695, issued pursuant to sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; as amended, 29 U. S. C. 201 et seq.), would be amended by the addition of a new paragraph designated as (d) of § 695.6.

Interested persons were given 15 days in which to submit their views and comments relative to the proposed amendment. No comments have been received.

Accordingly, pursuant to authority contained in sections 6 (a) (2) and 11 (c) of the Fair Labor Standards Act of 1938, as amended, § 695.6 is hereby amended by the addition of a new paragraph designated as (d), to read as follows:

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(Secs. 6, 11, 52 Stat. 1062, 1066, as amended; 29 U. S. C. 206, 211)

This amendment shall become effective February 21, 1955.

Signed at Washington, D. C., this 14th day of January 1955.

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

[F. R. Doc. 55-470; Filed, Jan. 19, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix C—Public Land Orders

[Public Land Order 1053]

ALASKA

EXCLUDING CERTAIN LANDS FROM THE CHUGACH NATIONAL FOREST, RESERVING PORTIONS OF THE LANDS FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described area in Alaska is hereby excluded from the Chugach National Forest, and the boundaries of the said forest are modified accordingly.

CHUGACH NATIONAL FOREST

Beginning at line of mean high tide on the north shore of Afognak Strait, Afognak Island, Alaska, approximate latitude 57°59'37" N., longitude 152°48'15" W., as determined from the U. S. Coast and Geodetic Survey Chart No. 8534;

Thence, North 20° East, approximately three (3) miles to mean high tide line of the south shore of Afognak Bay.

Thence, by meanders along mean high tide line of Afognak Bay and Afognak Strait Southeasterly and Southwesterly to point of beginning.

The tract described contains approximately 1,140 acres.

2. Effective 10:00 a. m. on the 35th day after the date of this order, any of the above-described land which is occupied by holders of permits from the Department of Agriculture, who own valuable improvements on the land, is hereby restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).

3. Effective 10:00 a. m. on the 35th day after the date of this order those lands described in Paragraph 1 hereof and not restored by Paragraph 2, are hereby restored, subject to valid existing rights, including the rights of natives, if any, and the provisions of existing withdrawals, and opened to filing under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) or to settlement under the homestead laws or under the Alaska Homesite Act of May 26, 1934 (48 Stat. 809; 43 U. S. C. 461) only by qualified veterans of World War II or of the Korean Conflict for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not applied for or settled upon by veterans or other persons entitled to credit for service shall become subject to filing or settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

JANUARY 14, 1955.

[F. R. Doc. 55-467; Filed, Jan. 19, 1955; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10304; FCC 55-26]

[Rules Amdt. 2-32]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; AERONAUTICAL MOBILE (R) SERVICE

In the matter of Amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the Aeronautical Mobile (R) Service; Docket No. 10304.

1. The Commission having under consideration its proposal in the above-entitled matter which was adopted on August 6, 1952. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, this proposal making provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER (17 F. R. 7549) on August 19, 1952, and the period for filing comments has now expired.

2. The American Telephone and Telegraph Company (AT&T), and Aeronautical Radio Inc. (ARINC), filed comments in this matter.

3. AT&T, in filing its comments, listed the frequency assignment of 4680 kc and indicated that, prior to its deletion, a replacement frequency would be needed. This frequency has now been deleted.

4. ARINC associated its comments with those involving Docket 10267 (Allocation of frequencies in the Aeronautical Mobile (OR) Service) and indicated that, prior to the Commission's finalization of these proceedings, several steps should be taken as follows:

(a) Replacement frequencies should be provided for outstanding out-of-band assignments in the (R) and (OR) bands.

(b) The bands should be clear of existing stations in the fixed and maritime mobile services.

(c) Foreign and Government stations capable of interfering with the aeronautical mobile assignments should be removed from the bands, and

(d) The Part 2 table of frequency allocations should designate the (R) bands as "Non-Government" and the (OR) bands as "Government".

5. With respect to (a) and (b) above, replacement frequencies have been made available for all out-of-band assignments formerly in the bands being finalized. As to (c) above, the replacement frequencies which have been cleared for use and have been activated by the aeronautical mobile service rendered by non-Government stations have, prior to activation, been scrutinized for possible interference from Government or foreign stations and have not been placed into use where it appears that harmful interference may occur. In regard to (d) above, the Commission invites attention that below 25,000 kc the Commission's table of frequency allocations does not designate exclusive bands to Government and non-Government stations. Additionally, such designation would seem to have the effect of prohibiting Government stations from utilizing route frequencies with respect to established routes and this departs from existing practice.

6. Since the date of making the proposal the Commission, working in cooperation with the various licensees involved, has succeeded in obtaining the clearance of non-Government stations from all of the Aeronautical Mobile (R) Service bands except for the bands, 4650–4700 kc and 5450–5680 kc. Additionally, replacement frequencies for the non-Government stations originally involved in the cleared bands have been assigned and activated. Furthermore, such foreign occupancy or Government occupancy of these bands as may serve to cause harmful interference to the planned Aeronautical Mobile (R) Service assignments are being eliminated on a case by case basis and do not affect the proposal to finalize this allocation insofar as non-Government stations are concerned.

7. In view of the above, the Commission is making final the allocation of all Aeronautical Mobile (R) Service bands subject to this proceeding except the bands 4650–4700 kc and 5450–5680 kc. It is intended that the allocation for these latter two bands will be finalized in this proceeding as soon as all non-Government out-of-band assignments can be removed therefrom.

8. It appearing that the public interest, convenience and necessity will be served by the amendments contained below and herein ordered, the authority for which action is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended:

9. *It is ordered*, That effective February 23, 1955, Part 2 of the Commission's rules is amended as set forth below.

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

Adopted: January 12, 1955.

Released: January 17, 1955.

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

NOTE: Footnote 2 is recapitulated in this document to include past actions and actions taken this date in documents FCC 55-23, 55-52, 55-25 and 55-26.

1. Section 2.104 (a) (3) (i) and (iii) is amended, effective February 23, 1955, by the addition, in numerical sequence,

of the following frequency bands to footnote 2:

Kc	Kc
2850–3025	10005–10100
3400–3500	11275–11400
6525–6685	13260–13360
8815–8965	17900–17970

2. As amended, footnote 2 reads as follows:

[2] The provisions of this section, except for frequencies authorized to aircraft for communication with foreign stations, do not apply for the authorization of frequencies within the following frequency bands:

Kc	Kc
2035–2107	5500–5550
2850–3025	5680–7300
3400–4238	8195–8476
4700–4750	8745–11400
5450–5480	11700–25000

[F. R. Doc. 55–527; Filed, Jan. 19, 1955; 8:57 a. m.]

[Docket Nos. 10242, 10628, 11193; FCC 55–52]

[Rules Amdt. 2–29]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4115–4133 kc, 8230–8265 kc, 12340–12400 kc and 16460–16530 kc; Docket 10242.

Amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4063–4133 kc, 8195–8265 kc, 12330–12400 kc and 16460–16530 kc; Docket 10628.

Amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4063–4115 kc, 8195–8230 kc and 12330–12340 kc.; Docket 11193.

1. The Commission has had under consideration the proceedings in Dockets 10242, 10628 and 11193. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notices of proposed rule making in these matters, which made provision for the submission of written comments by interested parties, were duly published in the FEDERAL REGISTER on August 5, 1952, 17 F. R. 7127 (10242), on August 14, 1953, 18 F. R. 4861 (10628) and on October 13, 1954, 19 F. R. 6587 (11193). The period for the filing of comments by interested parties in each of these dockets has now expired.

2. Docket 10242 comments were received from the Lorain County Radio Corporation; Aeronautical Radio Inc., and the American Telephone and Telegraph Company.

3. The Lorain County Radio Corporation requested that any implementation of the allocation, which might adversely affect the Great Lakes system of maritime mobile telephone communications, be delayed until adequate provisions were made for this servce. Since the time of filing comments, the Commission has finalized the frequency assignments for this system and thus the comments no longer appear to be germane.

4. Aeronautical Radio Inc. (ARINC) commented in opposition to the proposal and indicated that, before it was made final, frequency replacements should be provided for the then existing aeronautical operations on 4122.5 kc. Subsequent to the filing of this comment by ARINC, a replacement for the 4122.5 kc frequency has been provided.

5. The American Telephone and Telegraph Company, by its comments filed in this docket, supported the Commission's proposal and indicated its readiness to provide immediate service to ships on the high seas using the new Atlantic City ship telephone frequency bands.

6. Dockets 10628 and 11193 had no comments filed.

7. In view of the foregoing and pursuant to sections 303 (c), (e), (f) and (r) of the Communications Act of 1934, as amended and further pursuant to the Final Acts of the International Telecommunications and Radio Conference, Atlantic City, 1947: *It is ordered*, That, effective February 23, 1955, Part 2 of the Commission's Rules is amended as set forth below.

8. The proceedings in Docket 10242, Docket 10628 and Docket 11193 are hereby terminated.

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

Adopted: January 12, 1955.

Released: January 17, 1955.

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

NOTE: Footnote 2 is recapitulated in FCC 55–26, to include past actions and actions taken this date in documents FCC 55–23, 55–52, 55–25 and 55–26.

Section 2.104 (a) (3) (i) and (iii) is amended by the addition, in numerical sequence, of the following bands of frequencies to footnote 2:

Kc	Kc
4063–4133	12330–12400
8195–8265	16460–16530

[F. R. Doc. 55–524; Filed, Jan. 19, 1955; 8:57 a. m.]

[Docket No. 10267; FCC 55–25]

[Rules Amdt. 2–31]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; AERONAUTICAL MOBILE (OR) SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the Aeronautical Mobile (OR) Service; Docket No. 10267.

1. The Commission having under consideration its proposal in the above-entitled matter, which was adopted on July 24, 1952. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, this proposal, making provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER (17 F. R. 7153) on August 6, 1952, and the period for filing comments has now expired.

2. The American Telephone and Telegraph Company (AT&T), and Aeronautical Radio Inc. (ARINC), filed comments in this matter.

3. AT&T, in filing its comments, listed the various frequency assignments of that company which, under the proposal, would be out-of-band. ARINC also listed frequency assignments which would be out-of-band if the proposal were adopted and indicated that the adoption of the proposal might cause "indirect modification" of its authorizations in these bands.

4. Additionally, ARINC associated their comments in this docket with those in Docket 10304 (Allocation of frequencies to the Aeronautical Mobile (R) Service) and indicated that, prior to making these proceedings final, several steps should be taken as follows:

(a) Replacement frequencies should be provided for outstanding out-of-band assignments in the (R) and (OR) bands.

(b) The bands should be clear of existing stations in the fixed and maritime mobile services.

(c) Foreign and Government stations capable of interfering with aeronautical mobile assignments should be removed from the bands, and

(d) The Part 2 table of frequency allocations should designate the (R) bands as "Non-Government" and the (OR) bands as "Government".

5. With respect to (a) and (b) above, replacement frequencies have been made available for all out-of-band assignments formerly in the bands being finalized. As to (c) above, the replacement frequencies which have been cleared for use and have been activated by the aeronautical mobile service rendered by non-Government stations have, prior to activation, been scrutinized for possible interference from Government or Foreign stations and have not been placed into use where it appears that harmful interference may occur. In regard to (d) above, the Commission invites attention that below 25,000 kc the Commission's table of frequency allocations does not designate exclusive bands to Government and non-Government stations. Additionally, such designation would seem to have the effect of prohibiting Government stations from utilizing route frequencies with respect to established routes and this departs from existing practice.

6. Since the date of making the proposal the Commission, working in cooperation with the various licensees involved, has succeeded in obtaining the clearance of non-Government stations from all of the Aeronautical Mobile (OR) bands except in the case of the band, 3025–3155 kc. Additionally, replacement frequencies for the stations involved in all, except the band 3025–3155 kc, will have been cleared and activated prior to January 1, 1955. Therefore the Commission considers that

it has taken into account the comments of all interested parties and, with their cooperation, has proceeded in accordance with the comments received.

7. In view of the above, the Commission is making final, the allocation of all Aeronautical Mobile (OR) bands subject to this proceeding except for the band 3025–3155 kc. It is intended that the allocation for the band, 3025–3155 kc will be finalized in this proceeding as soon as all non-Government out-of-band assignments can be removed therefrom.

8. It appearing, That the public interest, convenience and necessity will be served by the amendments contained below and herein ordered, the authority for which action is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

9. *It is ordered*, That effective February 23, 1955, Part 2 of the Commission's rules is amended as set forth below.

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

Adopted: January 12, 1955.

Released: January 17, 1955.

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

NOTE: Footnote 2 is recapitulated in FCC 55–26 to include past actions and actions taken this date in documents FCC 55–23, 55–52, 55–25 and 55–26.

Section 2.104 (a) (3) (i) and (iii) is amended, effective February 23, 1955, by the addition, in numerical sequence, of the following frequency bands to footnote 2:

Kc	*Kc*
4700–4750	11175–11275
5680–5730	13200–13260
6685–6765	15010–15100
8965–9040	17970–18030

[F. R. Doc. 55–526; Filed, Jan. 19, 1955; 8:57 a. m.]

[Docket No. 10624; FCC 55–23]

[Rules Amdt. 2–28]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; FIXED SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands allocated exclusively to the fixed service by the Atlantic City Treaty (1947); Docket No. 10624.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955.

The Commission having under consideration its proposal in the above-entitled matter, which would allocate the Atlantic City fixed service bands exclusively to the fixed service in the Commission's table of frequency allocations; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on August 14, 1953 (18 F. R. 4859), and that the period provided for the filing of comments has now expired; and

It further appearing that no objections to the proposed amendment have been filed; and

It further appearing that certain of these bands are now clear of out-of-band non-Government assignments and can thus be allocated exclusively to the fixed service and that the remaining bands can be so allocated at a later date when they become clear; and

It further appearing, that authority for the amendment is contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective February 23, 1955, § 2.104 (a) is amended as indicated below.

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

Released: January 17, 1955.

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

NOTE: Footnote 2 is recapitulated in FCC 55–26 to include past actions and actions taken this date in documents FCC 55–23, 55–52, 55–25 and 55–26.

Sections 2.104 (a) (3) (i) and (iii) are amended by the addition, in numerical sequence, of the following bands to those contained in footnote 2:

Kc	*Kc*
5730–5950	13360–14000
6765–7000	15450–16460
10100–11000	17360–17700
11100–11175	18030–19990
11975–12330	

[F. R. Doc. 55–523; Filed, Jan. 19, 1955; 8:57 a. m.]

[FCC 55–24; Rules Amdt. 2–30]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; EDITORIAL CHANGES

In the matter of amendment of Part 2 of the Commission's rules to effect certain editorial changes therein.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955;

The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules and regulations; and

It appearing that the Commission, on December 28, 1953, adopted a report and order in Dockets 10724 and 10725 which amended Parts 7 and 8 of the Commission's rules, in part, by making the frequencies 4067, 4372.4, and 8205.5 kc available on a simplex basis for ship and coast telephone stations on the Mississippi River system; and

It further appearing that the frequencies 4067 and 8205.5 kc are within bands allocated for use by ship telephone stations and that 4372.4 kc is in a band allocated for use by coast telephone stations; and

It further appearing that the plan of assignments in the 4 and 8 Mc bands adopted for the Mississippi River system is, in some respects, in accordance with paragraph 238 of the Atlantic City Radio Regulations, and is in all respects within the area allotments established by the Extraordinary Administrative Radio Conference, Geneva, 1951, and therefore should not result in harmful interference to foreign stations operating in accordance with the allotment; and

It further appearing that Part 2 of the Commission's rules was not annotated to reflect availability of the above frequencies for simplex operation on the rivers at the time Parts 7 and 8 were amended as described above; and

It further appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, Part 2 of the Commission's rules and regulations is revised as set forth below.

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

Released: January 17, 1955.

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

In § 2.104, amend paragraph (a) *Table of frequency allocations*, subparagraph (5) in the following respects:

1. Place the additional footnote indicator NG41 in column 7 for the bands 4063–4133 kc, 4368–4438 kc and 8200–8265 kc.

2. Insert at the bottom of the appropriate pages, the legend for footnote NG41 as follows:

(NG41) The frequencies 4067, 4372.4, and 8205.5 kc may be authorized for use by either ship or coast radio-telephone stations operating in the Mississippi River system.

[F. R. Doc. 55–525; Filed, Jan. 19, 1955; 8:57 a. m.]

[FCC 55–22; Rules Amdt. 2–27]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955;

The Commission having under consideration § 2.601 of Part 2 of its rules and regulations; and

It appearing that the proposed changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing, that authority for this action is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, Part 2 of the Commission's rules and regulations is amended as set forth below.

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

Released: January 17, 1955.

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

I. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 *Appendix A—Laws, Treaties, Agreements and Arrangements Relating to Radio.* (Corrected to December 31, 1954. Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

1. The applicable Federal laws, international treaties, agreements, and arrangements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Series [1]	Subject
1925	T. S. 724-A	Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767-A	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62.
1929	T. S. 777-A	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)
1934		Communications Act of 1934, as amended.
1934	E. A. S. 62	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in T. S. 767-A. Effected by exchange of notes Apr. 23 and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934	E. A. S. 72	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	E. A. S. 109	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licensees. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedure established in the KARBA (T.S. 962, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T.S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Habana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement (NARBA) between the United States, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this Agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1940. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938.
1939	E. A. S. 143	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553.) (Not available at the Government Printing Office.)
1944	E. A. S. 400	Agreement between the United States and Canada regarding Construction and Operation of Radio Broadcasting Stations in Northwestern Canada. Effected by exchange of notes signed at Ottawa Nov. 5 and 25, 1943, and Jan. 17, 1944. Entered into force Jan. 17, 1944. (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946.
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb. 25, 1946. Entered into force March 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc) (TIAS 1802 which entered into force Apr. 1, 1948).
1947	TIAS 1652	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	TIAS 1670	Interim Arrangement between the United States and Canada with respect to Mobile Radio Transmitting Stations. Effected by exchange of notes signed at Washington, D. C., June 25 and Aug. 20, 1947. Entered into force Aug. 20, 1947.
1947	TIAS 1676	Agreement between the United States and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.)
1947	TIAS 1726	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r. f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1901	International Telecommunication Convention, Final Protocol and Radio Regulations. Signed at Atlantic City, Oct. 2, 1947, superseding the International Telecommunications Convention, Madrid, 1932. Entered into force Jan. 1, 1949, except for Radio Regulations enumerated in Article 47. However, the effective date provisions of Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Final Acts of the Atlantic City Conference, which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)
1948	TIAS 1902	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc). Effected by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)
1948	TIAS 2495	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London, June 10, 1948. Entered into force Nov. 19, 1952.
1949	TIAS 2175	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention (Atlantic City, 1947) and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950.
1949	TIAS 2435	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	TIAS 2489	Inter-American Radio Agreement between the United States and Canada and Other American Republics.[2] (Fourth Inter-American Radio Conference.) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 13.

See footnotes at end of table.

Date	Series [1]	Subject
1950	TIAS 2433	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	TIAS 2223	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2259	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo May 12 and 14, 1951. Entered into force May 14, 1951.
1951	TIAS 2366	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10 and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City June 4 and 25, 1952.)
1951	TIAS 2459	Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Habana Dec. 10 and 18, 1951. Entered into force Dec 18, 1951.
1951	TIAS 2753	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952.
1952	TIAS 2508	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1952	TIAS 2520	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Habana, Sept. 15, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	TIAS 2548	Agreement between the United States and Denmark regarding the Registration of Frequencies Used in Greenland by United States Authorities. Effected by exchange of notes signed at Washington, D. C., Mar. 25 and Apr. 4, 1952. Entered into force Apr. 4, 1952.
1952	TIAS 2594	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa Apr. 23, 1952, and June 23, 1952. Entered into force June 23, 1952.
1952	TIAS 2654	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico June 4 and 25, 1952. Entered into force June 25, 1952.
1952	TIAS 2666	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Ratifications exchanged at Washington, D. C., Nov. 13, 1952. Entered into force Nov. 13, 1954. (Not available at the Government Printing Office).
1952	TIAS 2701	Agreement between the United States and Haiti regarding Short Range Aid to Navigation. Effected by exchange of notes signed at Port-au-Prince Aug. 22 and 29, 1952. Entered into force Aug. 29, 1952.
1952	TIAS 2705	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

[2] In addition, certain resolutions and recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 at Washington, D. C., on July 9, 1949. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

2. In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with these particular countries. These include the following:

Date	Series [1]	Subject
1912	T. S. 581	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 25, 1927. Entered into force Jan. 1, 1929.
1932	T. S. 867	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force Jan. 1, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana Dec. 13, 1937. Entered into force July 1, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 26, 1940 (E. A. S. 231). Countries which approved the 1937 Arrangement but which have not approved the 1940 Arrangement are: Haiti, Mexico, Panama, and Peru.
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). Entered into force Sept. 1, 1939.
1940	E. A. S. 231	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference). Signed at Santiago Jan. 26, 1940. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series.

3. The following treaties, agreements, and arrangements have been signed by the United States of America and are included for informational purposes because of their importance, or for the imminence of their effective dates:

Date	Series [1]	Subject
1950		North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State Telecommunications Policy Staff, Washington 25, D. C.)
1952		Buenos Aires International Telecommunication Convention. A revision of the Atlantic City Convention of 1947. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

[1] TIAS—Treaties and Other International Acts Series.

4. There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Series[1]	Subject
1944	TIAS 1591	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946		ICAO Communication Division, Second Session, Montreal.[2]
1949		ICAO Communication Division, Third Session, Montreal.[2]
1951		ICAO Communication Division, Fourth Session, Montreal.[2]
1954		ICAO Communication Division, Fifth Session, Montreal.[2]

[1] TIAS—Treaties and Other International Acts Series.
[2] Not Available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University St., Montreal, Canada.

[F. R. Doc. 55-522; Filed, Jan. 19, 1955; 8:57 a. m.]

[Docket No. 11219; FCC 55-33]

[Rules Amdt. 3-33]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11219.

1. The Commission has under consideration its notice of proposed rule making and order to show cause issued on November 4, 1954 (FCC 54-1385), and published in the FEDERAL REGISTER on November 9, 1954 (19 F. R. 7273), proposing to amend the television Table of Assignments as requested by the Appalachian Company.

2. Appalachian Company is presently authorized to operate Station WTVU on Channel 73 at Scranton, Pennsylvania. Appalachian states that due to certain technical difficulties in connection with UHF receivers and antennas operating on the high frequency presently assigned to Station WTVU, the station has been unable to render a satisfactory technical service. Appalachian urges that Station WTVU could render a more satisfactory service on a lower UHF channel and would thus be able to compete on a more equal basis with the other two UHF stations in the area. While Appalachian concedes that the Commission does not recognize differences among the various UHF channels for assignment purposes, petitioner contends that its proposal substituting a lower UHF channel at this time would improve UHF service in the Scranton area.

3. In its initial proposal, Appalachian proposed to substitute Channel 38 for Channel 73 in Scranton, to be accomplished by making the following changes in the table:

City	Channel No.	
	Present	Proposed
Lock Haven, Pa	32-	48+
Scranton, Pa	16-, 22-, 73	16-, 22-, 38
Sunbury, Pa	38	32-

However, in its comments filed in this proceeding, Appalachian notes that this proposal is not technically feasible since there would be a conflict between Channel 38 in Scranton and Channel 34 in Wilkes Barre, Pennsylvania. Accordingly, Appalachian now suggests that Channel 44 can be assigned to Scranton to replace Channel 73, and that this can be accomplished merely by assigning Channel 48 to State College, Pennsylvania in place of Channel 44.[1]

4. The Commission is of the view that the proposal of the Appalachian Company would serve the public interest by providing for a more effective utilization of the available UHF frequencies and would make possible a more satisfactory television service to the viewing public in the Scranton area. The proposal of the Appalachian Company, as revised, would comply with the Commission's rules and regulations.

5. The instant proceeding involves a modification of the operation of an existing station. We believe, therefore, that the public interest, convenience and necessity would be served by making the change in frequencies effective immediately. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and section 307 (b) of the Communications Act of 1934, as amended.

6. The outstanding authorization of Station WTVU in Scranton, Pennsylvania is being modified to specify operation on Channel 44 in lieu of Channel 73, and an appropriate authorization will be issued to the Appalachian Company.

7. *It is ordered*, That, effective immediately, the Table of Assignments contained in § 3.606, rules governing Television Broadcast Stations, is amended, insofar as the cities mentioned, as follows:

City:	*Channel No.*
Scranton, Pa	16-, 22-, 44
State College, Pa	*48+

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: January 12, 1955.

Released: January 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-477; Filed, Jan. 19, 1955; 8:49 a. m.]

[1] Sunbury Broadcasting Corporation filed an opposition to Appalachian's original proposal which would have assigned Channel 32 to replace Channel 38 in Sunbury, Pennsylvania. However, since under Appalachian's new proposal the assignment to Sunbury is not altered, it is not necessary to discuss the opposition of Sunbury Broadcasting Corporation.

[Docket No. 11224; FCC 55-32]

[Rules Amdt. 3-34]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11224.

1. The Commission has under consideration its notice of proposed rule making issued on November 26, 1954 (FCC 54-1439), and published in the FEDERAL REGISTER on December 2, 1954 (19 F. R. 7972), proposing to assign and reserve for educational use Channels *11, *49, *25, *74, and *35 to Alpena, Escanaba, Houghton, Kalamazoo and Marquette, Michigan, respectively, in response to a petition filed by Mr. Clair L. Taylor, Superintendent of Public Instruction, Lansing, Michigan.

2. The last day for filing comments in this proceeding was December 23, 1954. No comments opposing the proposed amendments were filed. The Joint Committee on Educational Television filed comments in support of the instant petition.

3. In support of the requested amendment, petitioner urged that Michigan is a large state, with approximate dimensions of 200 by 500 miles; that in order to cover this large area and bring educational television programs to all the citizens of Michigan, additional assignments for educational use are necessary; that the assignments are proposed for important educational, industrial, and agricultural areas; and that the proposed assignments would conform to the Commission's rules and standards. The Joint Committee urged that educational television should be made available to as many people as possible by the assignment of channels to the extent that frequencies are available; that activities advancing educational television have been taking place in Detroit, Ann Arbor, and East Lansing, Michigan; and that the additional frequencies requested are needed to provide educational television throughout the entire State of Michigan.

4. We are of the view that the addition of the five assignments to the television Table of Assignments and their reservation for noncommercial educational use, as requested, would serve the public interest.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b)

[2] Commissioner Hennock dissenting.

of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective February 21, 1955, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	*Channel No.*
Alpena, Mich	9+, *11, 30—.
Escanaba, Mich	3+, *49.
Houghton, Mich	19, *25.
Kalamazoo, Mich	3—, 36—, *74.
Marquette, Mich	6—, 17, *35.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: January 12, 1955.

Released: January 14, 1955.

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

[F. R. Doc. 55-479; Filed, Jan. 19, 1955; 8:50 a. m.]

[FCC 55-35; Rules Amdts. 7-11, 8-16]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules and regulations, Modification of Part 7, Appendix 1 and Part 8, Appendix 1 with reference to Regional Managers and District Field Offices.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955;

The Commission having under consideration further reduction in the number of Regional Offices and reorganization of the areas embraced by its Chicago, Illinois, and New York, New York, Regional offices; and

It appearing that the Detroit, Michigan, Regional office should be eliminated and that the Detroit, Michigan, District office (District No. 19) should be embraced by the Chicago, Illinois, Regional office (Region #6) and the Buffalo, New York, District office (District No. 20) should be embraced by the New York Regional office (Region #1);

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act that Parts 7 and 8 of the Commission's rules are hereby amended effective January 17, 1955, as set forth below.

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

Released: January 14, 1955.

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

A. Part 7 is amended as follows:

1a. Amend § 7.601 by adding under Region #1: District No. 20.

b. Amend § 7.601 by adding under Region #6: District No. 19.

2. Amend § 7.601 by deleting the listing under Regional Managers: "Region #7, 1029 New Federal Building, Detroit 26, Michigan, to include Districts 19 and 20."

B. Part 8 is amended as follows:

1a. Amend § 8.801 by adding under Region #1: District No. 20.

b. Amend § 8.801 by adding under Region #6: District No. 19.

2. Amend § 8.801 by deleting the listing under Regional Managers: "Region #7, 1029 New Federal Building, Detroit 26, Michigan, to include Districts 19 and 20."

[F. R. Doc. 55-478; Filed, Jan. 19, 1955; 8:49 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purposes. On the basis of information developed at a series of public hearings, written briefs submitted by the public concerned, and scientific data secured by Fish and Wildlife Service personnel, amendments to the Alaska Commercial Fisheries Regulations are hereby adopted to permit maximum utilization of the resources consistent with sound conservation, and in compliance with the notice of intention to adopt amendments, issued by the Secretary of the Interior on July 8, 1954 (19 F. R. 4330, July 14, 1954). These provisions shall become effective 30 days after their publication in the FEDERAL REGISTER.

NOTE: All regulations specifying distances between gill nets which are staked, anchored, or otherwise fixed are being given further review and such changes, if any, as may be required by existing or pending legislation will be made as nearly as possible prior to April 25, 1955.

PART 101—DEFINITIONS

1. A new section designated § 101.18 is added to read as follows:

§ 101.18 *Gill net mesh.* In fixing the size of gill net mesh, the term "stretched measure" shall be deemed to be the average of the longer distances between diagonally opposite knots in any series of ten meshes stretched, when wet after use, under 5 pounds of tension.

PART 102—GENERAL PROVISIONS

1. Section 102.3a is amended by deleting all after the first sentence.

2. Section 102.33 is amended to read as follows:

§ 102.33 *Traps prohibited.* Fishing for herring by means of any trap is prohibited. This does not apply to pounds used primarily to retain herring alive over extended periods and which are filled by other gear or by infrequent opening of the pound itself.

3. Section 102.51 is amended to read as follows:

§ 102.51 *Personal use fishing.* Commercial gear, including gill nets, seines, and traps may not be used in fishing for personal use (1) during weekly closed periods and extensions thereof, (2) in places closed to either commercial or all fishing, and (3) during the 48-hour periods immediately preceding and following the open commercial fishing seasons, except as follows:

(a) At any place which is at a distance greater than 25 miles by most direct water measurement from waters open to commercial fishing.

(b) Where regulations governing a regulatory area otherwise specifically provide.

PART 104—BRISTOL BAY AREA

1. Section 104.2 (a), (b) and (c) is amended to read as follows:

§ 104.2 *Definitions.* * * *

(a) Nushagak district: Waters of Nushagak Bay within a line from Etolin Point to the upper end of Nichols Spit.

(b) Kvichak-Naknek district: Waters of Kvichak Bay within a line from a point at 58 degrees 33 minutes north latitude, 157 degrees 20 minutes west longitude, to a point at approximately 58 degrees 43 minutes 40 seconds north latitude, 157 degrees 40 minutes west longitude.

(c) Egegik district: Waters bounded by a line from Cape Chichagof at 58 degrees 20 minutes north latitude to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58 degrees north latitude, thence due east to the shoreline.

2. Section 104.3 is amended to read as follows:

§ 104.3 *Open seasons.* (a) Nushagak district: Fishing is prohibited prior to 12 o'clock noon June 1, and after 12 o'clock noon August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure.

(b) Kvichak-Naknek district: Fishing is prohibited prior to 12 o'clock noon June 1, and after 12 o'clock noon August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure.

(c) Egegik district: Fishing is prohibited prior to 12 o'clock noon June 1, and after 12 o'clock noon August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure.

(d) Ugashik district: Fishing is prohibited prior to 12 o'clock noon June 1, and after 12 o'clock noon August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure.

(e) Togiak district: Fishing is prohibited prior to 12 o'clock noon June 1, and after 12 o'clock noon August 31. Prior to June 25 fishing is prohibited with nets having mesh size of less than 8½ inches stretched measure.

3. Section 104.5 is amended to read as follows:

§ 104.5 *Weekly closed period.* In the period from June 25 to July 26 the statutory weekly closed period is extended to include the following:

(a) Nushagak district: From 12 o'clock noon Tuesday to 12 o'clock noon Thursday, and from 12 o'clock noon Friday to 12 o'clock noon Monday.

(b) Kvichak-Naknek district: From 6 o'clock postmeridian Tuesday to 12 o'clock noon Thursday, and from 6 o'clock postmeridian Saturday to 12 o'clock noon Monday.

(c) Egegik district: From 6 o'clock postmeridian Wednesday to 12 o'clock noon Thursday, and from 6 o'clock postmeridian Saturday to 12 o'clock noon Monday.

(d) Ugashik district: From 6 o'clock postmeridian Wednesday to 12 o'clock noon Thursday, and from 6 o'clock postmeridian Saturday to 12 o'clock noon Monday.

(e) Togiak district: From 6 o'clock postmeridian Tuesday to 12 o'clock noon Thursday, and from 6 o'clock postmeridian Saturday to 12 o'clock noon Monday.

4. Section 104.8 is amended in the last sentence of text to read as follows: "Receipt of notice of intention to shift a boat from one district to another shall cancel the right of such boat to fish in any district for a period of 48 hours immediately prior to fishing in the new district."

5. Section 104.15a is amended by deleting the words "low water marks" and substituting in lieu thereof "mean low water marks."

6. Section 104.50 is amended to read as follows:

§ 104.50 *Personal use fishing.* Fishing for personal use with gill nets is permitted (a) at any time in the Togiak district, (b) each Wednesday throughout the Nushagak district from 6 o'clock antemeridian to 6 o'clock postmeridian, and (c) at any time in the Nushagak district at any place which is at a distance greater than 12 miles by most direct water measurement from waters open to commercial fishing. In addition, fishing for personal use with set or anchored gill nets of not to exceed 15 fathoms in length, if such nets have been duly registered with the local representative of the Fish and Wildlife Service, is permitted at any time between Snag Point and Bradford Point.

PART 105—ALASKA PENINSULA AREA

1. Section 105.1 is amended to read as follows:

§ 105.1 *Definition.* The Alaska Peninsula area is hereby defined to include all territorial coastal and tributary waters from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiukta Bay, including all adjacent islands.

2. Section 105.2 (g) is amended to read as follows:

§ 105.2 *Definitions, fishing districts.*

* * *

(g) Southeastern: All waters south of the Alaska Peninsula between Renshaw Point and the western point at the entrance to Kuiukta Bay.

3. Paragraphs (e) and (f) of § 105.3a are amended and a new paragraph designated (g) is added to the section to read as follows:

(e) Southwestern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 5.

(f) Southcentral district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 5: *Provided,* That fishing is prohibited in Outer Canoe Bay after 6 o'clock postmeridian July 16.

(g) Southeastern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian July 5 with set or anchored gill nets only.

4. Section 105.5 (b) is amended to read as follows:

(b) Except Port Moller and Bear River districts, from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday prior to July 5.

5. Section 105.10 is amended by deleting "Castle Cape" and substituting in lieu thereof the following: "the point at the western entrance to Kuiukta Bay".

PART 107—CHIGNIK AREA

1. Section 107.1 is amended to read as follows:

§ 107.1 *Definition.* The Chignik area is hereby defined to include the territorial waters along the mainland from the western point at the entrance to Kuiukta Bay to Cape Igvak, including adjacent islands.

2. A new section designated § 107.1a is added to read as follows:

§ 107.1a *Fishing districts.* (a) Western district: All waters southwest of Castle Cape.

(b) Chignik Bay district: All waters of Chignik Bay and Chignik Lagoon west of a line from Castle Cape to Dry Creek at 158 degrees 20 minutes west longitude.

(c) Eastern district: All waters of the area east of a line from Castle Cape to Dry Creek at 158 degrees 20 minutes west longitude.

3. Section 107.2 is amended to read as follows:

§ 107.2 *Open seasons.* Fishing is prohibited except:

(a) Western district: From 6 o'clock antemeridian July 1 to 6 o'clock postmeridian August 10.

(b) Chignik Bay district: From 6 o'clock antemeridian June 16 to 6 o'clock postmeridian August 31.

(c) Eastern district: From 6 o'clock antemeridian July 1 to 6 o'clock postmeridian July 31.

4. Section 107.3 is amended to read as follows:

§ 107.3 *Weekly closed period.* The statutory weekly closed period is extended to include the period:

(a) From 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday in the Western and Eastern districts.

(b) From 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday in the Chignik Bay district.

5. Section 107.6 is amended to read as follows:

§ 107.6 *Purse seines and gill nets prohibited, exception.* (a) The use of drift gill nets is prohibited.

(b) The use of purse seines is prohibited except in the Western district, and in the Eastern district between Cape Kunmik and Cape Igvak.

6. A new section designated § 107.6a is added to read as follows:

§ 107.6a *Size of purse seines.* No purse seine shall be less than 100 fathoms or more than 200 fathoms in length. The extension to any seine in the way of a lead exceeding 25 fathoms in length is prohibited.

7. Section 107.14 is amended by deleting paragraphs (e), (f), (g), and (h).

8. Section 107.15 is amended to read as follows:

§ 107.15 *Closed waters.* (a) Chignik Lagoon: Within a line from a point on the mainland at 56 degrees 17 minutes 21 seconds north latitude, 158 degrees 37 minutes 44 seconds west longitude to a point on the west side of Chignik Island at 56 degrees 17 minutes 10 seconds north latitude, 158 degrees 36 minutes 20 seconds west longitude, thence from a point on the south end of Chignik Island at 158 degrees 36 minutes 05 second west longitude to a point at 56 degrees 15 minutes 57 seconds north latitude, 158 degrees 36 minutes 51 seconds west longitude.

(b) Aniakchak Lagoon: All waters of the lagoon at the head of Aniakchak Bay.

PART 108—KODIAK AREA

1. Section 108.1 is amended by deleting "Cape Kunmik" and substituting in lieu thereof "Cape Igvak".

2. Section 108.3 is amended to read as follows:

§ 108.3 *Open seasons, Karluk district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23: *Provided,* That in the Uyak section, fishing is permitted from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13.

3. Section 108.3a is amended to read as follows:

§ 108.3a *Open seasons, Mainland district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23; from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

4. Section 108.3b is amended to read as follows:

§ 108.3b *Open seasons, Afognak district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23; from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September

10 to 6 o'clock postmeridian September 30.

5. Section 108.3c is amended to read as follows:

§ 108.3c *Open seasons, General district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23; from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

6. Section 108.4 is amended to read as follows:

§ 108.4 *Open seasons, Red River district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23; from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

7. Section 108.5 is amended to read as follows:

§ 108.5 *Open seasons, Alitak district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23, and from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13.

8. Section 108.5a is amended to read as follows:

§ 108.5a *Open seasons, Uganik district.* Fishing is prohibited except from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian July 23; from 6 o'clock antemeridian August 1 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

9. Section 108.10 is amended to read as follows:

§ 108.10 *Fishing limited, Olga and Moser Bays.* Fishing is prohibited (a) in Olga Bay, except with set or anchored gill nets along the south shore from the latitude of Stockholm Point to a point at 57 degrees 4 minutes 23 seconds north latitude, 154 degrees 6 minutes 38 seconds west longitude, and along the eastern shore from a point at 57 degrees 4 minutes 23 seconds north latitude, 154 degrees 5 minutes 2 seconds west longitude, to a point at 57 degrees 7 minutes 20 seconds north latitude, 154 degrees 4 minutes 41 seconds west longitude; and (b) in Moser Bay except with set or anchored gill nets south of 57 degrees 0 minutes 11 seconds north latitude.

PART 109—COOK INLET AREA

1. Section 109.2 (a) and (b) is amended by deleting "August 12" and substituting in lieu thereof "August 4", and § 109.2 (c) is amended by deleting "August 12" and substituting in lieu thereof "August 8".

2. Section 109.15 (a) (2) is amended to read as follows:

(a) * * * (2) Within 300 feet of a point at 61 degrees 7 minutes 46 seconds north latitude, 151 degrees 4 minutes 43 seconds west longitude;

3. A new section designated § 109.24a is added to read as follows:

§ 109.24a *Closed season on king crabs.* Commercial fishing for king crabs is prohibited from January 1 through May 31.

4. Section 109.25 is amended to read as follows:

§ 109.25 *Gear restrictions, king crab fishery.* (a) King crab shall be fished for, or taken, with pots only in all waters of Kachemak Bay east of the longitude of Anchor Point, and Kamishak Bay west of the longitude of Tignagvik Point.

(b) No individual or boat shall operate more than 15 crab pots.

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.1a (a) is amended to read as follows:

(a) Eshamy district: All waters within one mile of the mainland shore between the northern point at the entrance to Main Bay, and Point Nowell.

2. Section 111.20 is amended to read as follows:

§ 111.20 *Closed season, Dungeness crabs.* Fishing for Dungeness crabs is prohibited north of 60 degrees 22 minutes north latitude and east of 146 degrees 40 minutes west longitude from 12 o'clock noon June 1 to 12 o'clock noon August 31.

3. Section 111.21 is amended to read as follows:

§ 111.21 *Limitation of crab pots.* No boat shall operate or assist in operating more than 125 crab pots, of which not to exceed 100 may be fished north of 60 degrees 22 minutes north latitude, and east of 146 degrees 40 minutes west longitude.

4. A new section designated § 111.23 is added to read as follows:

§ 111.23 *Crab pot opening.* An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PART 112—COPPER RIVER AREA

1. Section 112.6 is amended by deleting the proviso.

2. Section 112.8 is amended to read as follows:

§ 112.8 *Size of gill nets.* No salmon fishing boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 1 to May 31, inclusive, any boat may fish with an additional 100 fathoms of gill net if the mesh of such additional gill net is not less than 8½ inches stretched measure.

3. Section 112.15 is amended to read as follows:

§ 112.15 *Closed season, Dungeness crabs.* Fishing for Dungeness crabs is prohibited north of 60 degrees 22 minutes north latitude from 12 o'clock noon June 1 to 12 o'clock noon August 31.

4. Section 112.16 is amended to read as follows:

§ 112.16 *Limitation of crab pots.* No boat shall operate or assist in operating more than 125 crab pots, of which not to exceed 100 may be fished north of 60 degrees 22 minutes north latitude.

5. A new section designated § 112.18 is added to read as follows:

§ 112.18 *Crab pot opening.* An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PART 113—BERING RIVER AREA

1. Section 113.6 is amended by deleting the proviso.

2. Section 113.8 is amended to read as follows:

§ 113.8 *Size of gill nets.* No salmon fishing boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 1 to May 31, inclusive, any boat may fish with an additional 100 fathoms of gill net if the mesh of such additional gill net is not less than 8½ inches stretched measure.

3. Section 113.10 is deleted.

PART 114—YAKUTAT AREA

1. Section 114.2a is amended by adding a new paragraph designated (e) to read as follows:

(e) Yakutat Bay, from 6 o'clock antemeridian June 15 to 6 o'clock postmeridian September 30.

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

1. A new section designated § 115.4b is added to read as follows:

§ 115.4b *Operation of gill net boats.* No gill net boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of gear in the aggregate.

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

1. Section 116.8b is amended to read as follows:

§ 116.8b *Herring quota, restrictions.* The take of herring, except for bait and except by gill nets, shall not exceed 100,000 barrels on the basis of 250 pounds per barrel: *Provided,* That (a) not to exceed 50,000 barrels may be taken prior to July 20, and (b) not to exceed 50,000 barrels may be taken off the west coasts of Baranof and Chichagof Islands be-

tween the latitudes of Cape Edgecumbe and Cape Bingham.

2. Section 116.9 is amended to read as follows:

§ 116.9 *Closed season, butter clams.* The taking of butter clams for commercial purposes other than bait, is prohibited in the period from April 15 to September 15, both dates inclusive.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

Section 117.11, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraphs (h), and (k) (1); and by revising paragraph (i) to read as follows:

(i) Pleasant Island: Southwestern coast within 2,500 feet of a point at 58 degrees 20 minutes north latitude, 135 degrees 40 minutes 45 seconds west longitude.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.4 is amended to read as follows:

§ 118.4 *Open season, northern section, north of Sullivan Island.* Fishing, other than trolling, is prohibited except from 12 o'clock noon June 24 to 12 o'clock noon September 30. During this season the weekly closed period is extended to include the period from 12 o'clock noon Friday to 12 o'clock noon Monday.

2. Section 118.5 is amended to read as follows:

§ 118.5 *Open seasons, northern section, south of Sullivan Island.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided,* That these prohibitions shall not apply to the use of gill nets in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30.

3. Section 118.6 is amended to read as follows:

§ 118.6 *Open seasons, central, southern and western sections.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 18. During this season the weekly closed period except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided,* That these prohibitions shall not apply in Hood and Chaik Bays to fishing for chum salmon from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

4. Section 118.16, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraph (j) (3); and by revising paragraphs (f) and (i) to read as follows:

(f) Baranof Island: East coast from a point ½ statute mile southeasterly of South Point to the north side of the entrance to Cosmos Cove, including islets on the northeastern side of the entrance to Cosmos Cove.

* * * * *

(i) Mansfield Peninsula: West coast (1) from 58 degrees 12 minutes north latitude to 58 degrees 10 minutes 45 seconds north latitude, (2) within 2,500 feet of a point at 58 degrees 9 minutes 26 seconds north latitude, and (3) within 2,500 feet of a point at 58 degrees 7 minutes 13 seconds north latitude.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.3 is amended to read as follows:

§ 119.3 *Open seasons; exceptions.* Fishing, other than trolling, is prohibited except:

(a) Taku Inlet-Port Snettisham section: With gill nets from 12 o'clock noon May 3 to 12 o'clock noon September 30. During this season, the weekly closed period is extended to include the period from 12 o'clock noon Thursday to 12 o'clock noon Monday.

(b) General section: From 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided,* That these prohibitions shall not apply to fishing for chum salmon in Security Bay and Port Camden from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

2. Section 119.6 is amended to read as follows:

§ 119.6 *Size of gill nets.* No gill net shall be less than 50 fathoms in length, nor more than 150 fathoms in length and 4 fathoms in depth, hung measure.

3. Section 119.9, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraphs (b), (c), and (j), and revising paragraph (i) by inserting new paragraphs (1) and (2) to read as follows: "(1) from a point ½ statute mile southeast of Point Macartney northward to the outer extremity of Point Macartney, (2) within 2,500 feet of a point near Cape Bendel at 57 degrees 3 minutes 23 seconds north latitude, 134 degrees 1 minute 51 seconds west longitude, and".

4. Section 119.10 (p) is amended to read as follows:

(p) All waters east of a line extending from high tide mark on Taku Point true west to the western shore.

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

1. Section 120.3a is amended to read as follows:

§ 120.3a *Weekly closed period.* The weekly closed period, except for trolling, is extended to include the period from 12 o'clock noon Friday to 12 o'clock noon Monday.

2. Section 120.4 is amended to read as follows:

§ 120.4 *Open seasons, exception.* Fishing is prohibited, except from 12 o'clock noon May 3 to 12 o'clock noon September 30: *Provided,* That this prohibition shall not apply to trolling west of Craig Point.

3. Section 120.5a is amended to read as follows:

§ 120.5a *Gear restrictions.* (a) Fishing is prohibited except by trolling, and by gill nets of not less than 125 fathoms nor more than 300 fathoms in length and 4 fathoms in depth, hung measure.

(b) Gill net mesh shall not be less than 8½ inches stretched measure prior to June 17, and from June 17 to July 19, inclusive, shall not be greater than 6 inches stretched measure.

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 121.4 is amended to read as follows:

§ 121.4 *Open season, exception.* With the exception of Ernest Sound and the vicinity of Anan Creek, fishing, other than trolling, is prohibited, except from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 24. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

2. Section 121.10, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraph (i), and by revising paragraph (f) to read as follows:

(f) Prince of Wales Island: North coast between 133 degrees 29 minutes 1 second west longitude and 133 degrees 33 minutes 27 seconds west longitude.

3. Section 121.11 (s) is amended to read as follows:

(s) Bradfield Canal: All waters east of 131 degrees 55 minutes 30 seconds west longitude.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.4 is amended to read as follows:

§ 122.4 *Open seasons, northern section.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 28. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

2. Section 122.5a is amended to read as follows:

§ 122.5a *Open seasons, southwest section.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 28. During this season the weekly closed period, except for trolling, is extended to include the period from

6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That these prohibitions shall not apply to fishing for chum salmon in Kasaan Bay, Moira Sound and Cholmondeley Sound from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.

3. Section 122.8, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraphs (k) (2), (l), and (r) (1); by inserting paragraphs (a), (h), (m) (2) (vii); and revising paragraphs (k) (3), and (p), to read as follows:

(a) Etolin Island: West coast within 2,500 feet of a point at 56 degrees 8 minutes 42 seconds north latitude, 132 degrees 43 minutes 8 seconds west longitude.

* * * * *

(h) Onslow Island: West coast within 2,500 feet of a point at 55 degrees 52 minutes 27 seconds north latitude, 132 degrees 23 minutes 29 seconds west longitude.

* * * * *

(k) * * *

(3) Within 2,500 feet of a point at 55 degrees 36 minutes 15 seconds north latitude, 132 degrees 11 minutes 38 seconds west longitude.

* * * * *

(m) * * * (2) * * * (vii) within 2,500 feet of a point at 55 degrees 13 minutes 43 seconds north latitude, 131 degrees 50 minutes 16 seconds west longitude.

* * * * *

(p) Annette Island: West coast (1) within 2,500 feet of a point at 55 degrees 5 minutes 41 seconds north latitude, (2) within 2,500 feet of a point at 55 degrees 2 minutes 47 seconds north latitude, and (3) within 2,500 feet of a point at 55 degrees 0 minutes 45 seconds north latitude.

4. Section 122.9 (x) is amended to read as follows:

(x) Tamgas Harbor: All waters north of the latitude of Deer Point.

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 123.3 is amended in text by deleting "August 24" wherever it appears and substituting in lieu thereof "August 28".

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 124.3 is amended to read as follows:

§ 124.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 12 to 6 o'clock postmeridian August 18. During this season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

2. Section 124.7a is amended to read as follows:

§ 124.7a *Size of gill nets, Burroughs Bay.* No gill net shall be more than 200 fathoms in length and 4 fathoms in depth, hung measure.

3. Section 124.8, as amended on February 20, 1954 (19 F. R. 1010), is further amended by deleting paragraph (e); and by inserting paragraph (c) (3), (d) (2), and revising paragraph (p), to read as follows:

(c) * * * (3) within 2,500 feet of a point at 55 degrees 12 minutes 25 seconds north latitude, 131 degrees 15 minutes 48 seconds west longitude.

(d) * * * (2) from 55 degrees 7 minutes 50 seconds north latitude to 55 degrees 6 minutes 44 seconds north latitude.

* * * * *

(p) Kanagunut Island: West coast within 2,500 feet of a point at 54 degrees 44 minutes 16 seconds north latitude, 130 degrees 42 minutes 57 seconds west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DOUGLAS MCKAY,
Secretary of the Interior.

JANUARY 14, 1955.

[F. R. Doc. 55-462; Filed, Jan. 19, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

JANUARY 11, 1955.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of intention to modify § 130.12 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385), the operation and maintenance charges for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1955 and subsequent years until further notice are hereby fixed as follows:

For the assessable area under constructed works on all Government-operated Units excepting Coburn Ditch, per acre	$2.25
For the assessable area under constructed works on the Two Leggins Unit, per acre	1.74
For the assessable area under the Bozeman Trail Unit, per acre	1.25
For Indian lands under the Bozeman Trail Unit and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation and maintenance of said Works, per acre	.10
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932), per acre	.75

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Area Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-465; Filed, Jan. 19, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

[Docket No. AO 229-A2]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY, IOWA, MARKETING AREA

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

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time within which interested parties may file exceptions to the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended,

regulating the handling of milk in the Cedar Rapids-Iowa City, Iowa, marketing area, which recommended decision was published in the FEDERAL REGISTER on December 11, 1954 (19 F. R. 8481) is hereby extended so that such written exceptions may be filed not later than the close of business on January 25, 1955.

Filed: January 17, 1955, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-458; Filed, Jan. 19, 1955; 8:45 a. m.]

[7 CFR Part 980]

[Docket No. AO-182-A4]

HANDLING OF MILK IN TOPEKA, 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 proceeding 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 Topeka, 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 10th 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 Topeka, Kansas, on July 23, 1954, pursuant to notice thereof which was issued July 14, 1954 (19 F. R. 4427). By a decision issued September 23, 1954, and subsequent amendment of the order action has been taken on the issues of this hearing with respect to establishment of a base-excess plan of payment to producers, change in the plants which determine the Class III or surplus milk price, and revision of the marketing service deduction. The remaining issues to be considered in this decision are concerned with the following:

1. Revision of pool plant requirements;
2. Change from milk equivalent to butterfat-skim accounting with corresponding change from three classes of milk to two classes; and
3. Administrative features of the order, including:

(a) Provision for distribution of payments recoverable from another order;
(b) Reports to the producer cooperative association; and
(c) Dates of reporting.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Pool plant qualifications.* Under present provisions of the order, plants qualify for participation in the market-wide pool of the Topeka order during the months of July through February if 15 percent or more of their receipts of milk, qualified for Grade A distribution, are disposed of as Class I or Class II milk in the marketing area. Participation for the months of March through June is dependent upon Class I and II disposition in the marketing area of 50 percent or more of such receipts during the preceding months of August through November.

Local health authority designation is not used to distinguish milk priced under the Topeka order. The presence of Federal facilities for which milk is purchased on a bid specification basis would prevent use of such designation from providing effective regulation. Accordingly, performance requirements must be used to establish identity with the market for pooling purposes. Any milk of Grade A quality, or meeting Federal specifications equivalent to Grade A requirements, may be pooled if the plant at which it is received meets the performance requirements.

Historically, all of the regular supply of milk for the Topeka market is delivered directly from the farms on which it is produced to the bottling plant from which it is distributed on routes in the marketing area. Receipts of bulk milk from other plants have been used by Topeka handlers for fluid use only during temporary periods when producer receipts were inadequate for fluid needs. Essentially, therefore, the problem of pool plant designation in this market involves primarily plants which distribute milk on routes in the marketing area. The present seasonally varying performance requirements are not especially well adapted to the characteristics of milk distributing plants. Such plants supply the market with relatively steady supplies of milk during all months of the year. The pool plant specifications, therefore, should be drawn in the light of these characteristics. For this reason the pool plant specifications should be based on current activities of plants; they should specify a minimum Class I milk disposition (in accordance with the revised classification adopted elsewhere in the decision) of 25 percent of approved receipts on routes in the marketing area and of 50 percent of such receipts in total for each month, except the months of March, April, May and June, when such percentages should be 20 and 40 percent, respectively. These are the months of seasonally high production and the lesser percentages represent approximately the same volume of Class I disposition in these months (March through June) as the higher percentages represent in the other months of the year.

The standards of performance herein adopted are appropriate to identify the milk supplies that are an essential part of the supply of the Topeka market, and thus entitled to share in the market-wide pool. Certain plants supplying Federal installations with milk on a contract basis have failed to qualify as pool plants for the spring months of recent years because their fluid sales in the area were less than 50 percent of their receipts during preceding fall months. The changed requirements will make it easier for such plants to qualify for pool participation in such months. The provisions of the order which apply to plants that fail to qualify as pool plants permit such plants to dispose of Class I milk on routes in the marketing area on a basis fully competitive with pool plants.

No particular standards are set forth herein for the qualification of supply plants. The reasons for this are that (1) milk is only seldom received in this market from supply plants; (2) compensatory payments are not applied in periods when producer milk is not available and when, therefore, milk from supply plants would normally be received in this market, and (3) compensatory payments under the provisions of this order have never been applied to milk from supply plants.

2. *Classification and accounting for milk.* The classification and accounting provisions of the order should be revised to classify milk in two classes and the quantity of milk to be priced in each class should be the sum of the quantities of skim milk and butterfat used in such class.

The present order provides for three classes of milk, Class I being the volume disposed of as fluid milk and fluid milk drinks, Class II being the 3.8 milk equivalent of butterfat disposed of as cream, cream mixtures, cottage cheese and egg nog, with Class III being the 3.8 percent milk equivalent of butterfat disposed of for specified manufacturing uses, as livestock feed and in allowable shrinkage. The handler is required to account for all butterfat received but not for all skim milk received. Reconciliation of classified use to receipts from producers is used in lieu of accounting for the utilization of skim milk receipts.

It was proposed that milk be classified in two classes with separate accounting for skim milk and butterfat on a volume basis in each class. The proposal was that the products in each of these classes be defined as under the order for the Greater Kansas City marketing area with which the Topeka Class I price is aligned. It was proposed that this Class I price should apply to all products included in the new Class I and that the present Class III price of the order apply to the newly designated Class II milk.

Skim milk-butterfat accounting will provide greater uniformity in charges to handlers in accordance with the way in which milk is used. Under the present system it is impracticable to determine specific raw material costs for individual products. The alignment of the Class I

price with that of Kansas City and the similarity of products which must be from Grade A milk in the two markets make it desirable that classification be closely parallel. It is concluded that the classification and accounting proposal should be adopted with the addition of provisions which specifically account for Class I items in inventory at the end of the month and provide for pricing such inventories of producer milk in accordance with their ultimate use.

The accounting and pricing method herein adopted requires the application of handler butterfat differentials by classes to arrive at the value of each handler's milk in each class at the butterfat test of his milk in that class. To maintain the alignment of classification and pricing of Class I milk with the Kansas City market the Class I differential should be .130 times the price of butter. The Class II differential should be .115 times the price of butter. This will be the level which applies to the majority of Class II milk in the Kansas City market and also is the same as the nearby Neosho Valley market.

3. *Administrative features.* (a) Distribution of payments recoverable from Neosho Valley order.

Order No. 28 regulating the handling of milk in the Neosho Valley marketing area requires payment under certain circumstances from handlers subject to other orders who distribute milk in the Neosho Valley marketing area but provides that funds thus collected shall be transferred to the market administrator of the order to which the handler is subject if such order provides for receipt of such funds and their distribution to producers. One Topeka handler now distributes Class I milk on routes in the Neosho Valley area. The necessary provisions should be included in the Topeka order to enable the market administrator to receive such funds and to deposit them in the producer settlement fund for distribution to all producers.

(b) The order should provide that the market administrator report to a cooperative association monthly the percentage utilization of milk in each class by each handler who receives milk from members of such association. This will enable the cooperative association to best allocate milk supplies to handlers as they need milk for Class I use.

(c) Dates for reporting and announcement of the uniform price should be changed from the 5th and 8th day respectively after the end of each delivery period to the 7th and 10th days. The record indicates that handlers may require more time than now provided to make their reports at the end of the delivery period, but that they may not need all the time now available to make payment to producers after announcement of the uniform price.

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 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 herein 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 teach such conclusions is denied.

Recommended marketing agreement and amendment to the order. The following amended order regulating the handling of milk in the Topeka, 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.

DEFINITIONS

§ 980.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 980.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

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

§ 980.4 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have its entire activities under the control of its members; and

(c) To have and to be exercising full authority in the sale of milk of its members.

§ 980.5 *Topeka, Kansas, marketing area.* "Topeka, Kansas, marketing area" hereinafter called "marketing area" means the city of Topeka and all the territory in Shawnee County, Kansas.

§ 980.6 *Approved dairy farmer.* "Approved dairy farmer" means any person who;

(a) Holds a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk, or

(b) Produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1; which milk is received at an approved plant supplying Class I or Class II milk products to such an institution or base in the marketing area.

§ 980.7 *Producer.* "Producer" means any approved dairy farmer (except a producer-handler) whose milk is:

(a) Received at a pool plant, or

(b) Diverted by either the handler who operates a pool plant or a cooperative association to a non-pool plant for the account of such handler or cooperative association.

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk and from which Class I milk is disposed of on routes within the marketing area, or

(b) Supplying Class I milk to any agency of the United States Government located within the marketing area.

§ 980.9 *Pool plant.* "Pool plant" means any approved plant other than that of a producer handler:

(a) During any delivery period of March, April, May or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts of milk from approved dairy farmers.

(b) During any other delivery period within which such plant disposes of as Class I milk, an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers.

(c) For the purpose of this definition, 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; and

(2) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 980.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 980.11 *Producer-handler.* "Producer-handler" means any person who produces milk, operates an approved plant, and receives no milk from producers or from sources other than pool plants.

§ 980.12 *Producer milk.* "Producer milk" means all milk produced by a producer, other than a producer-handler, which is received by a handler either directly from such producers or from other handlers.

§ 980.13 *Other source milk.* "Other source milk" means all milk and milk products other than producer milk.

§ 980.14 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except those products which are included in the definitions of Class II milk pursuant to § 980.41 (b) and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 980.15 *Delivery period.* "Delivery period" means calendar month or the portion thereof during which this part is in effect.

§ 980.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which was not in excess of such producer's daily base computed pursuant to § 980.66 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 980.66.

§ 980.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during any of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 980.66.

§ 980.18 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of any milk or any milk product classified as Class I milk pursuant to § 980.41 (a), other than a delivery to any milk processing plant.

MARKET ADMINISTRATOR

§ 980.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 980.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violation of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 980.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 980.89 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 980.88;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 980.30 through 980.32, or payments pursuant to §§ 980.80 and 980.84; and

(e) Promptly verify the information contained in the reports submitted by handlers;

(f) On or before the 12th day of each month report to each cooperative association which so requests the percentage utilization of milk received from producers in each class by each handler who in the preceding delivery period received milk from members of such cooperative association;

(g) On or before February 1 of each year in writing notify (1) each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 980.66, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler receives milk; and

(h) Publicly announce by mail to all handlers and cooperative associations, and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk pursuant to § 980.50 (a) and the Class I butterfat differential pursuant to § 980.51 (a) both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 980.50 (b) and the Class II butterfat differential pursuant to § 980.51 (b), both for the delivery period immediately preceding; and

(2) On or before the 10th day of each month, the applicable uniform price(s) per hundredweight computed pursuant to §§ 980.71 and 980.72, the butterfat differential computed pursuant to § 980.82 and such of the computations of the uniform price(s) made pursuant to §§ 980.71 and 980.72 as do not disclose information confidential pursuant to the act.

REPORTS, RECORDS, AND FACILITIES

§ 980.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator with respect to receipts within such delivery period, as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of base milk and excess milk received from each producer.

(b) The receipts from such handler's own farm production and the butterfat content thereof;

(c) The receipts of milk; cream and milk products from handlers who received milk from producers and the butterfat content thereof;

(d) The receipts of other source milk;

(e) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed or used, including sales to other handlers, for the purpose of classification pursuant to § 980.40;

(f) The disposition of Class I products outside the marking area; and

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

§ 980.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period, which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including for each of the delivery periods of February through July such producers' deliveries of base milk and excess milk.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 980.32 *Other reports.* Each handler who is not required to submit reports pursuant to § 980.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 980.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall during the usual hours of business, make available to the market administrator such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products and in the case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify payments to producers.

§ 980.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or if specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 980.40 *Milk to be classified.* All milk and milk products received within the delivery period by each handler which are required to be reported pursuant to § 980.30 shall be classified by the market administrator pursuant to the provisions of §§ 980.41 through 980.46, inclusive.

§ 980.41 *Classes of utilization.* Subject to the conditions set forth in §§ 980.42 and 980.43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), (2) used to produce concentrated (frozen or fresh) milk, flavored milk or flavored milk drinks disposed of on routes for fluid consumption neither sterilized nor in hermetically sealed cans, (3) used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, plain or sweetened, condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese); (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped, after prior notification to market administrator, and opportunity for verification by the market administrator; (5) in cream frozen and stored; (6) in inventory at the end of the month as any product (other than frozen cream) specified in paragraph (a) of this section; and (7) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 980.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and other source milk.

§ 980.43 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 980.41 of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 980.44 *Transfers of milk.* Milk, skim milk, or cream transferred from an approved plant to other milk plants shall be classified as follows:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk if moved under Grade A certification and shall be Class II milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I: *Provided,* That if the purchaser certifies that the market administrator may verify the necessary records such milk, skim milk or cream, shall be classified as follows: (1) Determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk or cream received from the approved plant to the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I use;

(d) Except as provided in paragraphs (c) and (e) of this section milk, skim milk, or cream moved from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class II milk;

(e) Milk, skim milk or cream moved from an approved plant to an unapproved plant (1) operated by the handler operating such approved plant or by an affiliate of such handler, (2) located in the marketing area, and (3) from which milk, skim milk, or cream is moved to any other milk plant, shall be classified as though moved directly from the approved plant to such other milk plant, to the extent of the volume moved from such unapproved plant to other milk plants;

(f) Milk, skim milk or cream moved from an approved plant to the approved plant of another handler, except a producer-handler, shall be Class I unless utilization in another class is indicated in writing by both the seller and the buyer on or before the 5th day after the end of the delivery period, but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler: *Provided,* That if either or both handlers have purchased other source milk, milk, skim milk, or cream so moved shall be classified at both plants so as to return the highest class utilization to producer milk.

(g) Milk, skim milk, or cream disposed of from an approved plant to a producer-handler shall be Class I.

§ 980.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 980.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 980.42.

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the months as any product specified in § 980.41 (a);

(4) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 980.44 (f);

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

(6) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

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

(c) Determine the quantity and the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 980.50 *Class prices.* Subject to the butterfat differentials set forth in § 980.51, each handler shall pay producers at the time and in the manner set forth in § 980.80 not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price of Class I milk for each delivery period shall be the same as the Class I price for that delivery period provided for in Order No. 13 (Part 913 of this chapter), regulating the handling of milk in the Greater Kansas City marketing area.

(b) *Class II milk.* The price of Class II milk shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, the Beatrice Foods Company at its plant at Topeka, Kansas, and the Bennett Creamery Company at Ottawa, Kansas: *Provided,* That in no event shall the price be less than that paid at the Beatrice Foods Company plant included herein.

§ 980.51 *Butterfat differential to handlers.* For each one-tenth of one percent that the average butterfat content of the milk allocated to either class is more or less than 3.8 percent, the class price calculated pursuant to § 980.50 shall be increased or decreased, respectively, by a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily average wholesale selling price per pound (using the midpoint of any price range as our price) of Grade A (92 score) bulk creamery butter at Chicago, as reported by the United States Department of Agriculture, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: multiply such price for the preceding month by 1.30; and

(b) Class II milk: multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 980.60 *Producer-handlers.* Sections 980.40 through 980.45, 980.50, 980.51, 980.61 through 980.65, 980.70, 980.71 and 980.80 through 980.89 shall not apply to a producer-handler.

§ 980.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period shall in lieu of the payments required pursuant to § 980.84 pay to the market administrator, for the producer settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 980.50 (a) and the price for Class II milk pursuant to § 980.50 (b).

(b) Any plus amount resulting from the following computations: From an amount equal to the net pool obligation which would be computed pursuant to § 980.70 for such handler for such delivery period if such handler operated a pool plant, deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

§ 980.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I milk under this part, are less than the price provided pursuant to this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 980.50 (a) and its value as determined pursuant to the other order to which he is subject.

§ 980.63 *Other source milk allocated to Class I milk.* For any other source milk allocated to Class I milk pursuant to § 980.46 (a) (2) and the corresponding step of paragraph (b) thereof, there shall be added in the computation of the net pool obligations of the handler, an amount equal to the difference between the value of such milk at the Class I price and its value at the Class II price. This additional payment shall not apply if the market administrator determines that such other source milk was used in Class I only to the extent that producer milk was not available to the handler at the class price pursuant to § 980.50 (a).

§ 980.64 *Overage.* If overage has been deducted from any class pursuant to § 980.46 (a) (6), the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70, shall add an amount computed by multiplying the pounds of such overage by the applicable class price.

§ 980.65 *Diversion.* Milk which is caused to be diverted by a handler directly from producers' farms to the pool plant of another handler for not more than 15 days during any delivery period shall be considered an inter-handler transfer of milk, and shall be considered as having been received by the handler who caused the milk to be diverted.

DETERMINATION OF BASE

§ 980.66 *Computation of daily base for each producer.* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That the daily base applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 980.67 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producers in whose name such milk was delivered to the handler(s) during the base-forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm.

(2) If a base is held jointly and such joint holding is terminated on the basis of written notification to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

UNIFORM PRICES

§ 980.70 *Net pool obligation of handlers.* The net pool obligation of each handler for milk received during each delivery period from producers at pool plants shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 980.46 (c) by the applicable respective class prices (adjusted pursuant to § 980.51) and add together the resulting amounts;

(b) Add an amount equal to the total values pursuant to §§ 980.63 and 980.64; and

(c) Add a charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory subtracted from Class II pursuant to § 980.46 (a) (3) and the corresponding step of § 980.46 (b) in an amount not in excess of the skim milk and butterfat, respectively, remaining in Class II milk in the previous delivery period pursuant to § 980.46 (a) (4) and the corresponding step of § 980.46 (b).

§ 980.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports prescribed in § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figures shall be the uniform price for such delivery period for milk of producers containing 3.8 percent butterfat.

§ 980.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to §980.70 for all handlers who filed reports pursuant to § 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying any remaining hundredweight of such milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts.

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figures shall be the uniform price for such delivery period for excess milk of 3.8 percent butterfat received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the aggregate value of milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for such delivery period for base milk of 3.8 percent butterfat received from producers.

PAYMENTS

§ 980.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to § 980.81 and subject to the butterfat differential set forth in § 980.82, shall make payment to each producer at not less than the applicable uniform price(s) computed pursuant to §§ 980.71 and 980.72 for milk received from such producers: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.81 *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer, who has not discontinued delivery of milk, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.82 *Producer butterfat differential.* In making payments pursuant to § 980.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. Department of Agriculture during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 980.83 *Producer-settlement fund.* (a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 980.61, 980.62, 980.84 and 980.86, and payments received from the administrator of another order issued pursuant to the act which have been required under such order with respect to milk distributed from pool plants in the marketing area regulated by such other order, and out of which he shall make all payments to handlers pursuant to §§ 980.85 and 980.86: *Provided,* That the market administrator shall offset any such payment to any handler against payments due from such handler.

(b) Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 980.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 980.84 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 980.80.

§ 980.85 *Payments out of the producer-settlement fund.* (a) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 980.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 980.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(c) On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to § 980.71 (b) the hundredweight of producer milk received during the delivery period involved (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided*, That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be made to such cooperative association if such cooperative association requests receipt of such payment.

§ 980.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 980.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 4 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 980.85, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment to such producer of less than is required by § 980.80, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

§ 980.87 *Statements to producers.* In making payments to producers as prescribed in § 980.80, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds of milk (base milk and excess milk separately for February through July) delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;

(c) The minimum rate or rates at which payment to the producer is required pursuant to §§ 980.80 and 980.82;

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

(e) The amount or the rate of each deduction claimed by the handler, including any deduction made pursuant to §§ 980.81 and 980.88 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 980.88 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 5 cents per hundredweight from the payments made to each producer other than himself pursuant to § 980.80 with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to and for the verification of weights, sampling and testing of milk received from said producers.

(b) *Producers' Cooperative Association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make deductions from the payments to be made pursuant to § 980.80 which are authorized by such producers, and on or before the 12th day after the end of each delivery period, pay such deductions to the market administrator for the account of the association of which such producers are members.

§ 980.89 *Expense of administration.* As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amounts as the Secretary may from time to time prescribe with respect to all milk received during such delivery period from approved dairy farmers.

MISCELLANEOUS PROVISIONS

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

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

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 980.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 980.92.

§ 980.92 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 980.93 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any

such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 980.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

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

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

Filed at Washington, D. C., this 17th day of January 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-459; Filed, Jan. 19, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 43]

[Docket No. 11248; FCC 55-13]

PRACTICE AND PROCEDURE; REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

ANNUAL FINANCIAL REPORTS

In the matter of amendment of Part 43, Reports of Communication Common Carriers and Certain Affiliates, exempting certain companies controlling communications common carriers from annual reporting requirements; rescission of Statistical Circular No. 1, Annual Report of Holding Companies having Nominal Interest in the Communications Industry; and related amendment of Part 1, Practice and Procedure, of the Commission's rules and regulations.

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

2. Effective with the 1954 reporting year, it is proposed to amend Parts 1 and 43 of the Commission's rules and regulations with respect to reporting requirements for companies controlling communications common carriers as set forth below, and to rescind Statistical Circular No. 1, Annual Report of Holding Companies having Nominal Interest in the Communications Industry.

3. The proposal would exempt from the Commission's annual reporting requirements all companies controlling, directly or indirectly, a communication common carrier unless the annual operating revenue of such controlled carrier is in excess of $2,500,000. Experience has shown that the continuance of reports from controlling companies thus exempted is not essential to the discharge of the Commission's regulatory responsibilities. Should data from such exempted companies be required in the performance of the Commission's functions these data may be obtained when and if needed.

4. All controlling companies required under this proposal to submit annual reports to the Commission will file F. C. C. Annual Report Form H or copies of Form 10K as prescribed by the Securities and Exchange Commission.

5. The proposed amendment is issued under authority of sections 4 (i) and 219 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before February 7, 1955, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: January 12, 1955.

Released: January 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete subparagraph (5) of § 1.544 (a) and change the number designation of present subparagraph (6) to (5).

2. In the first sentence of paragraph (a) of § 43.21, after the word "carrier", insert the words "having annual revenues in excess of $2,500,000." Paragraph (a) as then revised will read as follows:

(a) Communication common carriers, and companies directly or indirectly controlling any such carrier having annual revenues in excess of $2,500,000 shall file with the Commission annual reports as provided hereinafter. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.544 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be verified under oath (or affirmed according to law) by the responsible accounting officer before a person authorized to administer an oath. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

3. In the first sentence of paragraph (c) of § 43.21, after the words "any communication common carrier" insert the words "having annual revenues in excess of $2,500,000." Paragraph (c) as then revised will read as follows:

(c) Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carrier having annual revenues in excess of $2,500,000 shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of the annual report Form 10K (or any superseding form) filed with that Commission: *Provided, however,* That if no such report is filed with the Securities and Exchange Commission, such company shall file annual reports on the applicable report forms prescribed by this Commission.

[F. R. Doc. 55-472; Filed, Jan. 19, 1955; 8:48 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 11250; FCC 55-28]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; RADIO BROADCAST SERVICE

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

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
Chambersburg, Pa.		236
Winchester, Va.	236	248
Harrisburg, Pa.	235	

3. The purpose of the proposed amendment is to provide a Class B channel in Chambersburg, Pennsylvania, 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 February 11, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may 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. 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: January 12, 1955.

Released: January 14, 1955.

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

[F. R. Doc. 55-474; Filed, Jan. 19, 1955; 8:49 a. m.]

[47 CFR Parts 2, 6, 7, 8, 10, 11, 16]

[Docket No. 11253; FCC 55-36]

FREQUENCY ALLOCATIONS; CERTAIN PUBLIC RADIO-COMMUNICATION SERVICES; MARITIME SERVICES; PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 2, 6, 10, 11 and 16 of the Commission's rules to reduce separations between assignable frequencies in the 25–50 Mc and 152–162 Mc bands.

Amendment of Parts 2, 6, 7, 8, 10, 11 and 16 of the Commission's rules to reflect conditions concerning international interference in the band 25–50 Mc.

Amendment of Parts 6, 10, 11 and 16 of the Commission's rules to provide for the establishment of narrow band technical standards.

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

2. The Commission has long recognized that the number of channels available to the Common Carrier, Public Safety, Industrial and Land Transportation Radio Services is generally inadequate to accommodate the ever-increasing numbers of licensees in these vital services. From the standpoint of spectrum planning, the problem can be approached by allocating additional spectrum space to these services, by increasing the number of available channels within presently available bands, or in other ways which the Commission feels less applicable to the immediate problem. This proceeding is addressed to the problem of finding additional operating frequencies within the presently available frequency bands by reducing channel spacing. Several petitions and requests for such reduction in the 25–50 Mc band have been filed with the Commission.

3. While a reduction in channel separations in the 25–50 Mc and 152–162 Mc bands appears to be a practicable means of increasing the frequency utilization in the land mobile services, the proposal regarding the 25–50 Mc band raises a problem which the Commission desires to point out. The 25–50 Mc band is subject to medium distance co-channel interference resulting from sporadic E propagation which occurs during the summer months from May to September, approximately, and is not known to vary significantly with the solar cycle. Interference from this source, in general, is limited to distances of 1,000 to 1,400 miles and with signal intensities which are relatively low in comparison to other forms of co-channel interference. The band is also subject to long distance co-channel interference resulting from F2 layer propagation, the occurrence of which varies with the eleven year solar cycle and during solar highs is worldwide in character. The maximum amount of F2 layer interference is confined to the two to three year period of time surrounding the solar maximum during each eleven year period, and then only for portions of each day. As the 25–50 Mc portion of the spectrum increases in station density, both U. S. and foreign, the interference problem grows. During the last solar high (roughly 1948–1949) long range interference became quite severe and in a number of instances communications of U. S. mobile systems were completely disrupted for several hours at a time. Approximately 200 complaints of interference of this nature have been received from land mobile licensees, data concerning which are shown in Attachments 1 and 2.[1] During the next and succeeding solar highs the number of interference cases is expected to increase as a result of increased use of this frequency range on a worldwide basis.[2] Existing ITU procedures for protection of frequency assignments are not designed to cope with this problem adequately and the Commission would be unable to solve many of the expected cases of interference. Also, it should be remembered that, while this band has been allocated by the U. S. for mobile operations, under the ITU allocation it may also be used by foreign countries for fixed operation which, if high power is employed, would increase the likelihood of the F2 layer interference, especially during the periods of solar high. Additionally, services other than fixed and mobile have regional allocations in some parts of the band 25–50 Mc.

4. The Commission is of the opinion that the foregoing considerations should not stand in the way of obtaining the maximum use of this band through a reduction of frequency spacing. The prospective users of this band are, however, placed on notice that their operations will at times be subject to interference and that the Commission, in the absence of international agreements, will not be in a position to offer any substantial relief from such interference. In recognition of this problem and so that the Commission's rules will correctly reflect this situation, it is proposed to amend Part 2 of the rules to include in the table of frequency allocations for each frequency band between 25 and 50 Mc the following note:

> Services operating on frequencies in this band must recognize that it is shared with various services of other countries and that harmful interference may be received. Services unable to tolerate such interference should transfer their operations to higher frequencies not generally subject to international interference.

It is also proposed to include the above note in the revised Parts 6, 7, 8, 10, 11 and 16 of the rules. It is pointed out that insertion of this note into Parts 7 and 8 of the rules is the only amendment of these parts proposed in this proceeding.

5. It is proposed to amend Parts 2, 6, 10, 11 and 16 of the rules to provide frequency separations and assignment policies in the indicated frequency bands as follows:

(a) *25–50 Mc Band.* Frequencies in this band would be listed in the applicable rules with 20 kc separation. Assignment of split channels during the equipment conversion period would be made only after local coordination, in the area in which the assignment was requested, had been effected with all licensees on the nearest adjacent channels. Further, split channel licensees would be required to protect existing systems during the equipment conversion period if harmful interference is received by such existing systems when utilizing receivers having selectivity characteristics comparable to the band-

[1] Filed as part of original document.

[2] Persons interested in the possible effect on communications of increased solar activity in this band should refer to National Bureau of Standards Circular 462, "Ionospheric Radio Propagation"; NBS, Series D, "Basic Radio Propagation Predictions" (issued monthly for 3 months in advance); and Circular 465, "Instructions for the Use of Basic Radio Propagation Predictions." These publications are available from the Government Printing Office at a price of $1.25 each, $1.00 per year, and 30¢, respectively.

widths of emission authorized for the transmitters of the existing system. Split channel assignments will not be made in any frequency band segment in the 25–50 Mc range which is restricted by the Commission's rules to assignment only in accordance with a geographical assignment plan until such time as the geographical assignment plan has been modified to include the split channel frequencies.

(b) *152–162 Mc Band.* In anticipation of the reduction of channel widths for mobile services in this band, the Commission on July 18, 1951, addressed a letter to the JTAC (Joint Technical Advisory Committee) asking that it investigate the feasibility of split channel operation. The JTAC made a study and submitted a report to the Commission on June 15, 1953. The JTAC report indicates that interference-free operation can be accomplished in the same area on a 30 kc channel spacing and that the use of 20 kc spacing would require making of assignments with transmitters separated in the order of ten miles. While the JTAC report does not mention the use of 15 kc spacing in its recommendation, the test data indicate the possibility of 15 kc adjacent channel assignments with separation in the order of one-half of co-channel mileage separations. Considering all factors, it would appear preferable to list assignable frequencies on a 15 kc basis. Assignment of channels in the same general service area would be made on an alternate 15 kc basis, providing 30 kc separation. The interspersed 15 kc channels could then be assigned to other areas which did not substantially overlap the service areas of stations assigned to the first group of channels. This procedure has the dual advantages of requiring the minimum of frequency shifts on the part of stations already in operation under the present 60 kc channel spacing, and of making available a greater number of channels for the purpose of obtaining area coverage. On the other hand, if the assignable frequencies are listed on a 20 kc basis, adjacent channels may be assigned with somewhat less geographical spacing, but in the same area alternate channel spacings of 40 kc will be required in areas where the demand is heavy. This is less compatible with the present 60 kc plan and it is anticipated that many more presently authorized stations will be required to change frequency in order to place the plan in operation. Comments should be directed to a comparative analysis of the technical and operational features of both of these plans. Under either plan, assignments during the equipment conversion period would be made only after local coordination, in the area in which the assignment was requested, had been effected with all licensees on the nearest adjacent channels. Further, split channel licensees would be required to protect existing systems during the equipment conversion period if harmful interference is received by such existing systems when utilizing receivers having selectivity characteristics comparable to the bandwidths of emission authorized for the transmitters of the existing system.

NARROW BAND TECHNICAL STANDARDS

6. A corollary of the proposed reduction of channel spacing is the development of new technical standards commensurate therewith. The details of the new standards are set forth in the succeeding paragraphs (7–12) of this notice. At the conclusion of the proceeding, the new standards as then adopted, will be reflected in Parts 6, 10, 11 and 16 by appropriate revisions of the sections involved. While we are issuing a notice of proposed rule making containing the new "split channel" frequency proposals and the new narrow band frequency stability and tolerance standards, these two matters are not so interdependent that they would necessarily have to be finally adopted at the same time. As a matter of fact, should comments received indicate a desirability of finalizing channel splitting in one band prior to the other band or with deferred technical standards, the Commission will fully consider all such comments prior to proceeding with final action in any phase of this proposal.

7. Under the new standards the frequency deviation on frequencies below 200 Mc will be limited to ±5 kc but ±15 kc frequency deviation will be permitted in the band 450–460 Mc. The minimum figure of ±5 kc has been[3] derived from the results of preliminary tests conducted by the industry to determine the minimum deviation that could be used and still provide performance having a signal-to-noise ratio deterioration of less than 3 db from present 60 kc equipments. This figure is based on an assumed channel width of 20 kc, using equipment having the best frequency stability commercially available and considering the energy spread due to modulation. It is, therefore, also applicable to the 25–50 Mc band.

8. It is proposed to require a frequency stability of 0.0005 percent for all transmitters to be used in the subject services between 50 and 1000 Mc except for low power units, 3 watts input or less, which must meet 0.005 percent. That this order of stability is achievable is evidenced by the 450 Mc equipment being built today by the major equipment manufacturers. These equipments are provided with oven-controlled crystals and claim a frequency stability of 0.0005 percent.

9. A frequency tolerance of 0.002 percent has been proposed for existing equipment in the 25–50 Mc band. It is believed that this figure will result in an acceptable transmitter frequency tolerance from a technical standpoint while permitting the continued use of a sizeable amount of the presently authorized equipment operating in this band. The 0.002 percent tolerance provides for about the same frequency stability, in cycles, for the 25–50 Mc band as the 0.0005 percent requires in the 152–162 Mc band. The same percentage tolerance (0.0005) might, logically, be required in the two bands; however, studies indicate that tolerances less than about ±1 kc would not materially improve the utilization of the channels, yet would require substantially greater expense for new and existing equipment.

10. In order to reduce the transmitter sideband output it is desirable to use the lowest possible audio cutoff frequency and to take measures to prevent over modulation. Accordingly, the present requirement that a modulation limiter be incorporated in all transmitters over 3 watts input is continued. To this is now added the further requirement that a low pass audio filter be inserted after the modulation limiter. The constants proposed for the filter are 2500 cycles cutoff frequency and 12 db per octave attenuation above that.

11. It is pointed out that the foregoing changes in the transmitters will have to be followed by appropriate changes in the receivers. In general, most receivers built prior to 1951 will probably have to be replaced rather than modified. It should be noted, however, that this replacement will not have to be made immediately since the wide band receiver can be used with a narrow band transmitter. The replacement will have to be made only when a second system on the adjacent narrow band channel begins operation in the same or in an adjacent area.

12. The foregoing proposed changes in technical standards do not apply to the band 72–76 Mc, as to which no changes presently are contemplated.

AMORTIZATION OF EXISTING EQUIPMENT

13. The final adoption of the new technical standards will be the starting point from which the amortization schedule proposed herein will commence to run. In other words, should the promulgation of final technical standards require more time than that necessary to finalize the frequency proposals the Commission could make frequency assignments under the revised rules pending the final adoption of the new narrow channel technical standards. Any split channel assignments would be on a non-interference basis to existing systems in accordance with paragraph five hereof, and any equipment amortization which may be necessary will begin on the date of finalization of the technical standards and proceed in accordance with the schedule proposed herein. When the technical standards are adopted the following equipment conversion and amortization schedule is proposed.

(a) *Stations operating in the 25–50 Mc band.* One year after the effective date of the new narrow band technical standards, only equipment capable of complying therewith will be authorized to new licensees in this band. Stations authorized to use equipment which does not comply with the new standards will be permitted to operate for the next five years and, during that period, may be authorized to expand their operation using such noncomplying equipment. At the end of this five year period, that is, six years after the effective date of the new standards, all equipment operating in this band will be required to comply with such new standards.

[3] If it appears, as a result of the information developed in this proceeding that 15 kc assignable frequency operation would be most desirable, it may be necessary to revise the maximum permissible deviation.

(b) *Stations operating in the 152–162 Mc band.* Two years after the effective date of the new narrow band technical standards, only equipment capable of complying therewith will be authorized to new licensees in this band. Stations authorized to use equipment which does not comply with the new standards will be permitted to operate for the next five years, and, during that period, may be authorized to expand their operations using such noncomplying equipment. At the end of this five-year period, that is seven years after the effective date of the new standards, all equipment operating in this band will be required to comply with such new standards.

14. It is expected that manufacturers will submit data with respect to the new designs or possibly modifications of existing designs of equipment. If the equipment is satisfactory it will be listed in the Commission's list of equipments acceptable for licensing in these services with an appropriate emission designator. At whatever date determined upon by the Commission in this proceeding, it is expected that the equipment not meeting the new standards will not be included in further editions of the list. An alternative would be for manufacturers, service organizations, or licensees, to develop suitable modification kits enabling existing transmitters to meet the new standards and the equipment would be relisted with a new type number contained on a replacement nameplate supplied as a part of the modification kit. Upon individual application exceptions may be granted by listing the type numbers of the equipment in station authorizations in lieu of a reference to equipment on the list.

15. Although this proposal does not involve revision of Part 4 with respect to Remote Pickup Broadcast Stations or revision of the present channelling in Part 2 with respect to such stations, it will be noted that Remote Pickup Broadcast Station licensees may encounter an increased number of stations with which sharing will be necessary in some areas.

16. The report of the Joint Technical Advisory Committee submitted to the Commission June 15, 1953, and referred to in paragraph 5 (b) above is hereby incorporated into the record of this docket proceeding. A second JTAC report, requested by the Commission on January 8, 1954, and received December 10, 1954, deals with comparative tests on tolerable co-channel interference ratios for wide channel and narrow channel mobile service FM systems. This report concludes that there is no essential difference in these ratios for the two types of system. This report also is incorporated into the record of this proceeding.

17. The amendments proposed herein are issued under authority contained in sections 4 (i) and 303 (c), (e), (f) and (r) of the Communications Act of 1934, as amended.

18. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before March 28, 1955, written data, views or briefs 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 original comments may be filed within 10 days from the last day for filing said original comments. 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.

19. 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: January 12, 1955.

Released: January 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-473; Filed, Jan. 19, 1955; 8:48 a. m.]

[47 CFR Parts 2, 11]

[Docket No. 11249; FCC 55-14]

FREQUENCY ALLOCATIONS; INDUSTRIAL RADIO SERVICES

ALLOCATION OF FREQUENCIES AND PERMISSION TO USE CERTAIN RADIOLOCATION EQUIPMENTS IN CONNECTION WITH PETROLEUM EXPLORATION OFF CALIFORNIA COAST

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

2. On September 22, 1954, the Commission issued a public notice announcing that it had advised certain existing licensees now authorized to use certain frequencies in the band 225–328.6 Mc in connection with the operation of Shoran equipments that new authorizations or renewal of existing authorizations would not be made after December 31, 1954, unless by such time provision has been made in the Commission's rules permitting such use of these frequencies by non-Government stations.

3. The Commission has since been petitioned by Offshore Navigation, Inc., Overseas Navigation Inc., and the Central Committee on Radio Facilities of the American Petroleum Institute to amend its rules so as to permit under certain specified conditions, the use of the aforementioned frequencies in connection with petroleum exploration off the coast of California for the period ending June 30, 1955.

4. The Commission believes that the appropriate method for resolving the question presented by this petition is by the issuance of a notice of proposed rule making in this matter, but that no termination date for the availability of such frequencies should be specified in this notice in view of the safeguards against causing harmful interference which have been incorporated into the proposal.

5. Accordingly, pursuant to the authority of sections 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended, the Commission proposes to amend its rules as set forth below.

6. Any 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 February 23, 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.

7. 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 filed shall be furnished the Commission.

Adopted: January 12, 1955.

Released: January 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

A. It is proposed to amend Part 2 of the Commission's rules in the following respects: § 2.104 (a) (5) is to be amended by inserting the following footnote in column 7 of the band 225–328.6 Mc:

(NG43) In the State of California and waters adjacent thereto and for the radio location activities of the petroleum industry only, stations in the radiolocation service making use of SHORAN equipment may be authorized to use the frequencies 230 Mc, 250 Mc and 310 Mc: *Provided,* That no harmful interference is caused to services operating in accordance with the table of frequency allocations; and provided further that the operations are coordinated with the locally cognizant Federal Government authorities making use of frequencies in this band.

B. It is proposed to add a new paragraph (e) to § 11.607 of Subpart M, Industrial Radiolocation Service, of Part 11, Industrial Radio Services, to read as follows:

(e) Land Radiopositioning Stations (SHORAN) and Mobile Radiopositioning Stations (SHORAN) in this Service may be authorized to use the frequencies 230 Mc, 250 Mc and 310 Mc in the State of California and waters adjacent thereto, and in connection with radiolocation activities of the petroleum industry only: *Provided,* That no harmful inter-

[1] Dissenting statement of Commissioners Bartley and Lee filed as part of original document.

ference is caused to services operating in accordance with the table of frequency allocations contained in Part 2 of this chapter: *And provided further*, That the SHORAN operations are coordinated in advance with the locally cognizant Federal Government authorities making use of these and adjacent frequencies.

[F. R. Doc. 55-521; Filed, Jan. 19, 1955; 8:57 a. m.]

[47 CFR Part 3]

[Docket No. 11252; FCC 55-31]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. KCOR, Inc., permittee of television Station KCOR-TV, authorized to operate on Channel 41 at San Antonio, Texas, filed a petition on November 22, 1954, requesting that the television table of assignments contained in § 3.606, rules governing television broadcast stations, be amended as follows:

City	Channel No.	
	Delete	Add
San Antonio, Tex.	41+	14-
Seguin, Tex.	14-	30-

Petitioner further requests that the Commission issue an order to show cause why its outstanding authorization should not be modified to specify operation on Channel 14 in lieu of Channel 41.

3. In support of its requested amendment, petitioner urges that the proposal complies with the rules and standards; that there is no application on file with the Commission for Channel 14 at Seguin; that the proposed use of Channel 14 in San Antonio would be more suitable for indoor antennas; and that the Commission has recognized the temporary differences among the UHF channels from an equipment standpoint even though it adheres to the basic policy of not making any distinctions for assignment purposes.

4. We are of the view that rule making proceedings should be instituted with respect to the request for the assignment of Channel 14 to San Antonio by substituting Channel 30 for Channel 14 in Seguin. However, we do not believe that a show cause order should be issued to petitioner in order that station KCOR-TV may be assigned Channel 14. Rather, we are of the view that Channel 14, if assigned to San Antonio, should be available for application by all interested parties. Accordingly, it is proposed to amend the Commission's television table of assignments as follows:

City	Channel No.	
	Delete	Add
San Antonio, Tex.		14-
Seguin, Tex.	14-	30-

5. 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.

6. Any interested party who is of the opinion that the amendment proposed herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 18, 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 before taking final action in this matter, and if any comment appears 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.

7. 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: January 12, 1955.

Released: January 14, 1955.

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

[F. R. Doc. 55-471; Filed, Jan. 19, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

FIELD SERVICE; SUBOFFICES

Effective January 3, 1955, paragraph (c) of section 1.51 of the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954) is amended so that when taken with the introductory material it will read as follows:

SEC. 1.51 *Field Service.* The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, and suboffice areas, as follows:

* * * * *

(c) *Suboffices.* The geographical area over which each suboffice has jurisdiction is as follows:

Alabama: Atlanta, Ga.
Alaska: Anchorage, Alaska.
Arizona: Tucson, Ariz.
Arkansas: Memphis, Tenn.
California:
Los Angeles, Calif. (Counties of Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.)
San Diego, Calif. (Counties of Imperial and San Diego.)
San Francisco, Calif. (Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.)
Colorado: Denver, Colo.
Connecticut: Hartford, Conn.
Delaware: Philadelphia, Pa.
District of Columbia: Washington, D. C.
Florida: Miami, Fla.
Georgia: Atlanta, Ga.
Guam: Honolulu, T. H.
Hawaii: Honolulu, T. H.
Idaho: Boise, Idaho.
Illinois: Chicago, Ill.
Indiana: Hammond, Ind.
Iowa: Omaha, Nebr.
Kansas: Kansas City, Mo.
Kentucky: Cincinnati, Ohio.
Louisiana: New Orleans, La.
Maine: Portland, Maine.
Maryland: Baltimore, Md.
Massachusetts: Boston, Mass.
Michigan: Detroit, Mich.
Minnesota: St. Paul, Minn.
Mississippi: New Orleans, La.
Missouri: Kansas City, Mo.
Montana: Great Falls, Mont.
Nebraska: Omaha, Nebr.
Nevada: Reno, Nev.
New Hampshire: Manchester, N. H.
New Jersey: Newark, N. J.
New Mexico: Albuquerque, N. Mex.
New York:
Albany, N. Y. (Counties of Albany, Clinton, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington.)
Buffalo, N. Y. (Counties of Allegeny, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates.)
New York City, N. Y. (Counties of Bronx, Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester, Kings, Nassau, Queens, Richmond, and Suffolk.)

North Carolina: Washington, D. C.
North Dakota: Minot, N. Dak.
Ohio:
Cincinnati, Ohio. (Counties of Adams, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.)
Cleveland, Ohio. (Counties of Allen, Ashland, Ashtabula, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Medina, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot.)
Oklahoma: Dallas, Tex.
Oregon: Portland, Oreg.
Pennsylvania:
Philadelphia, Pa. (Counties of Adams, Bradford, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Lucerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.)
Pittsburgh, Pa. (Counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, and Westmoreland.)
Puerto Rico: San Juan, P. R.
Rhode Island: Providence, R. I.
South Carolina: Atlanta, Ga.
South Dakota: St. Paul, Minn.
Tennessee: Memphis, Tenn.
Texas:
Dallas, Tex. (Counties of Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Johnson, Kaufman, Kent, King, Knox, Lemar, Lamb, Leon, Limestone, Lipscomb, Lubbock, Lynn, Marion, Martin, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Upshur, Van Zandt, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.)
El Paso, Tex. (Counties of Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.)
Houston, Tex. (Counties of Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.)
San Antonio, Tex. (Counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala.)
Utah: Salt Lake City, Utah.
Vermont: St. Albans, Vt.
Virginia: Washington, D. C.
Virgin Islands: San Juan, P. R.
Washington:
Seattle, Wash. (Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.)
Spokane, Wash. (Counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.)
West Virginia: Baltimore, Md.
Wisconsin: Milwaukee, Wis.
Wyoming: Great Falls, Mont.

Dated: January 14, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 55-519; Filed, Jan. 19, 1955; 8:56 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 183]

ASSISTANT SECRETARIES

FIXING ORDER OF SUCCESSION TO ACT AS SECRETARY

Pursuant to Executive Order 10586, dated January 13, 1955, Assistant Secretaries of the Treasury shall act as Secretary during the absence or disability of the Secretary, the Under Secretary, and the Under Secretary for Monetary Affairs, or when those offices are vacant, in the following order of succession:

1. Assistant Secretary Rose.
2. Assistant Secretary Overby.
3. Assistant Secretary Robbins.

Dated: January 13, 1955.

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

[F. R. Doc. 55-520; Filed, Jan. 19, 1955; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 6 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 11, 1955.

An application, serial number Utah 013175, for the withdrawal, subject to valid existing rights, from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, of the lands described below was filed on June 25, 1954, by the Department of Agriculture, Forest Service. Purpose of the proposed withdrawal: Addition to Fishlake National Forest for protection of Scipio Lake Reservoir watershed, which is the sole source of irrigation water for Scipio. All lands are situated in Millard County, Utah Grazing District No. 3.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Department of the Interior, at Post Office Box 777, Salt Lake City, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 21 S., R. 2½ W.
Sec. 1: That part of unsurveyed Section 1 which is not now part of the Fishlake National Forest; if surveyed, such land would normally be described as NE¼, E½NW¼, N½SW¼ of Section 1.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-466; Filed, Jan. 19, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-299]

ACCIDENT OCCURRING NEAR PITTSBURGH, PA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 24320, which occurred near Pittsburgh, Pennsylvania, on December 22, 1954.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceedings that hearing is hereby assigned to be

held on January 26, 1955, at 9:30 a. m., local time, in the Administration Building, Greater Pittsburgh Airport, Room M–132, Pittsburgh, Pennsylvania.

Dated at Washington, D. C., January 17, 1955.

[SEAL] VAN R. O'BRIEN, *Presiding Officer.*

[F. R. Doc. 55–529; Filed, Jan. 19, 1955; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 55–34]

[Amdt. 0–2]

REGIONAL MANAGERS AND DISTRICT FIELD OFFICES

MODIFICATIONS

In the matter of amendment of Part 0 of the Commission's rules and regulations, modification of section 0.49 with reference to Regional Managers and District Field Offices.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955;

The Commission having under consideration further reduction in the number of Regional offices and reorganization of the areas embraced by its Chicago, Illinois, and New York, New York, Regional offices; and

It appearing that the Detroit, Michigan, Regional office should be eliminated and that the Detroit, Michigan, District office (District No. 19) should be embraced by the Chicago, Illinois, Regional office (Region No. 6) and the Buffalo, New York, District office (District No. 20) should be embraced by the New York Regional office (Region No. 1);

It is ordered, Pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act that Part 0 of the Commission's rules is hereby amended effective January 17, 1955, as set forth below.

Released: January 14, 1955.

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

1. Amend section 0.49 (b) by adding under Region #1: District No. 20, and under Region #6: District No. 19.

2. Amend section 0.49 by deleting the listing under Regional Managers: "Region #7, 1029 New Federal Building, Detroit 26, Michigan, to include Districts 19 and 20".

[F. R. Doc. 55–475; Filed, Jan. 19, 1955; 8:49 a. m.]

[Docket No. 11251; FCC 55–30]

SOUTHWESTERN BROADCASTING CO. OF MISSISSIPPI (WAPF)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Albert Mack Smith, Phillip Dean Brady and Louis Alford, a partnership d/b as Southwestern Broadcasting Company of Mississippi (WAPF), McComb, Mississippi, for construction permit; Docket No. 11251, File No. BP–9480.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of January 1955.

The Commission having under consideration the above-entitled application for construction permit to change the frequency of Station WAPF, McComb, Mississippi (1000 watts, daytime only), from 1010 to 980 kilocycles;

It appearing that the applicant is legally, technically and financially qualified to operate Station WAPF as proposed, but that the proposed operation would cause interference to Station KCIJ, Shreveport, Louisiana, operating on 980 kilocycles with a power of 5000 watts, daytime only; and

It further appearing that the Commission in a letter dated November 8, 1954, notified the applicant of the above-described interference, and that copies of the letter were sent to Station KCIJ; and

It further appearing that a timely reply was received from Station KCIJ expressing its intention to appear at a hearing; and

It further appearing that the applicant replied, on November 19, 1954; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Southwestern Broadcasting Company of Mississippi is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve interference with Station KCIJ and, if so, the nature and extent thereof, the area and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether in light of the evidence adduced pursuant to the foregoing issues the proposed operation of Station WAPF would serve the public interest, convenience, and necessity.

It is further ordered, That Southland Broadcasting Company, licensee of Station KCIJ, Shreveport, Louisiana is made a party to the proceeding.

Released January 14, 1955.

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

[F. R. Doc. 55–476; Filed, Jan. 19, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2566, G–4092, G–4270]

UNION GAS SYSTEM, INC. AND CITIES SERVICE GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 11, 1955.

In the matters of Union Gas System, Inc., Docket Nos. G–2566, G–4270; Cities Service Gas Company, Docket No. G–4092.

Take notice that:

(1) Union Gas System, Inc. (Union), a Kansas corporation with a principal office in Independence, Kansas, filed at Docket No. G–2566 an application seeking authority to abandon service in Altamont, Kansas, and abandon and remove facilities providing service to Altamont and Mound Valley, Kansas; and at Docket No. G–4270 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Union proposes by means of facilities sought to be authorized to be constructed and operated at Docket Nos. G–2566 and G–4270; and abandonment of service to Altamont, Kansas (to be provided by Cities Service, Docket No. G–4092) to provide a more adequate supply of natural gas for consumers in Altamont and Mound Valley, Kansas.

(2) Cities Service Gas Company (Cities Service), a Delaware corporation whose address is Oklahoma City, Oklahoma, filed on October 4, 1954, an application for (a) a certificate of public convenience and necessity and (b) for permission to abandon service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The application at Docket No. G–4092 recites that Union and the Town of Altamont have requested Cities Service to render service to Altamont, Kansas, with Altamont constructing a line to connect with Cities Service 20-inch transmission line; and that Union will construct a line to interconnect facilities of Cities Service and Mound Valley, Kansas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 10, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-

contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-480; Filed, Jan. 19, 1955; 8:50 a. m.]

[Docket No. G-2746]

E. F. SANDERS, TRUSTEE

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that E. F. Sanders, Trustee (Applicant), an individual whose address is Pikesville, Kentucky, filed an application on September 13, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Island Creek Field, Pike County, Kentucky, which he sells in interstate commerce to Kentucky-West Virginia Gas Company for resale under contract executed in 1940.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 28, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-481; Filed, Jan. 19, 1955; 8:50 a. m.]

[Docket No. G-2962]

JOHN E. HUGHES

NOTICE OF APPLICATION

JANUARY 11, 1955.

Take notice that John E. Hughes (Applicant), an individual whose address is 105 W. Adams Street, Chicago, Illinois, filed on September 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Carter, Payne and Lincoln Counties, Oklahoma, which he sells in interstate commerce under contract dated January 1, 1953, to Lone Star Gas Company for resale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-482; Filed, Jan. 19, 1955; 8:50 a. m.]

[Docket Nos. G-3039—G-3042, G-3063]

ALGORD OIL CO. AND GEORGE A. KENT ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 11, 1955.

In the matters of Algord Oil Company & George A. Kent, Docket No. G-3039, Delta Drilling Company, R. Lacy, Inc. and Glassell and Glassell, Docket No. G-3040; Delta Gulf Drilling Company, R. Hedge and B. Bridewell, Docket No. G-3041; Delta Drilling Company, H. M. Ascher, M. Ascher, R. A. Stacy and F. A. Clark, Docket No. G-3042; Delta Drilling Company, Docket No. G-3063.

Take notice:

(1) That Algord Oil Company, a Texas corporation, whose address is Tyler, Texas, for itself and George A. Kent, filed an application on September 24, 1954, at Docket No. G-3039 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service, as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the application on file with the Commission and open for public inspection.

(2) That Delta Drilling Company (Delta) a Texas corporation, whose address is Tyler, Texas, filed an application at Docket No. G-3040 for (i) itself, R. Lacy, Inc., and Glassell and Glassell on September 24, 1954, (ii) at Docket No. G-3042, for itself and H. M. Ascher, M. Ascher, R. A. Stacy and F. A. Clark, and (iii) at Docket No. G-3063, for itself alone, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant and others to render service as hereinafter described subject to the jurisdiction of the Commission, as more fully represented in the applications referred to and on file with the Commission, and open for public inspection.

(3) That Delta Gulf Drilling Company (Delta Gulf), a Delaware corporation, whose address is Tyler, Texas, filed an application at Docket No. G-3041, for itself and others, on September 24, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described subject to the jurisdiction of the Commission, as more fully represented in the application filed herein and open for public inspection.

Algord and George A. Kent (Docket No. G-3039) produce natural gas in the Winnsboro Field, Wood County, Texas, and sell it in interstate commerce to Lone Star Gas Company for resale.

Delta and persons for whom filing is made at Docket Nos. G-3040 and G-3042 produce gas from leases in the Carthage Gas Field, Panola County, Texas, and sell it in interstate commerce to Texas Gas Transmission Corporation for resale. Delta (Docket No. G-3063) also produces gas from the Rhodessa Field, Marion County, Texas, and sells it in interstate commerce to Arkansas-Louisiana Gas Company for resale.

Delta Gulf and persons for whom filing is made at Docket No. G-3041 produce gas from the Lakeside Field, Cameron Parish, Louisiana, and sell it in interstate commerce to Trunkline Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 14, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of

§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-483; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3048]

CRESLENN OIL CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Creslenn Oil Company for itself and Oil Well Servicing Company (Applicant), a Delaware corporation whose address is Dallas, Texas, filed on September 24, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Wheeler County, Texas (Oil Well Servicing Company owns individual one-half interest in leases produced) which it sells under contract dated June 29, 1948, in interstate commerce to Lone Star Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-484; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3200]

BLAINE DUNBAR ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Blaine Dunbar, Bluford Stinchcomb, and J. K. Maxwell (Applicant), individuals whose address is 417 Bramlette Building, Longview, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Gregg County, Texas, which is sold in interstate commerce under contract dated April 28, 1953, to Arkansas Louisiana Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 11, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st of February 1954. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-485; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket Nos. G-3240, G-3242]

ROWAN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Rowan Oil Company (Applicant), a corporation whose address is Fort Worth, Texas, filed on September 27, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas (1) in the Brunson Field of Texas (G-3240) which is sold in interstate commerce to Permian Basin Pipeline Company under contract dated March 18, 1954, for resale; and (2) in the North Satsuma Field of Texas (G-3242) which is sold in interstate commerce to Texas Illinois Natural Gas Pipeline Company under contract dated March 1, 1954 for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 15, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-486; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3293]

WALTER DUNCAN

NOTICE OF APPLICATION

JANUARY 11, 1955.

Take notice that Walter Duncan (Applicant), an individual whose address is

Oklahoma City, Oklahoma, filed on September 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Webster Parish, Louisiana, which he sells in interstate commerce under contract dated May 11, 1951, to Arkansas Louisiana Gas Company for resale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th of January 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-487; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3582]

B. & M. OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that B. & M. Oil and Gas Company (Applicant), a Pennsylvania corporation whose address is Monongahela, Pennsylvania, filed on September 28, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Driftwood Field, Cameron County, Pennsylvania, which it sells in interstate commerce to New York State Natural Gas Corporation under contract dated November 24, 1952, for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 11, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-488; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3591]

BOSWELL-FRATES CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Boswell-Frates Co. (Applicant), an Oklahoma corporation whose address is Tulsa, Oklahoma, filed on September 28, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant purchases natural gas from others in the Tryon-Sporn Gas Field, Lincoln County, Oklahoma, which it sells in interstate commerce under contract dated February 24, 1953, to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 11, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-489; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-3849]

H. D. KINSEY ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that H. D. Kinsey and associates (Applicant), whose address is Clendenin, West Virginia, filed on September 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Gilbert Area, Magnolia District, Mingo County, West Virginia, which is sold in interstate commerce to Columbian Carbon Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 10, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-490; Filed, Jan. 19, 1955; 8:51 a. m.]

[Docket No. G-4119]

AUSTIN E. STEWART

NOTICE OF APPLICATION

JANUARY 11, 1955.

Take notice that Austin E. Stewart (Applicant), an individual whose address is Shreveport, Louisiana, filed on October 4, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Willow Springs Field, William Robinson Survey, Gregg County, Texas, which he sells in interstate commerce to Arkansas Louisiana Gas Company for resale under contract dated January 15, 1954.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-491; Filed, Jan. 19, 1955; 8:52 a. m.]

[Docket No. G-4411]

STANOLIND OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Stanolind Oil and Gas Company (Applicant), a Delaware corporation whose principal place of business is Tulsa, Oklahoma, filed on October 13, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Ivan Field of Bossier and Webster Parishes, Louisiana, which it sells in interstate commerce to Arkansas Louisiana Gas Company (contract dated June 21, 1954) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 9, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1954. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-492; Filed, Jan. 19, 1955; 8:52 a. m.]

[Docket No. G-4428]

M. M. ARGO

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that M. M. Argo (Applicant), an individual, whose address is Birmingham, Alabama, filed on October 18, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Bethany Field, Panola County, Texas, and to sell it in interstate commerce to Arkansas Louisiana Gas Company for resale (contract dated, October 1, 1954).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 9, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-493; Filed, Jan. 19, 1955; 8:52 a. m.]

[Docket No. G-4451]

MASSEY OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Massey Oil and Gas Company (Applicant), a West Virginia corporation whose address is Sand Fork, West Virginia, filed on October 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Dusk Camp Field in the Glennville District, Gilmer County, West Virginia, which it will sell in interstate commerce to Hope Natural Gas Company for resale (contract date, September 29, 1954).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 17, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-494; Filed, Jan. 19, 1955; 8:52 a. m.]

[Docket Nos. G–4551, G–4552, G–4553 G–4554, G–4555]

CARTER OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that The Carter Oil Company (Applicant), a West Virginia corporation whose address is Tulsa, Oklahoma, filed on October 25, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant states at (1) Docket No. G–4551 it is producing gas in the Hico-Knowles and Choudrant Fields in Lincoln Parish, Louisiana, and sells it in interstate commerce under contract dated November 28, 1950, to Mississippi River Fuel Corporation for resale; (2) Docket No. G–4552 it is producing gas from the Dubach Field in Lincoln Parish, Louisiana, and sells it in interstate commerce under contract dated November 28, 1950, to Mississippi River Fuel Corporation for resale; (3) Docket No. G–4553 it is producing gas from the Holly Ridge Field, Tensas Parish, Louisiana, and sells it in interstate commerce under contract dated December 30, 1948, to Olin Gas Transmission Corporation for resale; (4) Docket No. G–4554 it is producing gas from the Sugar Creek Field in Claiborne Parish, Louisiana, and sells it in interstate commerce under contract dated March 30, 1953, to United Gas Pipe Line Company for resale; and (5) Docket No. G–4555 it is producing gas from the Ivan Field, Bossier Parish, Louisiana, and sells it in interstate commerce under contract dated March 10, 1954, to Arkansas-Louisiana Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–495; Filed, Jan. 19, 1955; 8:52 a. m.]

[Docket No. G–4641]

S. H. KILLINGSWORTH ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that S. H. Killingsworth (Applicant), an individual as Agent whose address is Longview, Texas, filed on November 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant as Agent for F. R. Jackson, B. F. Ashcroft, H. C. McGrede, John C. Robbins, Jr., Edwin H. Bodenheim, Roland A. Bodenheim, Bruce Sciscoe, Leo Butter, R. E. Moore, Lee Killingsworth, B. J. Baird, Black Brothers Company, South States Drilling Company, N. E. Loomis, C. K. Loomis, and Clyde H. Hall to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant as agent for the parties named hereinabove states the said parties sell natural gas in interstate commerce to Arkansas Louisiana Gas Company for resale which is produced from the Lottie Haynes Field, Marion and Cass Counties, Texas. The sale is made under contract dated August 9, 1954.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–496; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket No. 4670]

THREE STATES NATURAL GAS CO., AND SAN JACINTO PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Three States Natural Gas Company and San Jacinto Petroleum Corp. (hereinafter called Applicant), Delaware corporations whose addresses are Dallas, Texas, and Houston, Texas, respectively, filed on November 2, 1954, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant will produce natural gas in the Ignacio field in LaPlata County, Colorado, which it proposes to sell to El Paso Natural Gas Company for resale in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 8, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–497; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket Nos. G–4673, G–4674]

PERRY GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Perry Gas Company (Applicant), a West Virginia corporation whose address is Triadelphia District, Logan County, West Virginia, filed on November 3, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for inspection.

Applicant proposes to produce natural gas from leases in Triadelphia District, Logan County, West Virginia, and to sell it in interstate commerce to Hope Natural Gas Company for resale (contract dated October 21, 1954).

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 16, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–498; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket No. G–4716]

MISSISSIPPI VALLEY GAS CO.

NOTICE OF APPLICATION

JANUARY 11, 1955.

Take notice that Mississippi Valley Gas Company (Applicant), a Mississippi corporation whose address is 711 West Capitol Street, Jackson, Mississippi, filed on November 8, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate facilities necessary to serve the towns of Ethel and McCool, Mississippi. The peak day and annual requirements of the towns of Ethel and McCool are estimated as follows:

	Peak day requirements (Mcf at 14.73 p. s. i. a.)		
	First year	Second year	Third year
Ethel	147	159	170
McCool	92	97	102
	Annual requirements		
Ethel	16,420	17,620	18,750
McCool	10,150	10,700	11,240

The estimated total cost of facilities to serve the towns of Ethel and McCool is $72,000 to be defrayed by Applicant from funds on hand.

Applicant proposes to obtain the gas necessary to render the service from Texas Eastern Transmission Corporation (Texas Eastern). To that end Applicant has intervened in In the Matter of Texas Eastern Transmission Corporation, et al., Docket No. G–2573, which involves allocation of excess capacity on Texas Eastern's system. Hearing has been set for January 17, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 17, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

F. R. Doc. 55–499; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket No. G–4844]

M AND M DRILLING CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that M and M Drilling Corporation, Estate of N. V. Duncan, deceased, and Alpha Petroleum Corporation (Applicants), whose addresses are Oklahoma City, Oklahoma, filed on November 15, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants produce natural gas in the Coyle Field, Lincoln County, Oklahoma and sell it in interstate commerce to Cities Service Gas Company for resale (contract dated September 27, 1954).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 17, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–500; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket No. G–4848]

FRYER AND HANSON DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1955.

Take notice that Fryer and Hanson Drilling Company (Applicant), a partnership whose address is Dallas, Texas, filed on November 16, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Driftwood Field, Elk County, Pennsylvania, and sell it in interstate commerce to New York State Natural Gas Corporation for resale (contract dated October 19, 1954).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Com-

mission's rules of practice and procedure, a hearing will be held on February 16, 1955, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1954. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-501; Filed, Jan. 19, 1955; 8:53 a. m.]

[Docket No. G-6807]

SOUTHEASTERN DRILLING CO. ET AL.

NOTICE OF APPLICATION, CONSOLIDATION AND DATE OF HEARING

JANUARY 10, 1955.

In the matters of Southeastern Drilling Company, Laurel Royalty Company, I. P. LaRue, et al., C. M. Dorchester, Frances Dorchester Harrell and Betty Dorchester Mortimer, J. K. Wright, Alec M. Crowell, J. K. Wright, Jr., George Gardiner Green, Douglas Whitaker, et al., P. G. Lake, C. R. Ridgway, et al., Durbin Bond and Company, Inc., Douglas Whitaker, C. L. Morgan, I. P. LaRue and G. G. Stanford, Robert C. Hynson, Carter Foundation Production Co., Greif Raible; Docket No. G-6807.

Take notice that a joint application for permission to abandon service pursuant to section 7 of the Natural Gas Act was filed on December 16, 1954, by the producers of natural gas set forth in the caption hereof.

The gas which is the subject matter of the application is produced from the Gwinville field, Simpson and Jefferson Davis Counties, Mississippi, and is presently being sold to Southern Natural Gas Company (Southern) under contracts between Southern and the operators of the units involved. Applicants are parties to operating agreements under which the operator may sell the non-operator's proportionate part of the gas produced from the unitized wells until such time as said non-operators elect to take their proportionate part in kind.

Applicants have filed applications for certificates of public convenience and necessity as follows:

Southeastern Drilling Company, Docket No. G-2693.
Laurel Royalty Company, Docket No. G-2695.
I. P. LaRue, et al., Docket No. G-2696.
C. M. Dorchester, Docket No. G-2697.
Frances Dorchester Harrell and Betty Dorchester Mortimer, Docket No. G-2698.
J. K. Wright, Docket No. G-2699.
Alec M. Crowell, Docket No. G-2700.
J. K. Wright, Jr., Docket No. G-2701.
George Gardiner Green, Docket No. G-2702.
Douglas Whitaker, et al., Docket No. G-2703.
P. G. Lake, Docket No. G-2704.
C. R. Ridgway et al., Docket No. G-2705.
Durbin Bond and Company, Inc., Docket No. G-2706.
Douglas Whitaker, Docket No. G-2707.
C. L. Morgan, Docket No. G-2708.
I. P. LaRue and G. G. Stanford, Docket No. 2709.
Robert C. Hynson, Docket No. G-2710.
Carter Foundation Production Co., Docket No. G-2711.
Greif Raible, Docket No. G-2768.

which have been consolidated with the related application of Dixie Pipe Line Company at Docket No. G-2401 by Commission order issued December 15, 1954. The sales proposed in said applications involve the Applicants' proportionate share of the gas produced in the Gwinville field presently being sold by the operators.

The applications for certificates and for the proposed abandonment are related matters and should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 17, 1955, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th of January 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-502; Filed, Jan. 19, 1955; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER FOR PROGRAMS AND DIRECTOR, MANAGEMENT BRANCH

DELEGATIONS OF FINAL AUTHORITY

Section II *Delegations of final authority* is amended as follows:

Subparagraph 10 is added to paragraph G as follows:

10. With respect to the following Federally owned rural farm housing projects, to exercise all the powers vested in the Commissioner under the United States Housing Act of 1937, as amended:

Arkansas 1-2.
Georgia 12-1.
Mississippi 6-1.
Mississippi 15-1.
Mississippi 16-1.
Mississippi 19-1.
Indiana 14-1.
South Carolina 5-1.

Assistant Commissioner for Programs. Director of the Management Branch.

Date approved: January 12, 1955.

CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 55-504; Filed, Jan. 19, 1955; 8:54 a. m.]

REALTY ASSISTANT

DELEGATIONS OF FINAL AUTHORITY

Section II *Delegations of final authority* is amended as follows:

Subparagraph 11 is added to paragraph G as follows:

11. To attest, within the State of Connecticut, disposition documents and certify that such documents are identical with the originals.

Alexander Hasbany, Realty Assistant.

Date approved: January 12, 1955.

CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 55-505; Filed, Jan. 19, 1955; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[DPAV-1 (n)]

WORLD-WIDE TANKERS, INC.

DELETION FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the following deletion from the list of companies which have accepted the request to participate in the voluntary plan entitled, "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and the voluntary plan were published in 16 F. R. 1964, on March 1, 1951. Subsequent changes in the list were published in 16 F. R. 3315, 3931, 6545, 8378, 9734; 17 F. R. 1161, 2400, 11074; 18 F. R. 2804, 5376; 19 F. R. 2916, 3950; and 20 F. R. 255.

Deletion

World-Wide Tankers, Inc., 2223 South Olive Street, Los Angeles, California.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: January 19, 1955.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 55-605; Filed, Jan. 19, 1955; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 54-159, 54-160, 54-162, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER WITH RESPECT TO FILING OF REPORT CONCERNING FEES AND EXPENSES

JANUARY 13, 1955.

The above-entitled proceedings involve plans filed pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("act") to enable Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company now in process of reorganization before this Commission and the United States District Court for the District of Massachusetts ("Court"), to effectuate compliance with section 11 (b) of the act.

Pursuant to notice previously given by the Commission, various applications for allowances for services rendered and expenses incurred in connection with the several plans and related proceedings have been filed with the Commission and the Trustee. The Commission has heretofore passed upon applications for allowances filed by the Trustee, his counsel, and representatives of the debenture holders of IHES, but has not yet determined the procedure to be applied to applications for allowances filed by representatives of the preferred and Class A stockholders of IHES and by certain other persons.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that, as a first step in fixing the ultimate procedure to be followed with respect to the pending applications and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order should be entered, under the authority conferred by section 11 (f) of the act, requiring that the said Bartholomew A. Brickley, as Trustee of IHES, file with the Commission a report or reports setting forth certain information.

It is therefore ordered, That on or before May 16, 1955, Bartholomew A. Brickley, as Trustee of IHES, shall file with the Commission ten (10) copies of a report or reports which shall set forth:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings whose applications have not yet been passed upon by the Commission;

(2) The amounts of fees and expenses which the said Trustee has already paid or is prepared to pay to such applicants without modification;

(3) The amounts of fees and expenses, if any, which the said Trustee is willing to pay to such applicants and which they after negotiation with the Trustee have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which the Trustee considers to be reasonable and which he is prepared to recommend for payment to such applicants.

It is further ordered, That the payments contemplated by paragraphs (2), (3) and (4) above shall be subject to the provisions of the respective plans and to approval by the Commission and the Court and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the act in connection with plans filed under section 11 (d) thereof.

It is further ordered, That, with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-506; Filed, Jan. 19, 1955; 8:54 a. m.]

[File No. 70-3321]

ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER CONTAINING RECITALS PURSUANT TO INTERNAL REVENUE CODE

JANUARY 14, 1955.

The Commission by order dated January 4, 1955, having granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company ("Bond and Share"), a registered holding company, regarding, among other things, the sale at competitive bidding of 170,000 shares of its present holdings of common stock of United Gas Corporation plus such additional shares not exceeding 25,500 as Bond and Share should acquire during the course of stabilizing operations to be effected by Bond and Share, subject to the reservation of jurisdiction to enter a supplemental order containing appropriate recitals under sections 1081 to 1083, inclusive, and section 4382 (b) (2) of the Internal Revenue Code of 1954;

Bond and Share having now advised the Commission that it acquired 2,300 shares in the course of stabilizing operations and that accordingly the total number of shares to be sold is 172,300:

It is ordered and recited, That the sale and transfer, as contemplated in the application-declaration, of 172,300 shares of United Gas Corporation common stock are necessary or appropriate to the integration of simplification of the holding company system of which applicant-declarant is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of sections 1081 to 1083, inclusive, and section 4382 (b) (2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-510; Filed, Jan. 19, 1955; 8:55 a. m.]

[File No. 70-3330]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

JANUARY 13, 1955.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by New England Electric System ("NEES"), a registered holding company, and twenty-three of its public-utility subsidiary companies, namely, Amesbury Electric Light Company ("Amesbury"), Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Essex County Electric Company ("Essex"), Granite State Electric Company ("Granite"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), Lawrence Gas Company ("Lawrence Gas"), The Lowell Electric Light Corporation ("Lowell"), The Mystic Power Company ("Mystic Power"), Mystic Valley Gas Company ("Mystic Valley"), The Narragansett Electric Company ("Narragansett"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), Quincy Electric Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Suburban"), Wachusett Gas Company ("Wachusett"), Weymouth Light and Power Company ("Weymouth") and Worcester County Electric Company ("Worcester") (hereinafter collectively referred to as "the borrowing companies"). NEES and the borrowing companies have designated sections 7, 10 and 12 of the act and Rules U-42 (b) (2), U-43 and U-45 (b) (1) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue, from time to time but not later than December 31, 1955, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $74,910,000 and (b) to NEES in the aggregate principal amount of $38,730,000 or a total of $113,640,000. Most of the proposed short-term note financing is for renewal purposes with the 1955 new money requirements of the borrowing companies estimated at $20,070,000. The application-declaration states that the maximum amount of such notes to be outstanding at any one time during the year 1955 (a) with banks will not exceed $47,020,000 and (b) with NEES will not exceed $30,000,000, with the total at all times limited to $58,990,000. Such notes will mature in less than one year and in any event not later than March 31, 1956, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof, and, if issued by a gas company, at such

interest rate plus ¼ of 1 percent. It is stated that the present prime rate of interest is 3 percent. Central Mass., Lawrence Gas, Mystic Valley, Northampton Gas, North Shore, Norwood and Wachusett are gas companies. With respect to any notes proposed to be issued by the borrowing companies to banks to prepay then outstanding notes payable to NEES, if the interest rate for the notes proposed to be issued exceeds the interest rate on the notes proposed to be prepaid, NEES will file an amendment to the application-declaration setting forth therein the proposed amount of the note or notes and the proposed interest rate thereon which amendment will become effective five days after the filing thereof unless the Commission notifies NEES to the contrary within said five-day period.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES in 1955, (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time during 1955:

TABLE I

[Thousands omitted]

	Aggregate amount of notes proposed to be issued in 1955		Maximum amount of notes to be outstanding during 1955		
	Banks	NEES	Banks	NEES	Banks or NEES
Amesbury	$920	$1,690	-------	-------	$920
Attleboro	-------	2,750	-------	$1,450	-------
Central Massachusetts	1,650	-------	$900	-------	-------
Essex	3,700	1,000	-------	-------	2,300
Granite	1,100	-------	600	-------	-------
Haverhill	2,400	4,200	-------	-------	2,400
Lawrence	7,425	-------	4,000	-------	-------
Lawrence Gas	2,680	-------	1,540	-------	-------
Lowell	11,500	-------	6,000	-------	-------
Mystic Power	300	-------	175	-------	-------
Mystic Valley	3,700	-------	2,550	-------	-------
Narragansett	18,400	-------	9,700	-------	-------
Northampton	885	-------	485	-------	-------
Northampton Gas	-------	1,160	-------	645	-------
North Shore	4,950	2,450	2,650	1,225	-------
Northern	-------	3,240	-------	1,660	-------
Norwood	-------	1,150	-------	615	-------
Quincy	-------	4,110	-------	2,180	-------
Southern	-------	2,680	-------	1,395	-------
Suburban	5,400	2,000	-------	-------	3,100
Wachusett	500	-------	300	-------	-------
Weymouth	-------	5,400	-------	2,800	-------
Worcester	9,400	6,900	-------	-------	9,400
Total	74,910	38,730	28,900	11,970	18,120

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures. The application-declaration indicates that during 1955 certain of the borrowing companies (or a resultant company of the merger of such companies) contemplate the issuance of an aggregate amount of $30,720,000 of permanent securities.

The following table shows for each borrowing company (a) the amount of unsecured short-term notes outstanding at January 1, 1955, and (b) the amount of such notes estimated to be outstanding at December 31, 1955, after giving effect to the use of the proceeds from the proposed notes and contemplated permanent financing:

TABLE II

[Thousands omitted]

	Amount of notes outstanding at Jan. 1, 1955		Amount of notes estimated to be outstanding at Dec 31, 1955	
	Banks	NEES	Banks	NEES
Amesbury	-------	$640	(1)	(1)
Attleboro	-------	1,150	-------	$235
Central Massachusetts	$700	-------	$900	-------
Essex	-------	800	2,300	-------
Granite	400	-------	600	-------
Haverhill	-------	1,600	(1)	(1)
Lawrence	2,925	-------	1,320	(1)
Lawrence Gas	1,040	-------	1,540	-------
Lowell	5,000	-------	(1)	(1)
Mystic Power	75	-------	175	-------
Mystic Valley	850	-------	2,550	-------
Narragansett	5,500	-------	9,700	-------
Northampton	375	-------	485	-------
Northampton Gas	-------	440	-------	645
North Shore	2,200	1,225	375	-------
Northern	-------	1,410	-------	250
Norwood	-------	495	-------	615
Quincy	-------	1,680	-------	500
Southern	-------	1,265	-------	130
Suburban	-------	1,500	3,100	-------
Wachusett	100	-------	300	-------
Weymouth	-------	2,150	-------	650
Worcester	-------	5,400	1,900	-------
Total	19,165	19,755	25,245	3,025

[1] Assumes merger or consolidation of these companies, and $12,000,000 bond issue of resultant company, Lawrence.

The joint application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $2,400.

The joint application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than January 26, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-507; Filed, Jan. 19, 1955; 8:55 a. m.]

[File No. 70-3331]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING INTRASYSTEM TRANSACTIONS INVOLVING SALE OF GAS ASSETS BY ONE SUBSIDIARY TO ANOTHER SUBSIDIARY AND ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JANUARY 14, 1955.

In the matter of New England Electric System, The Mystic Power Company, The Pequot Gas Company; File No. 70-3331.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Electric System ("NEES"), a registered holding company, and two of its public-utility subsidiaries, The Mystic Power Company ("Mystic") and The Pequot Gas Company ("Pequot"). Applicants-Declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act, Rules U-42 (b), U-43 and U-44 promulgated thereunder as applicable to the proposed transactions

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

NEES is solely a holding company. It owns all of the outstanding common stock of Mystic and upon consummation of the proposed transactions will own all the outstanding common stock of Pequot, which was recently formed for the purpose of acquiring the gas business and gas assets of Mystic. The latter proposes to sell such assets, which consist principally of a gas distribution system in Pawcatuck, Connecticut, to Pequot for a cash consideration amounting to the depreciated book value of the assets, including conditional gas appliance sales contracts, unbilled revenues and unamortized costs of conversion to natural gas, on the effective date of the sale. As of October 31, 1954, such purchase price is estimated to be $155,660. Pequot proposes (a) to issue and sell 15,000 shares of $10 par value common stock at par to NEES and (b) to borrow not in excess of $29,000 from the Hartford National Bank and Trust Company, such indebtedness to be evidenced by an unsecured promissory note. The note will mature in six months from its issue date and will bear interest at the prime rate of interest at the time of issuance plus ¼ of 1 percent. It is stated in the application-declaration that the present prime rate is 3 percent and that the proposed amount of note indebtedness will be substantially equal to the unamortized balance of Mystic's cost of conversion to the use of natural gas. Pequot also requests authority, should it be necessary when such note matures, to issue a new note, with similar terms, in an amount substantially equal to the then unamortized conversion costs, the proceeds thereof, together with treasury funds, to be used to pay the maturing note.

Mystic will use the proceeds derived from the proposed sale to pay (a) its note indebtedness incurred to pay con-

struction costs and presently outstanding in the amount of $75,000 and (b) accounts payable for construction costs; any balance will be added to Mystic's general funds.

Applicants-Declarants represent that the separation of Mystic's gas and electric properties is not detrimental to the carrying out of the provisions of section 11 of the act and that such separation will facilitate carrying out the eventual disposition of the gas properties in NEES' system.

The application-declaration states that no commissions are involved in connection with the proposed transactions. Incidental services performed at the actual cost thereof by New England Power Service Company, an affiliated service company, are estimated to cost not in excess of $3,500. It is represented that an application has been filed with the Connecticut Public Utilities Commission for its approval of Mystic's sale of assets and business and Pequot's issuance of securities.

Applicants-Declarants request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 2, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law, if any, raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as hereafter amended, may be granted and permitted to become effective as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-511; Filed, Jan. 19, 1955; 8:56 a. m.]

[File No. 812-731]

CHINA INDUSTRIES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING APPLICANT FROM ALL PROVISIONS OF THE INVESTMENT COMPANY ACT OF 1940

JANUARY 13, 1955.

Notice is hereby given that China Industries, Inc. ("Applicant"), New York, New York, a registered, closed-end, non-diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting Applicant from all of the provisions of the act.

Applicant is a New York corporation and all of its outstanding stock, 125,000 shares having a par value of $10 per share, is owned in equal proportions by Shanghai Commercial & Savings Bank, Ltd. and Chekiang First Bank of Commerce, Ltd. which are banks doing business in Shanghai and other cities in China. Applicant has not made, is not now making, and does not propose to make, any public offering of its securities. Applicant's assets, which consist generally of marketable securities, are subject to the Foreign Assets Control Regulations (30 CFR, 1952, Supp., 500.-101 to 500.808) which prohibit, without authorization by the United States Treasury, financial transactions by Applicant.

The Applicant represents that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act within the meaning of section 6 (c).

Applicant agrees that: (1) If any person resident in the United States acquires any direct or indirect beneficial interest in any securities issued by Applicant, it will advise the Commission in writing of such fact within 10 days after it is advised or has knowledge thereof; (2) if the Applicant acquires any of the securities of any American company which would result in presumptive control by it under the act, it will within 10 days after such acquisition report the same to the Commission; and (3) it will file annually with the Commission the data required by Items 7, 8, 9 and 10 of Form N-30A-1 adopted by the Commission and effective on June 15, 1954 and an annual balance sheet, income and surplus statement and schedule of its investments.

Notice is further given that any interested person may, not later than February 8, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-509; Filed, Jan. 19, 1955; 8:55 a. m.]

[File No. 813-16]

WJ MANAGEMENT CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM ACT AS EMPLOYEES' SECURITIES COMPANY

JANUARY 13, 1955.

Notice is hereby given that WJ Management Company ("WJ"), an Illinois corporation, has filed an application, and amendments thereto, pursuant to section 6 (b) of the Investment Company Act of 1940 ("act") for an order exempting it as an employees' security company from all of the provisions of the act, or, in the alternative, exempting it from the following sections of the act and rules promulgated thereunder: Sections 7, 8, 10 (a), 14, 17 (f) (and Rule N-17F-2), 20 (a) (and Rule N-20A-1), 22 (d), 22 (e), 22 (f), 30 (a) (and Rule N-30A-1), 30 (b) (and Rule N-30B1-1), 30 (d) (and Rule N-30D-1 to the extent that the applicant shall be permitted to transmit reports to stockholders annually instead of semi-annually), and 32 (a).

WJ was organized on April 10, 1952, for the general purpose of investing in securities and similar property. It is authorized to issue 100,000 shares of common stock with a par value of $10 per share, of which 13,938 shares are issued and outstanding and 485 shares are issued and held in the treasury.

Sales of WJ common stock are limited to employees of Wilson-Jones Company ("Wilson-Jones") and its subsidiaries who are officers, department or division heads or assistants, superintendents, foremen and salesmen. Thus, WJ is an employees' securities company within the meaning of section 2 (a) (13) (A) of the act. Wilson-Jones manufactures and sells stationery, business forms and office equipment. To date approximately 110 employees of Wilson-Jones own and control the 13,938 outstanding shares of common stock of WJ. All purchases of the stock of WJ have been at a price of $14 per share, without any sales load. The application states that it is contemplated that the price at which each share of stock of WJ will be sold in the future will be the net book value per share as of the date of the sale.

It is further stated that stockholders of WJ may at any time offer to sell to the company all or any part of their shares and that WJ is required to accept such offer and pay for such shares the net book value thereof determined as of the date of such sale. Upon any shareholder's severance from the employ of Wilson-Jones for any reason, he or his estate is required to sell his shares to WJ at the book value thereof as of the date of such sale.

The management of WJ is vested in a board of directors which consists of seven members. It is represented in the application that none of the officers or directors of WJ receive any compensation for their services, no service cost of any nature is charged by Wilson-Jones, and there are no contracts or understandings between WJ and Wilson-Jones.

WJ owns 24,410 shares of common stock of Wilson-Jones (the latter's stock is listed on the New York and Boston Stock Exchanges) representing approximately 7 percent of its outstanding common stock. All such shares have been purchased by WJ either from the treasury of Wilson-Jones or in the open market at the per share market price thereof on the New York Stock Exchange on the date of purchase. The

application states that it is the present intention of WJ to invest only in common stock of Wilson-Jones.

The initial purchase by WJ of 15,000 shares of common stock of Wilson-Jones on July 16, 1952 at $12.75 per share at the aggregate cost of $191,250 was financed by proceeds from subscriptions to the stock of WJ and a bank loan of $75,000. Part of the proceeds from subsequent sales of WJ stock have been used to reduce such bank loan. Such 15,000 shares of common stock of Wilson-Jones were held in its treasury and represented an accumulation of purchases on the New York Stock Exchange by Wilson-Jones commencing in December 1940.

Applicant filed a Notification of Registration dated March 19, 1954, and an amendment dated May 26, 1954, under section 8 (a) of the act as an open-end non-diversified management company. In the instant application, as amended, applicant requests withdrawal of its Notification of Registration, as amended, or in the alternative, termination of its registration pursuant to section 8 (f) of the act.

Section 6 (b) of the act provides that upon application by an employees' security company, the Commission shall by order exempt such company from the provisions of the act and of the rules and regulations thereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Notice is further given that any interested person may, not later than January 27, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-508; Filed, Jan. 19, 1955; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30126]

EGG YOLK BETWEEN POINTS IN TEXAS INCLUDING ADJACENT POINTS

APPLICATION FOR RELIEF

JANUARY 14, 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: J. F. Brown, Agent, for carriers parties to schedule listed below.

Commodities involved: Yolk, egg, cooked, in glass or metal cans in boxes, carloads.

Territory: Between points in Texas, and between points in Texas, on the one hand, and points in Arkansas and Louisiana, on the other.

Grounds for relief: Rail competition, circuity, to apply over short tariff routes rates constructed on the basis of the short line distance formula, and additional related commodity.

Schedules filed containing proposed rates: J. F. Brown, Agent, I. C. C. 851, supp. 8.

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-442; Filed, Jan. 18, 1955; 8:50 a. m.]

[4th Sec. Application 30127]

PAPER AND PAPER ARTICLES FROM OFFICIAL TERRITORY TO LOWER MISSISSIPPI RIVER CROSSINGS AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 14, 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 Agent H. R. Hinsch's tariff I. C. C. 4367, Agent C. W. Boin's tariff I. C. C. No. A-968, and Agent C. R. Goldrich's tariff I. C. C. No. 610, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Points in official territory.

To: Memphis, Tenn., and lower Mississippi River crossings.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-443; Filed, Jan. 18, 1955; 8:50 a. m.]

[4th Sec. Application 30128]

MERCHANDISE IN MIXED CARLOADS FROM ATLANTA, GA., AND POINTS GROUPED THEREWITH TO PHILADELPHIA, PA.

APPLICATION FOR RELIEF

JANUARY 14, 1955.

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

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

Commodities involved: Merchandise in mixed carloads.

From: Atlanta, Ga., and points grouped therewith.

To: Philadelphia, Pa.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1458, supp. 4.

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

because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-444; Filed, Jan. 18, 1955; 8:50 a. m.]

[4th Sec. Application 30129]

MERCHANDISE IN MIXED CARLOADS FROM MOBILE, ALA., AND NEW ORLEANS, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 14, 1955.

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

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

Commodities involved: Merchandise in mixed carloads.

From: Mobile, Ala., and New Orleans, La.

To: Memphis, Tenn.

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

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1458, supp. 4.

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-445; Filed, Jan. 18, 1955; 8:50 a. m.]

[4th Sec. Application 30133]

GROUND FIRE CLAY BETWEEN POINTS IN ILLINOIS TERRITORY AND FROM MISSOURI TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

JANUARY 17, 1955.

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

Filed by: R. G. Raasch, Agent, for carriers parties to tariffs indicated below.

Commodities involved: Ground fire clay, in open top cars not protected by tarpaulin or other protective covering.

Between: Points in Illinois territory, from points in Missouri to Illinois territory.

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

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company, I. C. C. 14658, supp. 7, and other schedules listed in exhibit to the application.

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-515; Filed, Jan. 19, 1955; 8:56 a. m.]

[4th Sec. Application 30134]

VARIOUS COMMODITIES FROM POINTS IN CENTRAL TERRITORY TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 17, 1955.

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

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in central territory.

To: Points in southern territory.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-516; Filed, Jan. 19, 1955; 8:56 a. m.]

[4th Sec. Application 30135]

ELECTRODES AND PAPER ARTICLES FROM POINTS IN CENTRAL TERRITORY TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 17, 1955.

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

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 3510, pursuant to fourth-section order No. 17220.

Commodities involved: Electrodes, dry battery, and paper and paper articles.

From: Points in central territory.

To: Points in southern territory.

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

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

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-517; Filed, Jan. 19, 1955; 8:56 a. m.]