



VOLUME 20

## NUMBER 28

Washington, Wednesday, February 9, 1955

**TITLE 3—THE PRESIDENT**  
**EXECUTIVE ORDER 10595**

AMENDMENT OF EXECUTIVE ORDER No. 9746  
OF JULY 1, 1946,<sup>1</sup> RELATING TO THE PAN-  
AMA CANAL AND THE CANAL ZONE

By virtue of the authority vested in me by the Constitution and the laws of the United States, including the Canal Zone Code, approved June 19, 1934, as amended, and as President of the United States, Executive Order No. 9746 of July 1, 1946 (11 F. R. 7329), relating to the Panama Canal and the Canal Zone, is hereby amended as follows:

1. Paragraphs 1 to 6, inclusive, thereof are renumbered as paragraphs 3 to 8, inclusive, and two new paragraphs, numbered 1 and 2, and reading as follows, are inserted immediately after the preamble of the said order:

"1. The Secretary of the Army is hereby designated, pursuant to Canal Zone Code, title 2, section 5, as amended by section 1 of the act of September 26, 1950, 64 Stat. 1038, as the officer of the United States to supervise the administration of the Canal Zone Government by the Governor of the Canal Zone.

"2. The organization of the Canal Zone Government shall include a Lieutenant Governor of the Canal Zone, who (1) shall be appointed by the Governor of the Canal Zone subject to the approval of the Secretary of the Army, (2) shall perform such duties as the Governor shall determine, and (3), unless the Secretary of the Army shall designate another person for such purpose, shall act as Governor during the absence or disability of the Governor or in the event of a vacancy in the office of Governor."

2. Paragraphs 1 (h) and 3 of the said order, hereinabove renumbered as paragraphs 3 (h) and 5, are amended to read, respectively, as follows:

"(h) Canal Zone Code, title 2, section 81, as amended by section 3 of the act of July 9, 1937, ch. 470, 50 Stat. 487, relative to the appointment, removal, fixing of compensation, and prescribing of the conditions of employment of persons, other than the Governor of the Canal Zone, necessary for the civil government, including health sanitation and protec-

tion of the Canal Zone: *Provided*, that this delegation of authority shall be subject to the provisions of paragraph 2 of this order, as amended."

"5. To the extent that the supervisory authority vested in the Secretary of the Army by virtue of his designation in section 1 of this order, as amended, relates to the establishment, alteration, and discontinuance of military and naval reservations and air-force bases in the Canal Zone, he shall exercise the said authority after consultation with (a) the Secretary of the Navy in the case of naval reservations and in the case of other reservations and bases concerning which the Department of the Navy may express an interest, (b) the Secretary of the Air Force in the case of air-force bases and in the case of other bases and reservations concerning which the Department of the Air Force may express an interest, and (c) both the Secretary of the Navy and the Secretary of the Air Force when they both have an interest."

3. The words "Secretary of the Army" and "Governor of the Canal Zone" are substituted for the words "Secretary of War" and "Governor of the Panama Canal", respectively, wherever they occur in the said order or in the title thereof.

This order supersedes Executive Order No. 10101 of January 31, 1950, entitled "Amendment of Executive Order No. 9746 of July 1, 1946, Relating to the Panama Canal".

DWIGHT D. EISENHOWER

F. R. Doc. 55-1200; Filed, Feb. 7, 1955;  
4:54 p. m. 1

**TITLE 6—AGRICULTURAL CREDIT**

### Chapter III—Farmers Home Administration, Department of Agriculture

#### IFHA Instruction 402.11

### PART 303—SUPERVISED BANK ACCOUNTS

Subchapter A, Chapter III, Title 6, Code of Federal Regulations is amended to add Part 303 to read as follows:

Sec

- 303.1 General.
- 303.2 Use of supervised bank accounts.
- 303.3 Establishing accounts.

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<sup>1</sup> 11 F. R. 7329; 3 CFR, 1946 Supp., p. 148.



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303.4 Authority to countersign checks.  
303.5 Deposits and withdrawals.  
303.6 Closing accounts.

AUTHORITY: §§ 303.1 to 303.6 issued under R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 6 (3), 50 Stat. 870; 5 U. S. C. 22, 7 U. S. C. 1015 (1), 16 U. S. C. 590w (3).

§ 303.1 *General.* Supervised bank accounts, as referred to in this part, are those required to be established by borrowers in banks of their choice under a deposit agreement entered into by the borrower, the bank, and the Government on Form FHA-192, "Deposit Agreement." Under such agreements, the deposits are assigned to the Government as security for repayment of the indebtedness of the borrower, and withdrawals are permitted only by order of the borrower and the countersignature of a representative of the Government. The primary purpose of such accounts is to protect the interest of the Government in the disbursement of loan funds.

§ 303.2 *Use of supervised bank accounts.* The deposit of funds in a super-

vised bank account will be governed by the following:

(a) *Operating loan borrowers.* (1) Operating loan funds will be deposited in the supervised bank account when the County Supervisor determines that the use of the supervised bank account is necessary to assure the correct expenditure of all or any portion of the loan funds.

(2) Funds representing the proceeds from the sale of mortgaged property, including the proceeds of insurance on mortgaged property and the proceeds of assignments of agricultural income, will be deposited in the supervised bank account when:

(i) Such funds have been released under the provisions governing servicing security for operating loans and are to be expended in carrying out major farm and home maintenance, improvements or practices, or for the replacement of mortgaged livestock or farm and home equipment, and the County Supervisor determines that it is necessary to use the supervised bank account to assure that the funds will be available for such purposes; or

(ii) The borrower also is indebted for a Farm Ownership loan and deposits are made in the supervised bank account as provided in this section.

(a) Any funds deposited in the supervised bank account which are to be applied as a payment on the borrower's Operating loan indebtedness will be withdrawn immediately and applied to the account in accordance with provisions governing collections.

(b) *Farm Ownership borrowers.* (1) All insured and direct loan funds will be deposited in the supervised bank account on the date of loan closing except when all of the proceeds of the check are distributed at the time of loan closing for the purchase price and service fees. Funds representing down payments or cash contributions made by Farm Ownership borrowers to accomplish planned development or improvement work also will be deposited in supervised bank accounts prior to or at the time of loan closing in accordance with the provisions set forth in the basic regulations of the Farm Ownership program. When the title is held jointly with the right of supervisorship, a joint supervised bank account should be established from which either the husband or wife could withdraw funds.

(2) In exceptional cases, where borrowers with either direct or insured Farm Ownership loans have demonstrated inability to accumulate funds sufficient for the prompt payment of taxes, assessments, property insurance premiums, and maintenance costs, the County Supervisor may request such borrowers to deposit sufficient farm income in supervised bank accounts for these purposes. When such deposits are to be made from the proceeds of assignments of agricultural income, checks will be drawn jointly to the order of the borrower and the Farmers Home Administration.

(3) Borrowers with either an insured Farm Ownership loan approved after September 17, 1954, or a direct loan will not accumulate income in a supervised bank account for payment on such loans.

However, when assignments are taken to make payments on loans and payments on taxes, assessments, property insurance premium, and maintenance the entire assignment check may be deposited in a supervised bank account. A check on the supervised bank account in the amount to be paid on the Farm Ownership loan will immediately be forwarded to the Finance Office.

(4) Borrowers with an insured Farm Ownership loan approved on or before September 17, 1954, generally will not deposit income in a supervised bank account as a means of accumulating funds for payment on their loans. However, such borrowers who make small payments frequently should be encouraged to use a supervised bank account to accumulate funds for a substantial payment before such funds are transmitted to the Finance Office, so that remittances to mortgage holders will be less frequent.

(5) When a borrower agrees to deposit farm income in a supervised bank account he will sign a letter of request. If the County Supervisor believes that an assignment is desirable he will have the borrower and the purchaser sign an original and two copies of Form FHA-80, "Assignments of Proceeds from the Sale of Agricultural Products," or other assignment form approved by the representative of the Office of the Solicitor. In such cases, checks may be drawn either jointly to the order of the borrower and the Farmers Home Administration or to the order of the bank in which the supervised bank account is established.

(6) Property insurance loss funds will be deposited in the supervised bank account.

(c) *Soil and Water Conservation borrowers.* (1) *Loans to individuals.* Insured or direct Soil and Water Conservation loan funds advanced to an individual will be deposited in a supervised bank account, unless the loan funds will be spent soon after loan closing and the County Supervisor is satisfied that the borrower will use the funds for the purposes for which the loan was made. If the loan funds are to be deposited in the supervised bank account, any funds furnished by the borrower to supplement his loan also will be deposited in the supervised bank account if required by the loan approving official.

(2) *Loans to associations.* Insured or direct Soil and Water Conservation loan funds advanced to an association will be deposited in a supervised bank account, unless the loan funds will be spent soon after loan closing. If the loan funds are to be deposited in the supervised bank account, any funds furnished by the borrower to supplement the loan also will be deposited in the supervised bank account not later than the date of loan closing.

(d) *Other deposits.* Deposits in supervised bank accounts other than those specifically authorized under this section will not be permitted.

§ 303.3 *Establishing accounts.* While each borrower will be given an opportunity to choose the bank in which his supervised bank account will be established, unless otherwise authorized in

## RULES AND REGULATIONS

writing by the Administrator, supervised bank accounts will be established only in banks whose deposits are insured by the Federal Deposit Insurance Corporation. Ordinarily, a borrower who obtains an insured loan will be expected to establish such account with the lender who furnished the loan funds, if the lender is a local banking institution. In making arrangements with banks, only one supervised bank account will be maintained for any one borrower regardless of the amount or source of funds. For each account, an original and two copies of Form FHA-192 will be executed by the borrower, the bank, and the County Supervisor. If an agreement is already in existence and additional funds are to be deposited, a new agreement on Form FHA-192 is not required unless requested by the bank.

**§ 303.4 Authority to countersign checks.** County Supervisors, when bonded properly, are authorized to countersign checks drawn on supervised bank accounts and may redelegate this authority to persons under their supervision, provided that such persons are bonded properly and are considered capable of exercising countersigning authority.

**§ 303.5 Deposits and withdrawals—**  
(a) **Deposits.** (1) Borrowers will be notified immediately of loan check or any other deposits made and will be furnished a copy of the deposit slip.

(2) Personnel of the Farmers Home Administration will accept funds from borrowers for deposit in supervised bank accounts ONLY in the form of a check or money order endorsed by the borrower "For Deposit Only." In addition to the endorsement by the borrower, joint checks received for deposit will be endorsed by the County Supervisor as provided in regulations governing collections. Checks made payable solely to the Government, or any agency thereof, and joint checks where the Treasurer of the United States is a joint payee, may not be deposited in supervised bank accounts.

(b) **Withdrawals.** (1) Checks will be issued payable to the appropriate payee who, in justifiable circumstances, may be the borrower. However, checks will never be issued payable to "Cash." The purpose of the expenditure will be indicated on the face of the check.

(2) Ordinarily, checks will be countersigned before they are delivered to payees. However, in justifiable circumstances such as when excessive travel on the part of the borrower or the Government would be involved, or the consumption of good purchases would be prevented, and the County Supervisor is assured the borrower can select goods and services in accordance with the plans, checks may be delivered to the payee by the borrower before being countersigned. When checks are delivered to payees before being countersigned, the County Supervisor must make it clear to borrowers, and, when possible, clear to payees, that such checks will be countersigned only if the quantity and quality of items purchased are in accordance with approved plans.

When checks are delivered to the payee before they are countersigned, they will bear the following legend in addition to the legend for countersignature: "Valid only upon countersignature of Farmers Home Administration." In such cases, checks must be presented by the payee or his representative to the County Office of the Farmers Home Administration servicing the account for the required countersignature. Such checks must be accompanied by a bill of sale, invoice, or receipt signed by the borrower, clearly showing the goods or services purchased by the borrower and the cost thereof. These checks are not valid unless countersigned and should not be placed in banking channels before the countersignature is affixed.

(3) Checks to be drawn on a supervised bank account will bear the legend:

Countersigned, not as co-maker or endorser.

**§ 303.6 Closing accounts.** Supervised bank accounts will be closed upon the death of a borrower, except joint survivor accounts; when a borrower is in default and it is determined that no further assistance will be given; and, when a borrower is no longer classified as "active."

(a) **Deceased borrowers.** Upon the death of a borrower, the County Supervisor ordinarily will request the State Director to make demand upon the bank for the balance on deposit in the borrower's supervised bank account. Funds in the supervised bank account of a deceased borrower normally will not be used for any purpose other than payment of the borrower's indebtedness. The deceased borrower's family ordinarily will be considered as a new case and the needs of the family should be met through the normal channels of the Farmers Home Administration program. However, there may be exceptions to this rule as, for example, when commitments have been made on the basis of the deceased borrower's approved plans and the borrower has received goods or services as a result. In such cases, upon the recommendation of an authorized representative of the estate of the deceased borrower, and with the approval of the representative of the Office of the Solicitor as to the legality of each such transaction, the State Director is authorized to approve the use of deposited funds for the payment of such commitments.

(b) **Borrowers in default.** Whenever it is not possible or practicable to get a borrower who is in default and whose supervised bank account is to be closed to sign a check, the County Supervisor will request the State Director to make demand upon the bank for the balance on deposit in the borrower's supervised bank account.

(c) **Reclassified borrowers.** Supervised bank accounts of borrowers who are no longer classified as "active" will be closed in the manner set out in the preceding paragraph, except that when a balance remains in the supervised bank account of a borrower who has repaid his indebtedness, the County Supervisor simply will notify the bank in writing that the Government cancels its rights

under the "Deposit Agreement," including its countersignature authority.

Dated this 3d day of February 1955.

[SEAL]

R. B. McLEAISH,  
Administrator.

[F. R. Doc. 55-1130; Filed, Feb. 8, 1955;  
8:49 a. m.]

## TITLE 21—FOOD AND DRUGS

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

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

#### GENERAL REGULATIONS FOR SETTING TOLERANCES AND GRANTING EXEMPTIONS FROM TOLERANCES

##### Correction

In F. R. Doc. 55-1025, appearing in the issue for Friday, February 4, 1955, at page 759, the date was inadvertently omitted. It should read:

Dated: January 31, 1955.

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

##### MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the **FEDERAL REGISTER** on December 21, 1954 (19 F. R. 8753), of my proposed decision to approve the recommendation of Special Industry Committee No. 15 for Puerto Rico for the men's and boys' clothing and related products industry in Puerto Rico, together with the wage order which I proposed to issue to carry such recommendation into effect.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 15 for Puerto Rico for a Minimum Wage Rate in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico."

The time for filing exceptions to the proposed decision was extended to January 15, 1955. Exceptions have been received from two employers, one in the general division of the industry and one in the neckwear division.

The first employer, Raval, Inc., urges that the minimum wage set in the proposed decision for that division would curtail employment contrary to the requirements of the act, because it may cause this manufacturer to suspend operations. In support of its statement, the manufacturer submits a summary of a statement of operations for the six months ended September 30, 1954, showing an operating loss of \$23,894.39.

The fact that this manufacturer was encountering some difficulties was specifically noted in the proposed decision, with the comment that "within the last few months only one firm slackened operations and the firm attributed this to a declining demand for dungsrees \*\*\*." At the same time it was pointed out that other firms in this field were operating satisfactorily and that substantial improvement in efficiency and productivity was generally expected very shortly. The fact that this particular loss has been incurred recently is of itself no indication that the increase in the minimum wage will curtail employment. The loss, which amounts to about 2.3 percent of net sales of this firm, may be due to a temporary lessening of the demand for the dungsrees which this manufacturer produces, or to any of a number of other factors apart from wage costs. This additional evidence, affecting only one firm in this division of the industry, does not substantially change the conditions in the industry as a whole or in this division of it, as revealed by the record.

The second firm, Neckwear Corporation, has filed a number of exceptions, most of which were also advanced at the conclusion of the hearing in Washington and which need not be considered again here. However, two of the exceptions require attention.

First, this manufacturer objects to the conclusion that its operations had been profitable in the most recent period, because for a somewhat longer period a loss of \$236.69 was shown. It urges that the more recent profitable operations were due to seasonal factors in the industry, which indicate that the shorter span is not an appropriate measure of the operations. However, the proposed decision pointed out that this industry was alleged to be somewhat seasonal in nature and also that the profit and loss statements filed by this firm showed varying results for varying periods, with a substantial profit being made in the most recent period. It was also noted that these statements contained a number of discrepancies never satisfactorily resolved, which in my view prevented giving the statements conclusive weight. My decision therefore was based not only on the profit and loss data furnished by this employer, but on other evidence and on information concerning conditions generally in the industry and particularly in this division of it. When the profitable operation for the most recent period was under discussion at the hearing, counsel for this employer pointed out that the profit might be due to seasonal factors. However, counsel has not come forward with any evidence indicating that any particular period of profit or loss in the operations of this firm was connected in any way with seasonal fluctuations in the neckwear division, though he was given ample opportunity to submit additional data.<sup>3</sup>

<sup>3</sup> While it is not clear whether the employer is contending that it suffers losses in seasonally slack periods of business, it might be noted that there seems to be little rela-

Second, this manufacturer contests the statement in the findings and opinion that the differential between mainland wage rates and island wage rates (cents per hour) is greater than the differential in productivity (number of ties produced per hour). To support this contention he uses the figures on labor costs per dozen ties, which are 59 cents and \$1.06 for Puerto Rico and the mainland respectively, to reach the conclusion that wages in Puerto Rico already bear about the same relationship (56.7 percent) to wages on the mainland as Puerto Rican productivity bears to mainland productivity. He argues from this that no increase in wage rates is justified. This reasoning, in effect, rests upon the fallacious premise that Puerto Rico's existing competitive advantage in labor costs (which includes wages as well as productivity) must be maintained.<sup>4</sup> But it is that very advantage (43.3 percent) which the Industry Committee and I have concluded is larger than necessary to compensate for the differences in other cost items peculiar to Puerto Rico. While the difference in productivity has a bearing on what the wage differential should be, it does not follow that the wage differential should be maintained at the same level as the existing differential in wages and productivity combined (labor costs). The very purpose of the act is to reduce the differential in this combined figure by increasing the minimum wage rates to a point which will not give the industry in Puerto Rico a competitive advantage over the industry in the United States, to the extent that this is feasible without substantially curtailing employment.

One further point is made by this employer. He complains that there is no finding that the mainland industry will not benefit from a competitive advantage if the proposed rates go into effect.<sup>5</sup> The short answer to this is that the act does not require such a finding. The act does provide a converse requirement that the recommended rate "will not give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands." But, as stated by Judge Bazelon in Red

tion between volume of sales and profits, for during the period of November 1, 1953, through March 31, 1954, when the firm made a net profit, average monthly sales were approximately \$7,700 as compared with approximately \$10,500 per month in the preceding three month period when the firm sustained a loss.

<sup>4</sup> The employer estimates that Island productivity is between 40 and 62 percent of that achieved on the mainland, an average of 54.3 percent. As noted in the opinion this estimate is probably too low.

<sup>5</sup> Actually the wage rates shown by this employer's own figures for its own plants, are three to four times higher on the mainland than the rates on the Island in every job category except one, and in it the mainland rate is twice that on the Island.

<sup>6</sup> In this connection he mistakenly quotes from section 8 (c) which deals only with classifications within the industry, an issue fully covered in the findings and opinion and to which the employer has directed no part of his argument at this point.

Star Mfg. Co. v. McComb, — F. 2d —, 27 Labor Cases 68,870, this "proviso was introduced into the law solely for the protection of the mainland industry and was not intended to confer rights upon the industrial firms in Puerto Rico. Such finding in no way aggrieves the petitioners." The obvious reason why this specific protection is limited to mainland employers is that no unfair competitive advantage can reasonably be said to accrue to mainland industry by permitting Puerto Rican wage rates to be less than the minimum applicable to the mainland firms. While the Administrator is required to consider "economic and competitive conditions" generally (which has been done), there is no requirement for any such specific finding as the Neckwear Corporation suggests.

I therefore conclude that none of the exceptions filed warrants a change in the proposed decision.

Sec.

- 703.1 Approval of recommendations of industry committee.
- 703.2 Wage rates.
- 703.3 Notices of order.
- 703.4 Definition of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 703.1 to 703.4 issued under sec. 8, 52 Stat. 1064; 29 U. S. C. 208.

§ 703.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 703.2 *Wage rates.* Wages at not less than the following rates shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the respective divisions of the men's and boys' clothing and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce:

- (a) 55 cents per hour in the suits, coats and jackets division.
- (b) 55 cents per hour in the necktie division.
- (c) 55 cents per hour in the hat and cap division.
- (d) 47½ cents per hour in the general division.

§ 703.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the division may prescribe.

§ 703.4 *Definition of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.*

- (a) The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

## RULES AND REGULATIONS

(1) The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, work clothing, sports wear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts (except leather belts), robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, scarves and mufflers, hosiery, and shoes).

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Suits, coats and jackets division.* The manufacture of men's, youths', and boys' suits, coats and jackets (except cotton work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear.

(2) *Necktie division.* The manufacture of men's, youths', and boys' neckties.

(3) *Hat and cap division.* The manufacture of men's, youths', and boys' hats and caps.

(4) *General division.* The manufacture of all products included in the men's and boys' clothing and related products industry in Puerto Rico, as defined in this part, except those included in the suits, coats and jackets division, the necktie division, and the hat and cap division, as defined in this part.

The wage order above shall become effective March 14, 1955.

Signed at Washington, D. C., this 4th day of February 1955.

F. GRANVILLE GRIMES, Jr.,  
Acting Administrator, Wage and  
Hour Division, United States  
Department of Labor.

[F. R. Doc. 55-1140; Filed, Feb. 8, 1955;  
8:49 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter J—Procurement

[CGFR 55-5]

#### PART 116—PROCEDURES FOR PURCHASING

#### PART 118—CONTRACTS

#### MISCELLANEOUS AMENDMENTS

The amendment to § 116.01-42 prescribes the procurement of envelopes under Federal Supply Schedule contracts.

The amendment to § 116.01-68 deletes lead and zinc and adds hog bristles to the list of supplies excepted from the Buy American Act (47 Stat. 1520; 41 U. S. C. 10a-d).

The amendments to §§ 116.01-104 through 116.01-110 prescribe revised Federal, State, and local tax instructions. The tax instructions formerly contained in §§ 116.01-111 through 116.01-115, revoked herein, have been incorporated in the revised §§ 116.01-104 through 116.01-110.

The amendments to §§ 116.01-144, 116.02-12, 116.03-55, 118.02-12, 118.02-14 through 118.02-20, and 118.03-2 through 118.03-5 are editorial in nature to clarify the use of prescribed procurement documents and contract clauses in accordance with current procedures.

A new section designated § 118.02-24 authorizes the use of Standard Form 147, Order-Invoice-Voucher, and prescribes instructions for the use of that form.

A new section designated § 118.04-7 prescribes instructions on nondiscrimination requirements in contracts.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01-42 *Federal supply schedule contracts* is amended by adding *Federal Supply Service Class 53, Envelopes* to the list of supplies and services set out in paragraph (c).

2. Section 116.01-68 *Exceptions due to non-availability* is amended by the following revisions to the tables set out in paragraph (b): *Hog bristles* are added to "Supplies Authorized to be Procured for Public Use"; *Lead and Zinc* are deleted from "Supplies Authorized to be Procured for Public Use" and "Supplies Authorized to be Used in the Construction, Alteration, or Repair of any Public Building or Public Work."

3. Section 116.01-104 and the center heading immediately preceding such section are amended to read as follows:

#### FEDERAL, STATE, AND LOCAL TAXES

§ 116.01-104 *Supplies and services subject to Federal excise taxes—(a) General.* This section sets forth an alphabetical list of supplies and services subject to Federal excise taxes, together with the applicable sections of the Internal Revenue Code (hereinafter referred to as "IRC") and implementing Treasury Regulations (hereinafter referred to as "Regs."). Section 116.01-105 prescribes circumstances and conditions under which certain of these items may be procured on a tax-exclusive basis. Contracting officers are reminded that the standard Federal, State, and local taxes clause, which is required in Coast Guard fixed price contracts, states that the contract price, unless otherwise provided, includes all applicable Federal taxes in effect on the contract date. If purchases under such contracts are to be made on a tax-exclusive basis, specific provision must be made in the contract for excluding Federal excise taxes from the contract price.

#### (b) List of taxable items.

Supplies and services	IRC Section (26 U. S. Code)	Regs. No. and Sec. 28 CFR (1939)
(1) Automotive equipment	3403	46-316.50
(2) Business and store machines	3406 (a) (6)	46-316.140
(3) Communication facilities	3465	42-130.30
(4) Electric, gas, and oil appliances	3406 (a) (3)	46-316.110
(5) Electric light bulbs and tubes	3406 (a) (10)	46-316.180
(6) Firearms, shells, and cartridges	3407	46-316.80
(7) Fountain and ball-point pens, mechanical pencils, and lighters	3408	46-316.196
(8) Furs	2401	51-320.40
(9) Gasoline	3412	44-314.30
(10) Jewelry, etc.	2400	51-320.30
(11) Luggage	1651	51-320.60
(12) Matches	3409	44-314.50
(13) Oils, lubricating	3413	44-314.40
(14) Photographic apparatus	3406 (a) (4)	46-316.120
(15) Pistols and revolvers	2700	47
(16) Radio, television, and musical equipment	3404	46-316.26
(17) Refrigerating and air-conditioning equipment	3405	46-316.70
(18) Special fuels	2450	119-321.10
(19) Sporting goods	3406 (a) (1)	46-316.90
(20) Tires and inner tubes	3400	46-316.30
(21) Toilet goods	2402	51-320.50
(22) Transportation of oil by pipeline	3460	42-130.20
(23) Transportation of persons	3469	42-130.50
(24) Transportation of property	3475	113-143.0

4. Section 116.01-105 is amended to read as follows:

§ 116.01-105 *Exemptions from Federal excise taxes—(a) General exemptions.* By virtue of action taken by the Secretary of the Treasury, pursuant to authority of section 307 (c) of the Revenue Act of 1943, as amended (26 U. S. Code 3411 note), exemption is available from the following Federal excise taxes to the extent indicated, and such exemptions shall be taken by all Coast Guard units concerned.

(1) Tax on communication facilities furnished directly to the Government (as distinguished from being furnished to a Government Contractor) and paid for directly by the Government, which exemption is obtainable and shall be obtained without the use of any exemption certificate.

(2) Tax on transportation of persons for transportation furnished to the Government upon a Government transportation request, which exemption is obtainable and shall be obtained by use of such transportation request.

(3) Tax on transportation of property for transportation to or from the Government on a Government bill of lading (including a commercial bill of lading converted to a Government bill of lading), which exemption is obtainable and shall be obtained by use of such bill of lading.

(b) *Other exemptions.* There are also available certain other exemptions from Federal excise taxes, which are set forth in broad categories below. Procurement in these categories entails contracts with manufacturers which are normally executed and administered by the Commandant (FS), or under specific

authority of the Commandant (FS), who will make the required determinations and prepare the tax exemption affidavits or certificates prescribed by applicable Treasury Regulations. In general, the exemptions in the categories indicated in subparagraphs (1) through (6) of this paragraph do not apply in cases where sales of taxable articles are made from a dealer's stock, and exemptions will be sought from manufacturers' taxes only when the procurement is substantial. "Possession of the United States," as used herein, includes the Panama Canal Zone, Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, and the Midway Islands (Regs. 46, 26 CFR (1939) 316.1; Regs. 44, 26 CFR (1939) 314.1); Alaska and Hawaii are included in the term "United States" by statutory definition (Regs. 46, 26 CFR (1939) 316.27; Regs. 44, 26 CFR (1939) 314.28).

(1) Purchases for export or shipment to a possession of the United States (Sec. 2705 and Sec. 3449, IRC).

(2) Supplies and equipment for vessels of war and military aircraft (Sec. 3451, IRC).

(3) Communication, detection, or navigation receivers and components thereof (Sec. 3404 (a)-(b), IRC).

(4) Supplies sold for further manufacture (Sec. 3442, IRC).

(5) Benzol, benzine, naphtha, or other taxable liquid motor fuels where such liquids are to be used for purposes other than as a fuel for propulsion of motor vehicles, motorboats, or airplanes and otherwise in the manufacture and production of such fuels (Regs. 44, 26 CFR (1939) 314.33).

(6) Lubricating oils purchased for non-lubricating purposes (Regs. 44, 26 CFR (1939) 314.43).

(c) *Tax exemption forms.* See §§ 116.01-107 and 116.01-108.

5. Section 116.01-106 is amended to read as follows:

**§ 116.01-106 State and local taxes—**(a) *Applicability.* As a general rule, Government purchases are exempt from state and local taxes. This exemption shall be made use of to the fullest extent available, by means of purchase on a tax-exclusive basis and execution of an approved tax exemption certificate. Whenever there is any doubt as to the availability of such exemption, the matter shall be referred to the Commandant (FS).

(b) *Tax exemption forms.* See §§ 116.01-107 and 116.01-108.

6. Section 116.01-107 is amended to read as follows:

**§ 116.01-107 Special Federal tax exemption forms—**(a) *Applicability.* Procurement actions within the categories set forth in § 116.01-105 (b) entail the preparation and issuance of affidavits or exemption certificates in special format and context under applicable Treasury Regulations.

(b) *Limitations on use.* Unless otherwise specifically authorized, the use of the special affidavits or exemption forms referenced in paragraph (a) of this section will be restricted to the Commandant (FS). Each authorization to a field unit to issue a special form of tax affi-

davit or exemption certificate will contain a specimen of the requisite form and instructions for its use.

7. Section 116.01-108 is amended to read as follows:

**§ 116.01-108 Standard tax exemption forms—**(a) *Authorized standard forms.* The following standard tax exemption forms are prescribed for Coast Guard use:

U. S. Government Tax Exemption Certificate	Standard Form No. 1094
Cover of U. S. Government Tax Exemption Certificate book (front, outside and inside; back, outside)	1094-A
Tabulation sheet (insert)	1094-B
U. S. Government Tax Exemption Identification Card	1094-C

<sup>1</sup> Contained in one book.

(b) *Issue of Standard Form 1094, U. S. Government tax exemption certificate.* Standard Form 1094 will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to those taxes which have been excluded from the contract price, as follows:

(1) All Federal excise taxes from which exemption is available on the basis of purchase for the use of the United States, except as otherwise provided in §§ 116.01-105 (b) and 116.01-107.

(2) All State and local taxes, except where a different form is required by the State or local tax authority.

(c) *Supply and control of standard forms—*(1) *Procurement of forms.* District offices and Headquarters units will requisition Standard Forms 1094, 1094-A, 1094-B, and 1094-C from the Coast Guard Supply Center, Jersey City, N. J. Other units will request these forms from the district commander (f).

(2) *Accountability and safekeeping.* Each unit maintaining books of tax exemption certificates and identification cards will establish adequate control procedures to insure that the forms are utilized only for authorized purposes, that the forms are kept in secure storage when not in use, and that all serial numbers are accounted for. In addition to the foregoing, the following will govern in the situations set forth:

(i) Certificates executed but unused, or erroneously issued, mutilated, or otherwise rendered unserviceable, will be returned to the issuing officer, who will void or cancel the certificates and return them to the cognizant district commander (f) or commanding officer of a Headquarters unit in accordance with subparagraph (6) (ii) of this paragraph.

(ii) The officer who issued a tax exemption certificate which has been lost or destroyed is authorized to issue a replacing certificate to the Contractor or other party. The record of the lost or destroyed certificate should be cross-referenced to the replacement certificate (see subdivision (iii) of this subparagraph). Where the certificate is lost or destroyed after it is issued to the Contractor, the Contractor must establish to the satisfaction of the issuing officer that the certificate was lost or destroyed, submit an affidavit setting forth the cir-

cumstances, and request the issuance of a replacement certificate. Where the tax exemption certificate is lost or destroyed by a Coast Guard unit, the replacing certificate will be requested by and issued to the Coast Guard unit cognizant of its loss.

(iii) Replacement certificates will bear the following statement, using the words applicable:

This certificate is issued to replace No. \_\_\_\_\_ which has been lost (destroyed).

(3) *Who may execute tax exemption certificates.* Tax exemption certificates will be executed only by those officers and Federal employees who have been supplied with a Standard Form 1094-C, U. S. Government Tax Exemption Identification Card. Identification cards will be signed by the district commander (f), or the commanding officer who furnished such officer or employee with tax exemption certificates.

(4) *Preparation and execution of exemption certificates.* (i) Tax exemption certificates will be prepared by typewriter when practicable; otherwise, ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out. No exemption certificate will be delivered to a Contractor, unless fully and properly executed, except that it is not necessary to state the amount of Federal tax upon the exemption certificate when the amount of such tax is not readily available.

(ii) In a case where Federal excise taxes have been excluded from the contract price of articles or supplies purchased, but the exact amount of the tax cannot be determined at that time, a blanket tax exemption certificate may be issued to cover all sales under the contract. The certificate should cover all articles purchased under the contract, including delivery orders placed thereunder by other officers. However, blanket tax exemption certificates may not be issued by field units to cover term contracts of the Federal Supply Schedule.

(iii) A separate certificate for each kind of tax (Federal, State, or local) involved will be prepared.

(iv) The person issuing a tax exemption certificate will, in addition to his signature and title, insert on the lines provided therefor his identification card number.

(v) Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on articles to be incorporated in the supplies or work covered by the contract, the amount of the tax to be shown on the certificate should be stated as "None." No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract.

(vi) Standard Form 1094 may be modified as necessary with respect to contracts for construction, alterations, improvements, and repairs.

(vii) The standard identification number of motor vehicles, boats, or aircraft will be inserted on tax exemption certificates covering deliveries made directly to such units.

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(5) *When exemption certificates are issued to contractors.* At any time after execution of the contract, a tax exemption certificate (Standard Form 1094) will be executed and delivered to the Contractor for items purchased by the Government at a price which is exclusive of tax. A description of the items furnished tax-free will be inserted on the tax exemption certificate. The serial number of each tax exemption certificate shall be shown on the contractor's invoice or the payment voucher.

(6) *Inventory and disposal records—* (i) *Inventory record.* District commanders (f) and commanding officers of Headquarters units will require adequate records to be kept of tax exemption certificates and identification cards (Standard Forms 1094, 1094-A, 1094-B, and 1094-C) maintained for issue to units under their command, reflecting all receipts, expenditures, and balances on hand by date, source, and blocks of serial numbers.

(ii) *Disposal of forms.* Exhausted tax exemption certificate books (Standard Forms 1094-A, and 1094-B), cancelled or voided tax exemption certificates (Standard Form 1094), cancelled identification cards (Standard Form 1094-C), and partially used tax exemption books (Standard Forms 1094, 1094-A, and 1094-B) will be returned to the district commander (f) or commanding officer of the Headquarters unit from which received, except that vessels permanently transferred from a district may transmit such forms to the district to which reporting. Partially used books and unused identification cards will be retained for reissue. Exhausted books and cancelled identification cards will be retained until audited by either the General Accounting Office auditors or those of the Coast Guard Internal Audit Division and then destroyed by burning.

8. Section 116.01-109 is amended to read as follows:

§ 116.01-109 *Refunds of state and local taxes—* (a) *Action by purchasing unit.* When impossible for any reason to make a purchase by contract which excludes the amount of State or local tax for the reason that the tax is deemed to be legally inapplicable to Government purchases, a tax exemption certificate (Standard Form 1094) will be executed and delivered to the Authorized Certifying Officer settling the unit's accounts, together with a written statement to the effect that the vendor refused such certificate. The account will be settled, if otherwise correct, and a copy of the payment voucher and all pertinent correspondence will be forwarded to the Commandant (FP-5). The serial number of the tax exemption certificate will be shown on the payment voucher or a copy of the contractor's invoice appended thereto.

(b) *Action by Commandant.* The Commandant (FP-5) will bill the State or local taxing agency for refund of the taxes paid in the cases set forth in paragraph (a) of this section. The amount collected will be deposited to the appropriation from which the voucher was paid, or to miscellaneous receipts symbol

"4326—Refund, State and Local Taxes" if the appropriation cannot be readily identified. Where the Commandant (FP-5) fails to secure refund of the amount of taxes paid, the following will be transmitted to the General Accounting Office for use in effecting collection as required by section 236, Revised Statutes, as amended by the Budgeting and Accounting Act, 1921 (43 U. S. Code 99):

(1) The tax exemption certificate, if available.

(2) All related correspondence with the taxing agency.

(3) A complete copy of the voucher on which payment for the merchandise was made, including the disbursing officer's voucher number and a copy of the contractor's invoice.

9. Section 116.01-110 is amended to read as follows:

§ 116.01-110 *Questions of applicability of tax laws—* (a) *Negotiations.* It is desired that uniformity of action on behalf of the Coast Guard in tax matters be maintained. Independent conferences or direct negotiations with State and local tax authorities will not be undertaken by field units for the purpose of obtaining exemption, refund, or for determining the applicability of any tax, except upon express authority of the Commandant (FS).

(b) *Advice.* When a specific tax problem occurs which cannot be readily determined by reference to the information set out herein, the matter should be transmitted through channels to the Commandant (FS) for advice. Questions so transmitted shall be accompanied by a statement of all pertinent facts, applicable comments, and a copy of the contract(s) involved.

(c) *Overseas.* The tax instructions set forth herein are applicable in effecting procurement outside the United States, its territories and possessions, where the articles, materials, and supplies so procured were mined, produced, or manufactured in the United States, its Territories and possessions, and where the cost of such articles, materials, and supplies may include therein Federal, State, and local taxes. Every effort will be made to take advantage of all authorized tax exemptions, credits, and refunds, including such exemptions, credits, and refunds as may be authorized by the laws of the foreign country in which procurement is effected.

10. Section 116.01-111 *Use of a single certificate* is hereby revoked.

11. Section 116.01-112 *Certificate for gas or oil* is hereby revoked.

12. Section 116.01-113 *Separate certificate for each tax* is hereby revoked.

13. Section 116.01-114 *Payment voucher noted* is hereby revoked.

14. Section 116.01-115 *Accountability and disposal* is hereby revoked.

15. Section 116.01-144 *Construction and repair specifications* is amended by revising the titles of Forms CG-2557B and CG-2557C in paragraph (a) to read as follows: Form CG-2557B, Additional General Provisions (Construction Contracts—Vessels); Form CG-2557C, Addi-

tional General Provisions (Construction Contracts—Shore Structures).

16. Section 116.02-12 is amended by revising subparagraphs (8) and (9) of paragraph (a) to read as follows:

§ 116.02-12 *Conditions applicable to invitations for bids—* (a) *General.* \* \* \*

(8) Form CG-2557B, Additional General Provisions (Construction Contracts—Vessels).

(9) Form CG-2557C, Additional General Provisions (Construction Contracts—Shore Structures).

17. Section 116.03-55 is amended by revising subparagraph (5) of paragraph (b) to read as follows:

§ 116.03-55 *General.* \* \* \*

(b) *Definitions.* \* \* \*

(5) *Order-Invoice-Voucher.* Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, or Standard Form 147, Order-Invoice-Voucher, documenting the purchase, amount billed and paid, quantity of articles, or satisfactory service delivered, received, or rendered.

18. Part 118 is amended by adding a new § 118.02-12 reading as follows:

§ 118.02-12 *Authorized purchase and delivery order forms.* Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, Standard Form 147, Order-Invoice-Voucher, and Form CG-2557, Purchase Order, are the official "purchase order" forms of the Coast Guard. Form CG-2557 and Standard Form 147 are the prescribed "delivery order" forms for procurement under term or open end contracts.

19. Section 118.02-14 is amended to read as follows:

§ 118.02-14 *Types of orders—* (a) *Purchase orders.* A purchase order is a contractual document used to effect procurement by negotiation for amounts not in excess of \$5,000 under the conditions set forth in § 116.03-25. Purchase orders for amounts in excess of \$1,000 shall be prepared on Form CG-2557, Purchase Order, or Standard Form 147, Order-Invoice-Voucher. Those for amounts less than \$1,000 may be prepared on Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, Standard Form 147, or Form CG-2557, except that orders requiring special contract conditions must be prepared on Form CG-2557 or Standard Form 147.

(b) *Delivery orders.* A delivery order is a request for delivery under an existing contract. Delivery orders must reference the pertinent contract and may impose no conditions in addition to those set forth in the contract.

(1) *Term or open-end contracts.* Delivery orders placed under term or open-end contracts shall be executed on Form CG-2557, Purchase Order, or Standard Form 147, Order-Invoice-Voucher.

(2) *Other contracts.* When a contract is entered into for a specific procurement action (i. e., a definite quantity supply contract, a specific construction project, etc.), no purchase order form is required. The delivery order in such cases is accomplished through transmittal of the contractor's copy of the executed contract and, in the case of

construction and repair contracts, a "notice to proceed" prepared in letter form. However, "order" numbers may be assigned to such contracts in the regular "purchase order" series (see § 118.02-18) for control purposes when no contract ("Teg") number has been assigned (see para. § 118.02-4) or when otherwise required for local administrative purposes.

20. Section 118.02-15 is amended to read as follows:

§ 118.02-15 *Use of purchase and delivery orders*—(a) *Elimination of order forms*. No purchase or delivery order form is required when:

(1) The cash purchase procedure authorized by §§ 116.03-55 (b) (2) and 116.03-56 (c) of this subchapter is followed, or

(2) A delivery order is provided by other means in accordance with § 118.02-14 (b) (2).

(b) *Requirements for order forms*. Except as otherwise provided in paragraph (a) of this section, preparation of Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, Standard Form 147, Order-Invoice-Voucher, or Form CG-2557, Purchase Order, is mandatory for the documentation of:

(1) Negotiated purchases which are not covered by a contract, and

(2) Requests for delivery under existing term or open end contracts.

(c) *Sundry instructions*—(1) *Confirmation orders*. Each purchase or delivery document prepared in confirmation of a telephone or telegraph order must bear the same date as the order placed by telephone or telegram. Such documents shall contain a notation identifying them as a confirmation order.

Example: Confirmation of telephone order placed this date with your Mr. \_\_\_\_\_; do not duplicate delivery.

(2) *Blanket delivery orders*. A separate delivery order shall be issued for each purchase under a term or open end contract, except in those cases where day-to-day deliveries are required. Blanket orders, not to exceed a period of one month, may be placed for items procured on a repetitive basis. For example, a delivery order for ice would show the quantity to be delivered in the following manner: 100 lbs. daily for the month of September 1954.

(3) *Repairs to vessels under term contracts*. Delivery orders for repairs to vessels under term contracts shall clearly specify the work to be performed and the applicable contract prices that will be paid. The date for the commencement and completion of the work must also be stated in the order.

21. Section 118.02-16 is amended to read as follows:

§ 118.02-16 *Preparation of Form CG-2557, Purchase Order*—(a) *General*. Form CG-2557, Purchase Order, is a dual purpose document used as a purchase order and a delivery order. The form is supplied in ten part carbon interleaved sets for normal requirements and in "spirit" masters for units requiring additional copies for a wider distribution.

(b) *Preparation instructions*—(1) *Numbering of orders*. All orders documented on Form CG-2557 shall be numbered in accordance with § 118.02-18.

(2) *Distribution*. Form CG-2557 shall be prepared in a sufficient number of copies to serve the administrative requirements of the purchasing unit, the accounting office, and the consignee(s) receiving the supplies and/or services covered by the order. The original order, bearing the contracting or ordering officer's signature, will be forwarded or delivered to the seller.

(3) *Data required*. All applicable data required by the format of the document shall be inserted. Pertinent contract provisions may be incorporated when Form CG-2557 is used as a purchase order. No additional contract conditions may be imposed when Form CG-2557 is used as a delivery order under an existing contract. Confirmation orders shall be annotated as such in accordance with § 118.02-15 (c) (1).

(4) *Additional notations*. The block in the lower left-hand corner of Form CG-2557 may be used to insert special instructions to the contractor and/or the consignee.

(i) *Contractor's acceptance*. When the contractor's acceptance of an order is required, the original copy of the order will be annotated as follows:

Acknowledge receipt and acceptance of this order by signing and returning the "Contractor's Acceptance Copy" to the ordering office.

An additional copy of the order, marked "Contractor's Acceptance Copy," shall be furnished the contractor, bearing the following certificate for execution by the contractor (or his authorized representative):

Acceptance of this order subject to the conditions as stated, is hereby acknowledged.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

(ii) *Receiving report*. Two copies of the order shall be furnished each consignee, including both trans-shipment units and units for which the items are purchased, for use as a receiving report. Each consignee will be requested to indicate delivery of the items listed on the order, by executing the certificate prescribed in § 118.02-17 (b). (See § 118.02-17 (d) re receipts for partial deliveries.)

(5) *Continuation sheets*. Standard Form 36, Continuation Sheet (Supply Contract), may be used as a continuation sheet to Form CG-2557.

22. Section 118.02-17 is amended to read as follows:

§ 118.02-17 *Receiving reports*—(a) *General*. A receiving report is a signed certification or statement that the supplies and/or services covered by a procurement action are satisfactory as to quality and complete as to quantity. Receiving reports, commonly known as "delivery receipts," are required for all Coast Guard procurement actions.

(b) *Form of receipt*. When the procurement document does not contain a printed receiving report, an endorsement shall be placed either on the accounting and the unit file copies of the

document or the contractor's invoice by rubber stamp, typewriter, ink, or other means, to show evidence of satisfactory receipt. The endorsement shall be in substantially the following form, placed so as not to obliterate written portions of the procurement document or the contractor's invoice:

Received the above articles this date in good condition and in the quantities indicated.

Date \_\_\_\_\_ Signature \_\_\_\_\_  
Unit \_\_\_\_\_ Title \_\_\_\_\_

(c) *Location of receipt endorsements*. Receipt endorsements generally will be located as follows:

(1) *Standard Form 44, U. S. Government purchase order-invoice-voucher*. Use printed receiving report on copies 3 and 5.

(2) *Standard Form 147, order-invoice-voucher*. Use printed receiving report on copies 3 and 3A.

(3) *Form CG-2557, purchase order*. Place receipt endorsement in lower left-hand corner for both purchase and delivery orders.

(4) *Cash purchase procedure*. Place receipt endorsement on reverse of Standard Form 1165, Receipt For Cash—Subvoucher.

(5) *Contracts*. When procurement is effected by contract (Standard Form 23, Construction Contract; Standard Form 33, Supply Contract; etc.), the receiving report may be accomplished by endorsement of a copy of the contract specifically provided for that purpose, or by placing a receipt endorsement on the reverse of the contractor's invoice.

(d) *Receipts for partial deliveries*. Where partial deliveries are made under a procurement document, each consignee shall report such deliveries, as occurring, to the cognizant purchasing unit on Form CG-3357, Report of Receipt of Partial Deliveries. Form CG-3357 will be submitted to the Commandant (FS-1) in triplicate for purchases made by Coast Guard Headquarters. When the purchase is made by a field unit, the report must be submitted to the purchasing unit in duplicate.

23. Section 118.02-18 is amended to read as follows:

§ 118.02-18 *Numbering of purchase and delivery orders*—(a) *General*. Purchase and delivery orders issued by field units shall be numbered serially, in numerical sequence, commencing a new series each fiscal year. When necessary for internal administrative control, the order number may be suffixed by numbers or symbols in addition to those prescribed in paragraph (b) of this section.

(b) *Prescribed numbering system*—(1) *Shore stations*. Order numbers assigned by shore stations shall consist of the allotment symbol of the district or Headquarters unit, the cost accounting code in the case of a district unit, the serial number of the order, and a fiscal year indicator.

*Examples:*

(i) 05-33/55 indicates order number 33 issued by the Commander, Fifth Coast Guard District for the fiscal year 1955.

(ii) 05-180590-45/55 indicates order number 45 issued by the Coast Guard Air Station, Elizabeth City, N. C., for the fiscal year 1955.

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(2) *Vessels.* Order numbers assigned by vessels shall consist of the class and number of the vessel, the serial number of the order, and a fiscal year indicator.

*Example:* WPG 32-33/55, indicating order number 33 issued by the Coast Guard Cutter "Campbell" for the fiscal year 1955.

24. Section 118.02-19 is amended to read as follows:

§ 118.02-19 *Orders involving trade-in allowances.* Orders involving "trade-in" allowances shall list the replacement item at the gross price (except office labor saving devices procured by Coast Guard Headquarters), indicate the "trade-in" allowance opposite a description of the item exchanged, and reflect the net cost to the Government in the "Amount" column. Discounts for prompt payment will be applied to the net cost (i. e., the cost after deduction of the "trade-in" allowance).

25. Section 118.02-20 is amended to read as follows:

§ 118.02-20 *Amendments to purchase and delivery orders.* Amendments to purchase and delivery orders shall be issued on Form CG-3473, Change Order. Change orders will refer to the basic order number, date, purchasing unit, consignee, etc., and shall be numbered serially, as issued. Copies of change orders will be furnished all units receiving distribution of the initial purchase or delivery order.

26. Part 118 is amended by adding a new § 118.02-24 reading as follows:

§ 118.02-24 *Standard Form 147, Order-Invoice-Voucher—(a) Description.* Standard Form 147, Order-Invoice-Voucher, is a carbon interleaved six-part set of forms containing a purchase or delivery order, vendor's invoice, and receiving report, with requisite space for purchase date, vendor's invoicing, and allied budget, accounting, and payment data.

(1) *Copy set-up.* General procedural instructions and blocks applicable to each purpose are preprinted on the individual copies comprising Standard Form 147. Each set of Standard Form 147 consists of the following copies:

*Copy No. and Purpose*

- (i) 1. Original Order-Invoice.
- (ii) 2. Vendor's Copy of Order.
- (iii) 3. Receiving Report.
- (iv) 3A. Receiving Report Copy.
- (v) 4. Fiscal Copy.
- (vi) 5. Procurement Office Copy.

(2) *Continuation sheets.* Standard Form 148, Order-Invoice-Voucher Continuation Sheet, shall be used with Standard Form 147 when additional sheets are required. It shall be used in the same number of copies as Standard Form 147.

(b) *Conditions for use.* Standard Form 147 shall be used either as a purchase order or as a delivery order whenever one delivery and one payment are initially contemplated, subject to the limitations set forth in subparagraphs (1) and (2) of this paragraph, except as otherwise provided in subparagraph (3) of this paragraph.

(1) *Use as a purchase order.* Standard Form 147 shall be used as a purchase order whenever the following circumstances exist (see also § 116.03-25 of this subchapter):

(i) The amount involved in \$5,000 or less.

(ii) The procurement is unclassified and is effected by negotiation.

(iii) No personal services are involved.

(iv) The procurement does not require the use of a contract form.

(2) *Use as a delivery order.* Standard Form 147 shall be used without monetary limitations as a delivery order for ordering supplies or services (i) under existing term or open-end contracts, or purchase agreements, including contracts or agreements made by other Government agencies, provided the order is issued in accordance with and subject to the terms and conditions of a basic contract or agreement to which specific reference is made on the form, or (ii) from other Government agencies requiring a delivery order form in lieu of a requisition or a procurement request form.

(3) *Use of other order forms.* (i) When more copies than the standard six-part set are required, or when more than one delivery and one payment are contemplated, Form CG-2557, Purchase Order, shall be used in lieu of Standard Form 147 (see § 118.02-16).

(ii) Negotiated purchases amounting to \$1,000 or less may be documented on Standard Form 44, U. S. Government Purchase Order-Invoice-Voucher, in lieu of Standard Form 147 (see § 118.02-13).

(c) *Instructions for use—(1) Numbering of orders.* All orders documented on Standard Form 147 shall be numbered in accordance with § 118.02-18.

(2) *Distribution.* Standard Form 147 will be prepared in sextuplicate, insuring that all six copies of the form are legible. The original only shall be signed by the ordering officer; carbon signature impressions may be made on the remaining copies. After preparation, distribution of Standard Form 147 will be made as follows:

(i) *Copy No. 1.* To vendor; vendor may either accomplish the vendor's invoice and return it to the Coast Guard as his bill or he may submit a separate bill. However, ashore units may instruct vendors to make consolidated periodic billings on their own invoices or statement forms supported by the original copies of the individual Standard Forms 147.

(ii) *Copy No. 2.* Retained by vendor.

(iii) *Copy No. 3.* Accomplished as to actual receipt by the consignee and returned to the accounting office (authorized certifying officer) designated to settle the vendor's account.

(iv) *Copy No. 3A.* Retained by consignee.

(v) *Copy No. 4.* To cognizant accounting office for obligation of funds.

(vi) *Copy No. 5.* Official file copy of the ordering office.

(3) *Repairs to vessels under term contracts.* The conditions set forth in § 118.02-15 (c) (2) also apply to Standard Form 147.

(4) *Terms and conditions.* See § 118.03-4 (b) for terms and conditions to be incorporated into Standard Form

147 when it is used as a purchase order. Delivery orders documented on Standard Form 147 may impose no terms or conditions in addition to those set forth in the contract or agreement.

27. Section 118.03-2 is amended to read as follows:

§ 118.03-2 *Supply contracts (Standard Form 33)—(a) General.* Formally advertised Coast Guard fixed price supply contracts are executed on Standard Form 33, Invitation, Bid, and Award (Supply Contract), regardless of amount. Negotiated fixed price supply contracts are also executed on Standard Form 33 in the Coast Guard, except when a purchase order form is used as a contractual instrument for amounts less than \$5,000 under the conditions set forth in § 116.03-25 of this subchapter. Pertinent contract clauses are incorporated into fixed price supply contracts by the appendage of Standard Form 32, General Provisions (Supply Contract), Form CG-2557A, Additional General Provisions (Supply Contract), and a Supplementary Schedule containing currently prescribed contract conditions which are not available in printed form. Form CG-2557B, Additional General Provisions (Construction Contracts—Vessels), and Form CG-2557C, Additional Contract Provisions (Construction Contracts—Shore Structures) may also be used with Standard Form 33 when necessary to embody conditions applicable to minor construction and repair work procured on Standard Form 33 in accordance with § 118.02-2.

(b) *Printed contract conditions—(1) Mandatory forms.* The following forms shall be made a part of all fixed price supply contracts (Standard Form 33):

*Form No., Edition, and Title*

(i) SF-32; 11/49; General Provisions (Supply Contract).

(ii) CG-2557A; Rev. 5/50; Additional General Provisions (Supply Contract).

(iii) CG-2557A-1; 1/52; Additional General Provisions (Supply Contract).

(2) *Optional forms.* When appropriate, the following forms may also be included in fixed price supply contracts (Standard Form 33):

*Form No., Edition, and Title*

(i) CG-2557B; Rev. 8/54; Additional General Provisions (Construction Contracts—Vessels).

(ii) CG-2557C; Rev. 8/54; Additional General Provisions (Construction Contracts—Shore Structures).

(c) *Supplementary schedule.* When prescribed contract clauses are not available in printed form, they shall be copied in schedule form on Standard Form 36, Continuation Sheet (Supply Contract), or plain paper, and appended to the contract.

(1) *Mandatory clauses.* The following clauses shall be inserted in all fixed price supply contracts (Standard Form 33):

*Clause and Reference*

(i) Examination of Records; § 118.03-5 (1).

(ii) Disputes; amendments of General Provisions; § 118.03-5 (o).

(iii) Gratuities; § 118.03-5 (p).

(2) *Contingent clauses.* The following clauses will be used in fixed price

supply contracts (Standard Form 33) when required by the particular procurement action:

*Clause and Reference*

- (i) Copyrights; § 118.03-5 (a).
- (ii) Alterations; § 118.03-5 (b).
- (iii) Liquidated Damages; §§ 116.01-140 of this subchapter and 118.03-5 (k).

(3) *Incidental construction work.* Supply contracts (Standard Form 33) requiring incidental installation work involving a substantial amount of construction at the site, such as heavy generators and large refrigerators, are subject to the Davis-Bacon Act (see § 118.04-4). In such cases, the following clauses shall be copied from Standard Form 23A, General Provisions (Construction Contracts), and included in the Supplementary Schedule:

*Clause No. and Title*

- (i) 20; Davis-Bacon Act (40 U. S. C. 276a-a (7)).
- (ii) 23; Payroll Records and Payrolls.
- (iii) 24; Copeland (Anti-Kickback Act—Nonrebate of Wages).
- (iv) 25; Withholding of Funds to Assure Wage Payment.

28. Section 118.03-3 is amended to read as follows:

§ 118.03-3 *Construction contracts (Standard Form 23)—(a) General.* Coast Guard construction contracts for amounts of \$2,000 or more are executed on Standard Form 23, Construction Contract. Pertinent contract clauses are incorporated into such contracts by the appendage of Standard Form 23A, General Provisions (Construction Contracts), Form CG-2557B, Additional General Provisions (Construction Contracts—Vessels), Form CG-2557C, Additional General Provisions (Construction Contracts—Shore Structures), and a Supplementary Schedule containing currently prescribed contract conditions which are not available in printed form. Form CG-2557C-1, Additional Contract Conditions (Construction Contract), is also an adjunctive form for construction contracts (Standard Form 23) subject to the Davis-Bacon Act and the Copeland (Anti-Kickback) Act. As used in this section, the following definitions shall apply:

(1) *Construction contract.* A contract entered into, either by formal advertising or negotiation, for the construction, alteration, modification, maintenance, and/or repair of real property, vessels, and aircraft.

(2) *Real property.* Public works, buildings, bridges, roads, or other real property. Dredging services will be included in this category for contracting purposes.

(3) *Vessels.* Ships and other floating equipment such as, but not limited to, boats, floating drydocks, cranes, barges, and the like.

(4) *Aircraft.* Mechanically driven heavier-than-air airplanes, either fixed or rotary winged, including flying boats, amphibious aircraft, helicopters, etc.

(b) *Standard Form 23A, general provisions (construction contracts).* Standard Form 23A (3/53) shall be made a part of all construction contracts

(Standard Form 23), irrespective of whether executed for real property, vessels, or aircraft.

(1) *Real property.* All clauses contained in Standard Form 23A shall be used without deviation or modification in all construction contracts pertaining to real property.

(2) *Vessels and aircraft.* Except for Clause 20, Davis-Bacon Act (40 U. S. C. 276a-a (7)), and Clause 23 (b), Payroll Records and Payrolls, all clauses contained in Standard Form 23A shall be used without deviation or modification in construction contracts pertaining to vessels or aircraft. When the contract is subject to the Davis-Bacon Act within the purview of § 118.04-4, all clauses of Standard Form 23A shall be used; otherwise, Clauses 20 and 23 (b) will be deleted and a suitable explanation made under the "Alterations" space of the contract.

(c) *Form CG-2557B, additional general provisions (construction contracts—vessels).* Form CG-2557B (Rev. 8/54) shall be made a part of all construction contracts (Standard Form 23) pertaining to vessels.

(d) *Form CG-2557C, additional general provisions (construction contracts—shore structures).* Form CG-2557C (Rev. 8/54) shall be made a part of all construction contracts (Standard Form 23) pertaining to real property.

(e) *Form CG-2557C-1, additional contract conditions (construction contract).* Form CG-2557C-1 (2/52) contains regulations for enforcement of the Copeland (Anti-Kickback) Act and effectuation of the purpose of the Davis-Bacon Act and shall be made a part of all construction contracts (Standard Form 23) subject to these acts.

(f) *Supplementary schedule.* When prescribed contract clauses are not available in printed form, they shall be copied in schedule form on plain paper and appended to the contract.

(1) *All construction contracts.* Pending revision of Clause 6, Disputes, of Standard Form 23A, the clause set forth in § 118.03-5 (o), subjecting the Disputes clause to the provisions of P/L 356, 83d Congress, approved May 11, 1954, shall be included in all construction contracts (Standard Form 23).

(2) *Aircraft.* The following additional clauses shall be included in all construction contracts (Standard Form 23) pertaining to aircraft:

*Clause and Reference*

- (i) Employment of Aliens; § 118.03-5 (b).
- (ii) Guaranty; § 118.03-5 (d).
- (iii) Termination for the Convenience of the Government; § 118.03-5 (e).
- (iv) Suspension of Work; § 118.03-5 (f).
- (v) Delivery and Shifting of Aircraft; § 118.03-5 (g).
- (vi) Renegotiation; § 118.03-5 (h).
- (vii) Examination of Records; § 118.03-5 (i).
- (viii) Liquidated Damages; § 118.03-5 (j).
- (ix) Assignment of Claims; § 118.03-5 (k).
- (x) Amendment of General Provisions; § 118.03-5 (m).
- (xi) Federal, State, and Local Taxes; § 118.03-5 (n).
- (xii) Gratuities; § 118.03-5 (p).

29. Section 118.03-4 is amended to read as follows:

§ 118.03-4 *Other Coast Guard contracts—(a) Personal or professional services.* Except for architect-engineer professional services contracts, the negotiation of contracts for personal or professional services is restricted to the Commandant. Contracts for architect-engineer professional services may be negotiated under the conditions prescribed in § 116.03-48 of this subchapter.

(b) *Purchase orders.* Instructions for the use of purchase orders as a contractual instrument for procurement by negotiation for amounts not in excess of \$5,000 are prescribed in § 116.03-25 of this subchapter. It is not intended that fixed price purchase orders incorporate all of the terms and conditions prescribed for fixed price supply contracts in § 118.03-2. However, purchase orders documenting negotiated procurement for amounts in excess of \$1,000 must contain the requisite clauses listed in subparagraphs (1) and (2) of this paragraph.

(1) *Form CG-2557, purchase order.* The following clauses shall be copied from the references indicated in schedule form, on plain paper or Standard Form 36, Continuation Sheet (Supply Contract), and appended to the purchase order:

- (i) *To be copied from Standard Form 32 (11/49), General Provisions (Supply Contract):*

*Title and Reference*

- Buy-American Act, Clause 14.
- Convict Labor, Clause 15.
- Eight-Hour Law of 1912, Clause 16.
- Officials Not to Benefit, Clause 19.
- Covenant Against Contingent Fees, Clause 20.

- (ii) *To be copied from § 118.03-5:*

*Title and Reference*

- Examination of Records, § 118.03-5 (1).
- Gratuities, § 118.03-5 (p).
- Discounts, § 118.03-5 (q).
- Inspection, § 118.03-5 (r).
- Federal, State, and Local Taxes, § 118.03-5 (s).
- Nondiscrimination in Employment, § 118.03-5 (t).

(2) *Standard Form 147, order-invoice-voucher.* In addition to the clauses pre-printed on the reverse side of Standard Form 147, the following clauses shall be copied in schedule form on Standard Form 148, Order-Invoice-Voucher Continuation Sheet, plain paper, or Standard Form 36, Continuation Sheet (Supply Contract), and appended to the purchase order:

*Title and Reference*

- (i) Examination of Records, § 118.03-5 (1).
- (ii) Gratuities, § 118.03-5 (p).

(c) *Utility services.* See § 116.01-169 of this subchapter.

(d) *Leases.* See § 116.04-6 of this subchapter.

(e) *Telephone service.* Coast Guard contracts for telephone service are executed on Standard Form 40, Contract for Telephone Service.

(f) *Sales contracts.* Coast Guard sales contracts are executed on Standard Form 114, Sale of Government Property Invitation, Bid, and Award.

30. Section 118.03-5 is amended by revising all of paragraph (j) except the

## RULES AND REGULATIONS

table of insurance valuations set out therein and by adding new paragraphs (c), (p), (q), (r), (s), and (t) to read as follows:

**§ 118.03-5 Special contract clauses.**

(c) *Alterations in contract.* The following alterations have been made in the provisions of this contract:

(j) *Indemnity and insurance valuations.* The valuations shown in the following table shall be used in completing Clause 4 (e) of Form CG-2557B (Rev. 8/54), Additional General Provisions (Construction Contracts—Vessels):

(p) *Gratuities.* (1) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making, of any determinations with respect to the performing, of such contract: *Provided*, That the existence of the facts upon which the Secretary or his duly authorized representative makes such finding shall be in issue and may be reviewed in any competent court.

(2) In the event this contract is terminated as provided in subparagraph (1) of this paragraph, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(3) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(q) *Discounts.* In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when delivery and acceptance are at point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of those points, or from date correct invoice or voucher (properly certified by the Contractor) is received in the office specified by the Government if the latter date is later than the date of delivery.

(r) *Inspection.* Except as may be otherwise provided in this contract, final inspection and acceptance will be made at destination. Supplies rejected at destination for nonconformance with specifications shall be removed by the

Contractor at his expense promptly after notice of rejection.

(s) *Federal, State, and local taxes.* Except as may be otherwise provided in this contract, the contract price includes all applicable Federal taxes in effect on the date of this contract, but does not include any State or local sales, use, or other tax directly applicable to the contemplated supplies or services covered by this contract nor any other tax from which the Contractor or this transaction is exempt. Upon request of the Contractor, the Government shall furnish a tax exemption certificate or similar evidence of exemption with respect to any such tax not included in the contract price, pursuant to this clause. For the purpose of this clause, the term "date of this contract" means the date of the contractor's quotation, if no quotation, the date of this purchase order.

(t) *Nondiscrimination in employment.* (1) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

(2) The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

31. Part 118 is amended by adding a new centerheading and a new § 118.04-7 reading as follows:

**NONDISCRIMINATION IN EMPLOYMENT**

**§ 118.04-7 Nondiscrimination requirements in contracts—(a) Basic requirement.** Except as otherwise set forth in paragraph (b) of this section, contracts entered into by the Coast Guard are required to contain a clause, prescribed by Executive Order 10557, dated September 3, 1954, obligating the contractor not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin, and further obligating the contractor to insert a similar provision in his subcontracts. Pending revision of standard Government contract forms by the General Services Administration, the clause set forth in § 118.03-5 (t) shall be used in lieu of the obsolete nondiscrimination clause contained in such forms.

(b) *Applicability.* The nondiscrimination requirements are applicable to prime contracts and first-tier subcontracts as herein provided.

(1) *Prime contracts.* The nondiscrimination clause set forth in § 118.03-5 (t) shall be included in all contracts involving the employment of labor, except (i) contracts to be performed out-

side the continental United States where no recruitment of workers within the continental United States is involved, and (ii) contracts to meet other special requirements or emergencies, if recommended by the President's Committee on Government Contracts. See paragraph (c) of this section.

(2) *Subcontracts.* The contractor is required to insert paragraph (a) of the nondiscrimination clause set forth in § 118.03-5 (t) in his subcontracts involving the employment of labor, except subcontracts of the kind described in subparagraph (1) of this paragraph and subcontracts for standard commercial supplies or raw materials.

(c) *Special requirements or emergencies.* Where it is determined that special requirements or emergencies involved in a particular procurement are such that use of the clause set forth in § 118.03-5 (t) in a contract or subcontract is impracticable, the contracting officer may request authority to omit the clause. Such requests will be submitted via the chain of command, together with all pertinent facts, to the Commandant (FS) for review and coordination with the President's Committee on Government Contracts.

(d) *Administration.* The administration of the nondiscrimination clause shall be in accordance with the following policies and procedures.

(1) *Educational responsibility.* Contracting officers and other personnel concerned with procurement are apprised of their responsibility in obtaining compliance with the nondiscrimination clause through education and, when appropriate, mediation, conciliation, and persuasion. Prospective contractors shall be informed of the Coast Guard's nondiscrimination policy and information concerning their responsibilities under the nondiscrimination clause shall be made available upon request.

(2) *Posting of notices.* Contracting officers shall provide to prime contractors copies of the notice (stocked by General Services Administration stores depots under stock No. 28-S-7101-11) referred to in the nondiscrimination clause. Prime contractors shall be required to obtain from the contracting officer copies for first-tier subcontractors. In connection with each contract containing the "Nondiscrimination in Employment" clause, the contractor shall be furnished with instructions substantially in the following form. The instructions for use of the poster should normally be forwarded to the contractor with the award document, except purchase orders, or the contractor's copy of the contract.

**INSTRUCTIONS FOR USE OF NONDISCRIMINATION POSTER**

Federal contracts require that a standard notice be posted concerning the contractor's agreement to provide equal job opportunity.

Such notices must be posted in all employment offices and on principal bulletin boards or other places used for providing information to employees.

It is also required that first-tier subcontractors similarly display the poster.

If you will estimate the needs of your company and your subcontractors for this poster and notify the office indicated below,

these notices will be sent to you in the quantity needed.

(Insert the address of the office from which the additional posters may be obtained)

(3) *Compliance reviews.* Local procedures governing contract administration shall include a requirement for review and appraisal of contractors' compliance with the provisions of the nondiscrimination clause. Where contract administration customarily includes review of subcontractors' performance, review, and appraisal of subcontractor compliance with the nondiscrimination provision shall be required.

(4) *Complaints.* Contracting officers will promptly investigate complaints based upon alleged noncompliance with the provisions of the nondiscrimination clause, provided such complaints contain the following identifying information:

(i) The name and address of the contractor or subcontractor alleged to have violated the provisions of the nondiscrimination clause;

(ii) A description of the acts believed to be in violation of the nondiscrimination clause, including, where known, names of the contractor's personnel involved and dates of alleged incidents.

(iii) The name and address of each person who believes himself aggrieved by the alleged violation of the clause.

(iv) Other pertinent information which will assist investigation and resolution of the complaint.

(5) *Incomplete complaints.* To avoid unwarranted investigation of allegations which do not provide the essential information set forth in subparagraph (4) of this paragraph, such allegations may be returned to the originating source, specifying the additional information required.

(6) *Processing of complaints.* Complaints submitted in accordance with subparagraph (4) of this paragraph shall:

(i) Receive prompt investigation of statements and allegations contained in the complaint. Such investigation should include, where necessary, a review of the pertinent personnel practice of the contractor or subcontractor concerned, the circumstances under which the discriminatory action is alleged to have taken place, and such other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract concerned.

(ii) Be resolved by conciliatory means whenever possible.

(iii) Be reported to the Commandant (FS), via the chain of command, after investigation. Such reports will set forth a copy of the complaint together with a summary of the investigative action, corrective action taken or recommended where investigation discloses a need for such action, recommendations or comments in connection with the complaints which the investigation disclosed as unfounded, and any information that the investigating officer considers should be brought to the attention of the Presi-

dent's Committee on Government Contracts. Nondiscrimination reports submitted to the Commandant must be forwarded to the President's Committee on Government Contracts.

(62 Stat. 21; 41 U. S. C. 151-161)

Dated: February 3, 1955.

[SEAL] A. C. RICHMOND,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 55-1167; Filed, Feb. 8, 1955;  
8:57 a. m.]

## TITLE 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

CROSS REFERENCE: For order amending Executive Order No. 9746 of July 1, 1946, and designating the Secretary of the Army as the officer of the United States to supervise the administration of the Canal Zone Government by the Governor of the Canal Zone, see Executive Order 10595, *supra*.

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

##### MISCELLANEOUS AMENDMENTS

1. In § 4.57, paragraph (b) is amended to read as follows:

§ 4.57 Foreign residence; World War II. \* \* \*

(b) *Citizens or Subjects of Germany or Japan.* (1) For periods prior to July 1, 1954, no payments of death compensation or pension shall be made to a citizen or subject of Germany while residing in Germany, based upon death of a veteran which occurred prior to October 19, 1951, or to a citizen or subject of Japan while residing in Japan, based upon death of a veteran which occurred prior to April 28, 1952 (Public Law 622, 79th Cong.). However, if the death of the veteran occurred on or after October 19, 1951, the fact that the claimant is residing in Germany does not bar the payment of death compensation or pension. Likewise, if the death of the veteran occurred on or after April 28, 1952, the fact that the claimant is residing in Japan is no bar.

(2) The prohibition against payments to citizens or subjects of Germany or Japan was lifted, as to future payments, effective July 1, 1954, by Public Law 467, 83d Congress. The commencing date of awards payable solely under the provisions of this law shall be determined as provided in § 4.77 (j).

(Secs. 1, 2, 54 Stat. 1086, 1087, secs. 4, 5, 57 Stat. 555, 60 Stat. 874, 68 Stat. 377; 31 U. S. C. 123, 124, 38 U. S. C. 728, 729, 729a)

2. In § 4.77, the headnote of paragraph (c) is amended and new paragraphs (i), (j), (k), and (l) are added as follows:

§ 4.77 Death pension or compensation payable solely by virtue of certain amendatory laws. \* \* \*

(c) Public Law 195, 81st Congress (August 1, 1949). \* \* \*

(i) *Public Law 463, 83d Congress.* The date of commencement of original awards payable solely as the result of the provisions of Public Law 463, 83d Congress shall be the day following the date of death if claim was filed within 1 year after the date of death, otherwise the date of filing claim, but in no event prior to June 30, 1954. A claim pending on June 30, 1954, shall be considered a claim under this act.

(j) *Public Law 467, 83d Congress.* The date of commencement of original awards payable to citizens or subjects of Germany or Japan solely as the result of the provisions of Public Law 467, 83d Congress, shall be July 1, 1954, where a claim is filed within 1 year after that date, otherwise the date of filing application, but in no event prior to July 1, 1954.

(k) *Public Law 593, 83d Congress.* The date of commencement of original awards payable solely as the result of the provisions of Public Law 593, 83d Congress, based on service in the Coast and Geodetic Survey, shall be the day following the date of death if claim was filed within 1 year after the date of death, otherwise the date of filing claim, but in no event prior to August 16, 1954. A claim pending on August 16, 1954, shall be considered a claim under this act.

(l) *Public Law 650, 83d Congress.* The date of commencement of original awards payable solely as the result of the provisions of Public Law 650, 83d Congress, based on service in the Women's Army Auxiliary Corps, shall be the day following the date of death if claim was filed within 1 year after the date of death, otherwise the date of filing claim, but in no event prior to August 24, 1954. A claim pending on August 24, 1954, shall be considered a claim under this act.

(Sec. 14, 16, 57 Stat. 558, 559, as amended, sec. 301, 58 Stat. 286, as amended, sec. 207, 60 Stat. 837, as amended, sec. 4, 63 Stat. 202, 63 Stat. 484, par. I, Part I, Vet. Reg. 1 (a), as amended, par. VIII, Vet. Reg. 10, as amended, 67 Stat. 506, 68 Stat. 360, 377, 730, 780; 5 U. S. C. 191a, 10 U. S. C. 456-1, 32 U. S. C. 160b, 34 U. S. C. 855c-3, 38 U. S. C. 693h, 731, 731 note, 744, ch. 12 note)

3. In § 4.165, paragraph (a) is amended and former paragraph (c) is deleted, former paragraph (d) is redesignated paragraph (c) so that the amended and redesignated material reads as follows:

§ 4.165 Accrued benefits payable to foreign beneficiaries. (a) Except as provided in paragraph (b) of this section, in case of the death of the payee of any check in payment of pension, compensation, or emergency officers retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account established by Public Law 828, 76th Congress, such amount shall be payable under the provisions of section 3 of this act: *Provided*, That the accrued amount shall be payable only if the person on whose behalf checks were issued and the person claim-

ing the accrued amount have not been guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress.

(c) The provisions of § 4.160 (b) are applicable to the payment of the proceeds of a check received by a payee in payment of pension, compensation, or retirement pay where the payee died on or after the last day of the period covered by such check and the check is returned and canceled, as well as any amount recovered by reason of improper negotiation of such a check.

4. In the provisional regulations, §§ 4.459 and 4.460 are revoked.

*§ 4.459 Payment of death compensation and pension to citizens and subjects of Germany and Japan.* (Instruction 1, Public Law 467, 83d Congress.) [Revoked.]

*§ 4.460 Death compensation or pension claims under Public Law 463, 83d Congress; effective date of awards.* (Instruction 2, Public Law 463, 83d Congress.) [Revoked.]

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective February 9, 1955.

[SEAL] JOHN S. PATTERSON,  
Deputy Administrator.  
[F. R. Doc. 55-1166; Filed, Feb. 8, 1955;  
8:57 a. m.]

#### PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

##### ELIGIBLE BENEFICIARIES

Section 4.302 is revised to read as follows:

*§ 4.302 Eligible beneficiaries—(a) Classes and order of payment to other than designated beneficiary.* The indemnity shall be payable to the following classes of beneficiaries, and in the absence of a designation, in the order named:

(1) Surviving spouse.  
(2) Child or children (including a stepchild, adopted child, or an illegitimate child, if the latter was designated as beneficiary by the serviceman).

(3) Parent (including a stepparent, parent by adoption, or person who stood in loco parentis to the serviceman at any time prior to entry into the active service for a period of not less than 1 year). Unless designated otherwise by the serviceman, the term "parent" includes only the mother and father who last bore that relationship to the serviceman.

(4) Brother or sister of the serviceman (including those of the halfblood and those through adoption). (Sec. 3, Pt. I, Pub. Law 23, 82d Cong.)

(b) *Parents, brothers and sisters of illegitimate.* If the insured was born an illegitimate and not legitimatized before his death, the terms "parent," "brother," and "sister" employed in section 3 of the Servicemen's Indemnity Act of 1951, as amended, shall include as to relationship by consanguinity:

#### RULES AND REGULATIONS

(1) The mother.

(2) The father, only if he shall establish that he can meet "in loco parentis" requirements of the act.

(3) (i) Brothers or sisters, if children of the same mother.

(ii) Brothers or sisters, if children of the same father and if it is shown to the satisfaction of the Administrator that the family relationship usual between brothers and sisters existed between them and the serviceman at the time he entered the service. (Sec. 3, 65 Stat. 34; 38 U. S. C. 852)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective February 9, 1955.

[SEAL] JOHN S. PATTERSON,  
Deputy Administrator.

[F. R. Doc. 55-1165; Filed, Feb. 8, 1955;  
8:56 a. m.]

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE McGREGOR GOFF,  
The Solicitor.

[F. R. Doc. 55-1136; Filed, Feb. 8, 1955;  
8:48 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 1061]

###### LOUISIANA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE BAYOU BODCAU DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Louisiana is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Bayou Bodcau Dam and Reservoir Project, Louisiana, under the supervision of the Department of the Army, as authorized by the act of June 28, 1938 (52 Stat. 1215; 33 U. S. C. 701 c-1):

###### LOUISIANA MERIDIAN

T. 20 N. R. 11 W.  
Sec. 3, Lot 11.

The area described contains 4.12 acres.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 3, 1955.

[F. R. Doc. 55-1131; Filed, Feb. 8, 1955;  
8:46 a. m.]

[Public Land Order 1062]

###### TEXAS

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising Camp Wallace, Galveston County, Texas, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Navy to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Navy:

<sup>1</sup>Parcels for Great Britain and Northern Ireland may be insured for more than \$100 only when mailed in continental United States (not including Alaska).

d. In § 124.2 *Classes of mail* (19 F. R. 7765), amend the reference "shown in the preceding list" to read: "referred to in § 124.1".

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Navy to the Department of the Interior:

Beginning at the Northwest corner of the James Belcher 7.8 acre tract of land, said tract being out of the J. R. Pace Survey, Abstract No. 161; thence S. 361.2 feet to the most Western Southwest corner of the 7.8 acre tract; thence S. 34° 01' E. 656 feet; thence S. 47° 02' E. 382.7 feet to the most Southern Southwest corner; thence N. 89° 14' E. 17.7 feet to the Southeast corner of the 7.8 acre tract, said corner being the Southwest corner of the Maco Stewart Estate 1,254.8 acre tract and the Northwest corner of the George W. Fraser 340.6 acre tract; thence S. 0° 29' W. 2,743 feet to the Southwest corner of the George W. Fraser tract on the North right-of-way line of State Highway No. 6; thence S. 68° 33' E. 2,750.34 feet to a corner on the North right-of-way line, said corner being the most Southern Southeast corner of the George W. Fraser Tract of land; thence N. 5° 39' W. 769.72 feet to an inner corner of said Fraser tract; thence N. 86° 48' E. 1,053.75 feet to a corner; thence N. 1° 38' W. 545 feet to a corner; thence N. 88° 04' E. 1,939 feet to the most Easterly Southeast corner of said Fraser tract of land; thence N. 0° 32' W. 956.5 feet to a corner; thence S. 89° 10' W. 676 feet to an inner corner of the Fraser tract of land, said corner also being the Southwest corner of Lot No. 10 Adoue and Lobits Subdivision; thence N. 0° 46' W. 1,430.35 feet to a corner said corner being Southeast corner of the Maco Stewart Estate tract of 1,254.8 acres and the Northeast corner of the George W. Fraser tract of 340.6 acres; thence N. 0° 40' W. 2,771.4 feet to an inner corner of the Stewart Estate Tract of land, said corner also being the Northwest corner of Lot No. 5 Adoue and Lobits Subdivision; thence N. 89° 14' E. 1,433.3 feet to the most Eastern Southeast corner of the Stewart Estate Tract of 1,254.8 acres; thence N. 0° 45' W. 2,090.3 feet; thence 0° 46' W. 2,135.4 feet; thence N. 0° 46' W. 2,145.2 feet to the Northeast corner of the Stewart Estate tract of 1,254.8 acres, said corner also being the Northeast corner of the Phillip Guyott Survey and Northwest corner of the S. R. Austin League No. 4; thence S. 87° 14' W. 6,354.7 feet to the Northwest corner of said Stewart tract of land, said corner also being the Northwest corner of the Phillip Guyott Survey; thence S. 8,268.4 feet to a corner in the North line of the James Belcher 7.8 acre tract; thence West to the Northwest corner of the James Belcher Tract and the place of beginning.

The above-described area contains 1,603.20 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Navy over the lands for naval purposes.

4. Prior to any advertisement for bids to lease any of the lands mentioned herein, the Department of the Navy shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

5. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 3, 1955.

[F. R. Doc. 55-1129; Filed, Feb. 8, 1955;  
8:45 a. m.]

The tracts described aggregate 315 acres.

Executive Order No. 9143 of April 21, 1942, withdrawing the lands for the use of the War Department for holding, reconsignment and quartermaster depots is hereby revoked.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 3, 1955.

[F. R. Doc. 55-1127; Filed, Feb. 8, 1955;  
8:45 a. m.]

[Public Land Order 1063]

IDAHO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF AGRICULTURE FOR RESEARCH PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of Agriculture for research purposes:

BOISE MERIDIAN

T. 11 S., R. 15 E.,  
Sec. 23, NW $\frac{1}{4}$ .

The area described aggregates 160 acres.

This order shall take precedence over but not otherwise affect the Departmental order of November 3, 1936, establishing Idaho Grazing District No. 2.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 3, 1955.

[F. R. Doc. 55-1128; Filed, Feb. 8, 1955;  
8:45 a. m.]

[Public Land Order 1064]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE NAVY AS A STORAGE AND REPAIR DEPOT; REVOKING EXECUTIVE ORDER NO. 9143 OF APRIL 21, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Navy as a storage and repair depot:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 E.,  
Sec. 10, that part of the S $\frac{1}{2}$  lying north and west of the Union Pacific Railroad right-of-way;  
Sec. 15, that part of the NW $\frac{1}{4}$  lying north and west of the Union Pacific Railroad right-of-way.

[Public Land Order 1065]

ALASKA

WITHDRAWING PUBLIC LANDS ON TURNAGAIN ARM FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH AN ANTI AIRCRAFT ARTILLERY FIRING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army in connection with an antiaircraft artillery firing range:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,  
Sec. 30, lots 3 and 4, E $\frac{1}{4}$ , SW $\frac{1}{4}$  and S $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 31, lots 1, 2, and 3, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ ;  
Sec. 32, lot 1.  
T. 12 N., R. 4 W.,  
Sec. 15, lot 5;  
Sec. 22, lot 1;  
Sec. 23, lots 2 and 4, SE $\frac{1}{4}$ , NE $\frac{1}{4}$ ;  
Sec. 25, lot 1, 2, 3, 4, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ , NE $\frac{1}{4}$ ;  
Sec. 26, lot 1.

The areas described aggregate approximately 864.50 acres.

ORME LEWIS,  
Assistant Secretary of the Interior.

FEBRUARY 3, 1955.

[F. R. Doc. 55-1129; Filed, Feb. 8, 1955;  
8:46 a. m.]

**TITLE 49—TRANSPORTATION**

**Chapter I—Interstate Commerce Commission**

**PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS**

**FORM PRESCRIBED FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICE AND OWNING 1,000 CARS OR MORE**

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of January A. D. 1955.

The matter of annual reports from persons furnishing cars or protective service being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary:

## RULES AND REGULATIONS

*It is ordered,* That the order dated November 18, 1953, in the Matter of Annual Reports from Persons Furnishing Cars or Protective Service (49 CFR 120.70) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1954, and subsequent years, as follows:

**§ 120.70 Form prescribed for persons furnishing cars or protective service and owning 1,000 cars or more.** All persons furnishing cars or protective service to or on behalf of carriers by railroad or

express companies within the scope of section 20 of Part I of the Interstate Commerce Act as amended, and owning 1,000 cars or more, are hereby required to file annual reports for the year ended December 31, 1954, and for each succeeding year until further order, in accordance with Annual Report Form B-1<sup>1</sup> which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics,

Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

NOTE: Budget Bureau No. 60-R201.12.  
(Sec. 20, 24 Stat. 386; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] **GEORGE W. LAIRD,**  
*Secretary.*

[F. R. Doc. 55-1145; Filed, Feb. 8, 1955;  
8:51 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [7 CFR Part 927]

[Docket No. AO-71-A-281]

## HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

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

Notice was issued on January 18, 1955, and published in the *FEDERAL REGISTER* on January 21, 1955 (20 F. R. 490), of a public hearing to be held beginning on February 8, 1955, in Syracuse, New York, and on February 14, 1955, in New York City with respect to the amendment of the tentative marketing agreement and the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that at the New York session of said public hearing beginning on February 14, 1955, in addition to the proposed amendments contained in the notice of January 18, 1955, evidence will also be received relative to the proposed amendment hereinafter set forth. Such additional proposed amendment has not received the approval of the Secretary of Agriculture.

Proposed by Aiello Dairy Farms Company:

5. Amend § 927.33, as follows:

(1) Insert at the beginning of paragraph (a) the words, "Except as set forth in paragraph (f) of this section".

(2) Add a new paragraph (f) as follows:

(f) The classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the first plant in the marketing area at which such milk is received, if moved from such plant in the form of cheeses, other than those cheeses mentioned in § 927.43.

Copies of this supplemental notice of hearing, the said order, as amended, and

the tentative marketing agreement may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may there be inspected.

Dated: February 4, 1955.

[SEAL] **ORIS V. WELLS,**  
*Administrator.*

[F. R. Doc. 55-1164; Filed, Feb. 8, 1955;  
8:56 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## [25 CFR Part 130]

## FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

## OPERATION AND MAINTENANCE CHARGES

JANUARY 31, 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, 1948 (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 § 130.38 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Peck Indian Irrigation Project to read as follows:

**§ 130.38 Charges.** (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wiota Pumping Plant, water, when available, will be furnished upon approved application during the 1955 irrigation season and until further notice, at a flat rate of \$3.00 per acre per annum for all irrigable lands included in the farm unit or allot-

ment described in the application, whether water is used or not.

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water, when available, will be furnished to all irrigable non-Indian lands and to all Indian lands leased to non-Indians, to which delivery of water can be made, during the 1955 irrigation season and thereafter until further notice, at a minimum rate of \$3.00 per acre per annum whether water is used or not. Payment of the minimum rate entitles the water-user to the delivery of two acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of \$1.15 per acre-foot or fraction thereof for the first additional acre-foot, \$1.50 per acre-foot or fraction thereof for the second additional acre-foot and \$1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(c) (1) For Indian land farmed by the Indian owner or leased and farmed by Indians, under that part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water, when available, will be furnished during the 1955 season and until further notice at the minimum rate of \$3.00 per acre per annum for the entire irrigable area included in the allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of two acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of \$1.15 per acre-foot or fraction thereof for the first additional acre-foot, \$1.50 per acre-foot or fraction thereof for the second additional acre-foot and \$1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(2) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under the service area of the Big Porcupine Unit or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of \$2.00 per acre-foot. Water measurement and delivery thereof will be made at the project limits.

<sup>1</sup> Filed as part of the original document.

(d) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer pumping plant) water, when available, will be furnished to all irrigable non-Indian lands and to all irrigable Indian-owned allotments leased to non-Indian (whether subjugated or not) to which delivery of water can be made during the 1955 irrigation season and until further notice at a minimum rate of \$3.00 per acre per annum whether water is used or not. Water, when available, will be furnished at a like minimum rate for the irrigable area for all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of two acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of \$1.15 per acre-foot or fraction thereof for the first additional acre-foot, \$1.50 per acre-foot or fraction thereof for the second additional acre-foot and \$1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(e) For all Indian lands farmed by the Indian owner, or leased and farmed by Indians in the Frazer-Wolf Point Unit, not subjugated but to which water can be delivered, water, when available will be furnished during the 1955 irrigation season and thereafter until further notice at the minimum rate of \$3.00 per acre per annum for the entire irrigable area included in each allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of two acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of \$1.15 per acre-foot or fraction thereof for the first additional acre-foot, \$1.50 per acre-foot or fraction thereof for the second additional acre-foot and \$1.75 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

Interested parties 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 intent in the daily issue of the **FEDERAL REGISTER**.

J. M. COOPER,  
Area Director.

[F. R. Doc. 55-1126; Filed, Feb. 8, 1955;  
8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR Parts 2, 3]

[Docket No. 11266; FCC 55-131]

#### CLASS B FM BROADCAST STATIONS

#### REVISED TENTATIVE ALLOCATION PLAN

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

No. 28—3

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
Bakersfield, Calif.	223	268
Santa Barbara, Calif.	268	248

3. The purpose of the proposed amendment is to allocate Channel No. 268 to Bakersfield, California, for use of FM broadcast station KQXR so as to eliminate the present interference in the Bakersfield area, caused by KQXR operations on Channel No. 223, to reception of station KFAC-FM which operates in Los Angeles, California, on the adjacent Channel No. 222.

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 March 4, 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: February 2, 1955.

Released: February 3, 1955.

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

[F. R. Doc. 55-1157; Filed, Feb. 8, 1955;  
8:54 a. m.]

### [47 CFR Part 8]

[Docket No. 11265; FCC 55-129]

#### STATIONS ON SHIPBOARD IN MARITIME SERVICES

#### RADIOTELEPHONE INSTALLATIONS ON CARGO SHIPS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of implementing Title III, Part II of the Communications Act and the Safety Convention with respect to radiotelephone installations required to be carried by cargo ships; Docket No. 11265.

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

2. The rules proposed to be adopted are set forth below.

2. The Safety of Life at Sea Convention, London, 1948, and Title III, Part II of the Communications Act of 1934, as amended by Public Law 84, 83d Congress, requires that cargo vessels of 500 to 1600 gross tons subject to the respective requirements of Convention and Act be provided with either radiotelephone installations or radiotelegraph installations. The radiotelephone requirements of Title III, Part II of the Communications Act are basically the same as those contained in the Safety Convention, and therefore, a single set of rules is proposed to facilitate compliance with either or both basic requirements.

3. In general the rules call for radiotelephone installations capable of 25 watts power into a standard artificial antenna and capable of operating on 2182 kc, 2638 kc and two other working frequencies. After June 1, 1956, a second receiver capable of manual tuning over the range 1600 to 3500 kc would be required. Provision for illumination of operating controls would be provided. Certain criteria are proposed by which effectiveness of transmitting equipment, receiving equipment and power supplies would be established. Ability to take control of the installation from the principal operating location would be required. At least one qualified operator would be required. Continuous radiotelephone watch while the vessel is at sea would be required, but could be performed by any officer or member of the crew designated by the master. Additional radio log entries would also be required.

4. The proposed amendments are issued under the authority contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended.

5. 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 7, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments 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. The Commission will consider all such comments prior to taking final action in this matter.

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

Adopted: February 2, 1955.

Released: February 3, 1955.

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

1. Section 8.8 is amended by adding two new paragraphs as follows:

(o) *Existing installation.* The term "existing installation", as used in this

## PROPOSED RULE MAKING

part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to August 13, 1955, in the case of other ships subject to Part II of Title III of said act.

(p) *New installation.* The term "new installation", as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and in the case of other ships subject to Part II of Title III of said act, one which is installed subsequent to August 13, 1955.

2. Section 8.152 is amended by addition of new paragraph (d) as follows:

(d) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

3. Section 8.153 is amended by addition of new paragraph (b) as follows:

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelephone installation which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

4. Section 8.202 is amended by addition of new paragraph (c) reading as follows:

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, while being navigated outside a harbor or port, keep a continuous and efficient listening watch on the radiotelephone calling and distress frequency 2182 kc whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform the listening watch. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, pro-

vided such other duties do not interfere with the effectiveness of the listening watch.

5. Section 8.203 is amended by addition of new paragraph (g) reading as follows:

(g) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while being navigated, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c).

6. Section 8.368 (a) is amended as follows:

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

(5) With respect to ship stations which, by reason of the provisions of §§ 8.202, 8.203, or 8.223, are required to keep a watch on the radiotelephone calling and distress frequency, 2182 kc, entries shall be made showing each time this watch is begun, suspended, or concluded, without any requirement, however, of making entries solely to show interruption of this listening due to authorized communication with other stations. The required entries shall be made by a licensed operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries and each person who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

b. A new subparagraph (8) is added to read as follows:

(8) In the case of ship stations required to be equipped for radiotelephony by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, the following additional entries shall be made by a qualified operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries shall appear in the log and be properly related to the particular entry:

(i) The time when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge.

(ii) Results of any tests of the required radiotelephone installation including hydrometer readings of lead-acid storage batteries and voltage readings of other types of batteries provided as part of that installation.

(iii) A daily entry showing the operating condition of the required radiotelephone equipment as determined by either normal communication or the test communication required by § 8.534.

(iv) Results of inspections and tests made pursuant to § 8.520 (g) of any life-boat radio equipment which is compulsorily provided in compliance with requirements of law.

7. Subpart R of Part 8 is amended by adding the following centerhead and rules immediately following § 8.525:

**RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION**

**§ 8.528 Radiotelephone installations.**

(a) A radiotelephone installation required to be provided on any ship by reason of the provisions of Part II of Title III of the Communications Act or on a United States ship by reason of the Safety Convention, shall comply in an efficient manner with §§ 8.529, 8.530, 8.531, 8.532 and 8.533 in addition to all other applicable requirements of this part. The radiotelephone installation so provided shall include at least the following:

(1) A radiotelephone transmitter and associated radiotelephone receiving equipment;

(2) A main source of power;

(3) An emergency source of power when required by § 8.531;

(4) An antenna and ground system; and

(5) Such other apparatus as may be necessary for the proper operation and use of these components of this installation.

**§ 8.529 Radiotelephone transmitter.**

(a) The radiotelephone transmitter shall be capable of transmitting on the radiotelephone calling and distress frequency, 2182 kc, the ship-to-ship working frequency, 2638 kc, and at least two other frequencies within the band 1605 to 2850 kc used for ship-to-shore or ship-to-ship communications.

(b) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(c) The radiotelephone transmitting installation shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles. The transmitting apparatus of the radiotelephone transmitting installation shall be considered to comply with this range requirement whenever such apparatus is properly adjusted for use with an actual ship station transmitting antenna meeting the requirements of § 8.532 and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltage applied, of delivering not less than 25 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance; Provided, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(d) Transmitters installed after June 1, 1956 and all transmitters after June 1, 1960 regardless of installation date shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio-frequency power to the antenna.

(e) The transmitter shall be adequately protected, by suitable devices such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to components thereof.

(f) A durable nameplate shall be mounted on the transmitter or made an integral part thereof showing clearly at least the following:

- (1) The name of the manufacturer;
- (2) the type or model number.

**§ 8.530 Radiotelephone receiving equipment.** (a) The radiotelephone installation shall include the following receivers.

(1) A receiver capable of reception of A3 emission on 2182 kc, 2638 kc and the receiving frequencies associated with transmitting frequencies required to be provided by § 8.529. The receiver shall be capable of accurate and convenient selection of these frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies.

(2) After June 1, 1956, in addition to the receiver required by subparagraph (1) of this paragraph, a receiver capable of manually tuned reception over the entire frequency band 1600 to 3500 kc shall be provided.

(b) One or more loudspeakers capable of effective operation shall be provided so as to permit reception at the principal operating location and at any other location where listening required by § 8.202 (c) or § 8.203 (g) is performed.

(c) Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity over the required frequency band on any required reception frequency of at least 50 microvolts. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission engineer.

(d) Any receiving equipment provided as part of the required radiotelephone installation shall be provided with a durable nameplate mounted on the receiver or made an integral part thereof showing at least the following:

- (1) The name of the manufacturer.
- (2) The type or model number.

(e) Required receiving equipment shall be protected by means of suitable devices such as fuses or circuit-breakers from excessive voltages which could cause damage to any component thereof.

**§ 8.531 Power supply.** (a) There shall be readily available for use at all

times under normal load conditions, while the vessel is at sea, and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy, capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power and the required receiver. At all times herein specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 per cent on vessels completed on or after July 1, 1941, nor more than 15 per cent on vessels completed before that date. In the case of new installations, an emergency source of energy independent of the vessel's normal electrical system shall be provided, and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case the emergency source of energy is not required. The emergency source of energy when required shall be located as near the radiotelephone transmitter and receiver as is practicable. A power supply shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck.

**NOTE:** See § 8.113 regarding application of Coast Guard regulations regarding power supply.

(b) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 6-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section, or by such other means as may be deemed necessary.

(c) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration, or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously

and effectively over the 6-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section.

(d) The electrical load to be supplied by a main or an emergency source of energy under the provisions of paragraph (b) or (c) of this section shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half the six-hour period.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 per cent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(f) Means shall be provided for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(g) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(h) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short-circuits, which could damage any component thereof.

**§ 8.532 Radiating system.** (a) In each radiotelephone installation an antenna shall be provided which is as non-directional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(b) When an electrical ground connection is used as a necessary element of the radiating system, such connection shall be made in an efficient manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

**§ 8.533 General requirements applicable to radiotelephone installations.**

## PROPOSED RULE MAKING

(a) Each radiotelephone installation in respect to all components thereof required by reason of Title III, Part II of the Communications Act or the Safety Convention shall meet the following requirements:

(1) The radiotelephone transmitter, receiver and all controls necessary for their proper use and operation shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. In the case of installations made after June 1, 1956, the principal operating location shall be in the room from which the vessel is normally steered while at sea. If the principal operating location is not in such room or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signaling system shall be provided between such room and the principal operating location.

(2) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive and independent of action by any person not at the principal operating location.

(ii) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby provided is reliable, effective immediately, available at all times, and is usable independently of any other interior communication circuit: *Provided, however,* That in the case of radiotelephone installations first placed in service on or after June 1, 1956 the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(3) The radiotelephone installation when utilizing the fixed tuned receiver required by § 8.530 (a) (1) shall be so designed that when a qualified operator is present at the principal radiotelephone operating location:

(i) Switching between the calling and distress frequency 2182 kc and any required working frequency or vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the required frequencies under circumstances which do not require a change in operating radio channel at the same time.

(iii) Use of the emergency source of energy, when required by § 8.531, shall be available within 1 minute after any need arises for its use.

(4) The components and assembly of the radiotelephone installation shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity and temperature encountered on shipboard.

(5) A reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

§ 8.534 *Test of radiotelephone installation.* Unless the normal use of a radiotelephone installation required by Title III, Part II of the Communications Act or the Safety Convention demonstrates that the equipment is in proper operating condition for an emergency, a test communication for this purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

[F. R. Doc. 55-1158; Filed, Feb. 8, 1955; 8:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [17 CFR Part 240]

#### OVER-THE-COUNTER MARKETS

##### RATIO OF AGGREGATE INDEBTEDNESS TO NET CAPITAL

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to paragraph (c) of its § 240.15c3-1 (Rule X-15C3-1). This action would be taken under the Securities Exchange Act of 1934, particularly sections 3 (b), 15 (c) (3) and 23 (a) thereof.

Rule X-15C3-1 provides that no broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 2000 percent of his net capital. Generally speaking, paragraph (b) exempts from the provisions of the rule brokers and dealers who do not extend credit to customers or carry money or securities for the account of customers, and those who are members of specified national securities exchanges. Paragraph (c) defines "aggregate indebtedness", "net

capital" and certain other terms used in the rule.

In the computation of "net capital" under the present rule, there is deducted 10 percent of the market value of securities which form a part of the capital of the broker or dealer. It is proposed to increase this percentage deduction to 30 percent in the case of all securities except undefaulted debt securities having a fixed interest rate and maturity date, as to which the deduction would be 5 percent unless such securities are selling at a discount of more than 5 percent, in which case the deduction would be determined according to a specified formula. The 30 percent deduction would be applied to certain commodity future contracts whether long or short. A similar change in the percentage amount of deduction from market values would be made in the case of positions in open contractual commitments.

It is also proposed to specify certain additional types of indebtedness which may be excluded in computing aggregate indebtedness for purposes of this rule. These include indebtedness adequately collateralized by securities or spot commodities owned by the broker or dealer, and fixed liabilities adequately secured by real estate, fixed assets and other assets which do not enter into the computation of net capital because they are not readily convertible into cash.

The proposed amendment would also define a "satisfactory subordination agreement" and permit indebtedness under such an agreement to be excluded in computing "aggregate indebtedness" and treated as a part of capital in determining "net capital".

Certain other changes would be made in paragraph (c) including a clarification with respect to the treatment of unrealized profits in contractual commitments and the accounts of partners. Where a partner has agreed in writing that his equity in an account maintained with the firm may be treated as partnership property, the account would be treated as a part of the firm's capital.

The text of paragraph (c) of § 240.15c3-1, as proposed to be amended, is as follows:

##### § 240.15c3-1 *Ratio of aggregate indebtedness to net capital.* \* \* \*

(c) *Definitions.* For the purpose of this section:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transaction whatsoever, including, among other things, money borrowed, money payable against securities loaned and securities "failed to receive", customers' free credit balances, credit balances in customers' accounts having short positions in securities, and equities in customers' commodities futures accounts, but excluding:

(i) Indebtedness adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(ii) Indebtedness to other brokers or dealers in omnibus accounts adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(iii) Amounts payable against securities loaned which securities are owned by the broker or dealer;

(iv) Amounts payable against securities failed to receive for the account of the broker or dealer;

(v) Indebtedness adequately collateralized, as hereinafter defined, by exempted securities;

(vi) Amounts segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder;

(vii) Fixed liabilities adequately secured by real estate or any other asset which is not included in the computation of "net capital" under this section.

(viii) Liabilities on open contractual commitments;

(ix) Indebtedness subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement, as hereinafter defined:

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by

(i) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners, as hereinafter defined;

(ii) Deducting fixed assets and assets which cannot be readily converted into cash, including, among other things, real estate, less any indebtedness secured thereby, furniture and fixtures, exchange memberships, prepaid rent, insurance and expenses; good will, organization expenses; unsecured advances and loans to partners, officers, directors, employees, and salesmen; customers' unsecured notes and accounts; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4 (c) of Regulation T of the Board of Governors of the Federal Reserve System;

(iii) Deducting the percentages specified below of the market value of all securities, long and short (except exempted securities) in the capital, proprietary and other accounts of the broker or dealer, including securities loaned to the broker or dealer pursuant to a satisfactory subordination agreement, as hereinafter defined, and if such broker or dealer is a partnership, in the accounts of partners, as hereinafter defined:

(a) In the case of non-convertible debt securities having a fixed interest rate and a fixed maturity date which are not in default, if the market value is not more than 5 percent below the face value, the deduction shall be 5 percent of such market value; if the market value is more than 5 percent but not more than 30 percent below the face value, the deduction shall be a percentage of market value, equal to the percentage by which the market value is below the face value; and if the market value is 30 percent or more below the face value, such deduction shall be 30 percent;

(b) On all other securities, the deduction shall be 30 percent;

*Provided, however,* That such deduction need not be made in the case of a security which is convertible into or exchangeable for other securities within a period of 30 days and the other securities into which such security is convertible, or for which it is exchangeable, are short in the accounts of such broker or dealer or partner, or a security which has been called for redemption and which is redeemable within 60 days.

(iv) Deducting 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the accounts of partners as hereinafter defined;

(v) Deducting, in the case of a broker or dealer who has open contractual commitments, the respective percentages specified in subdivision (iii) of this subparagraph of the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners, as hereinafter defined: *Provided, however,* That this deduction shall not apply to exempted securities, and that the deduction with respect to any individual commitment shall be reduced by the unrealized profit, in an amount not greater than the percentage deduction provided for in subdivision (iii), (or increased by the unrealized loss) in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital;

(vi) Excluding liabilities of the broker or dealer which are subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement as herein defined; and

(vii) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (a) liabilities which have not been incurred in the course of business as a broker or dealer over (b) assets not used in the business.

(3) The term "exempted securities" shall mean those securities specifically defined as exempted securities in section 3 (a) of the Securities Exchange Act of 1934;

(4) The term "accounts of partners," where the broker or dealer is a partnership, shall mean accounts of partners who have agreed in writing that the equity in such accounts maintained with such partnership shall be included as partnership property;

(5) The term "contractual commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, endorsements of puts and calls, commitments in foreign currencies, and spot (cash) commodities

contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures; a series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment;

(6) Indebtedness shall be deemed to be "adequately collateralized" within the meaning of this section, when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a secured loan to banks regularly making comparable loans to brokers or dealers in the community;

(7) The term "satisfactory subordination agreement" shall mean a written agreement between the broker or dealer and a lender, which agreement is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following further conditions:

(i) It effectively subordinates any right of the lender to demand or receive payment or return of the cash or securities loaned to the claims of all present and future general creditors of the broker or dealer;

(ii) If it provides for the loan of securities to the broker or dealer or for the subordination of the equity in the account of any customer, the lender is (a) a member of the family or an officer, director, or employee of the broker or dealer, or (b) an employee pension, retirement or profit sharing plan for the employees of the broker or dealer, or (c) if the broker or dealer is a partnership, a limited partner or a member of the family of a general partner or of a deceased general partner, or an estate or trust of a general partner;

(iii) It is not subject to cancellation at the will of either party and is for a term of not less than one year;

(iv) It provides that no termination or rescission of the agreement by mutual consent shall become effective until the expiration of 90 days after written notice of intention to terminate or rescind has been given to the Commission and that no amendment to the agreement shall become effective for any purpose (a) if such amendment modifies the agreement in any manner inconsistent with this section or (b) until an executed copy of such amendment has been filed with the Commission;

(v) It provides that no default in the payment of interest or in the performance of any other covenant or condition by the broker or dealer shall have the effect of making the indebtedness due and payable at an earlier time or otherwise accelerating the maturity of the indebtedness;

(vi) It provides that any notes or other written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference;

(vii) It provides that any securities or other property loaned to the broker or

## PROPOSED RULE MAKING

dealer pursuant to its provisions may be used and dealt with by the broker or dealer as part of his capital and shall be subject to the risks of the business;

(viii) A completely executed copy has been filed with the Commission, accompanied by such opinions of counsel and other information as the Commission may request.

All interested persons are invited to submit their views and comments on the proposed amendment in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before February 28, 1955. Unless the person submitting any such comments or suggestions requests in writing that they be

held confidential, they will be public records, available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

JANUARY 28, 1955.

[F. R. Doc. 55-1137; Filed, Feb. 8, 1955;  
8:49 a. m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Office of the Secretary

[Treasury Department Order 167-15]

## COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS PERTAINING TO  
LIGHTS AND SAFETY EQUIPMENT ON OUTER  
CONTINENTAL SHELF

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under section 4 (e) of the Outer Continental Shelf Lands Act (Public Law 212, 83d Congress).

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of these functions.

Dated: January 3, 1955.

[SEAL] H. CHAPMAN ROSE,  
Acting Secretary of the Treasury.

[F. R. Doc. 55-1168; Filed, Feb. 8, 1955;  
8:58 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## OREGON

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

JANUARY 28, 1955.

An application, serial number ORE-03587, for the withdrawal from all forms of appropriation under the public land laws, including the U. S. Mining Laws, but exclusive of oil and gas leasing laws of the lands described below was filed on September 21, 1954, by Department of Agriculture, Forest Service.

The purposes of the proposed withdrawal: Maintaining public camp grounds.

For a period of 30 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, Bureau of Land Management, Department of the Interior, at P. O. Box 3861, 1001 Lloyd Boulevard, Portland 8, Oregon. 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:

## WILLAMETTE MERIDIAN, OREGON

## DESCHUTES NATIONAL FOREST

## Miller Lake Recreation Area

T. 27 S., R. 6 1/2 E., W. M., Oregon,  
Sec. 11: all;  
Sec. 12: SW 1/4, SW 1/4 SE 1/4;  
Sec. 13: lots 1, 2, 3, 4, 5, 6, and 7, NW 1/4  
SW 1/4;  
Sec. 14: NE 1/4, NE 1/4 NW 1/4.  
1,274.43 acres.

## FREMONT NATIONAL FOREST

## Dairy Creek Recreation Area

T. 36 S., R. 17 E., W. M., Oregon,  
Sec. 2: SW 1/4 NW 1/4, N 1/2 SW 1/4;  
Sec. 3: lot 4, S 1/2 NE 1/4, S 1/2 NW 1/4, N 1/2 S 1/2;  
Sec. 4: E 1/2 SW 1/4, SE 1/4.  
723.28 acres.

## MALHEUR NATIONAL FOREST

## Beech Creek Recreation Area

T. 11 S., R. 30 E., W. M., Oregon,  
Sec. 33: NW 1/4 NE 1/4 SW 1/4.  
10.00 acres.

## ROGUE RIVER NATIONAL FOREST

Woodruff Meadows Bridge Recreation Area  
T. 31 S., R. 3 E., W. M., Oregon,  
Sec. 19: NE 1/4 SW 1/4 NE 1/4, N 1/2 SE 1/4 SW 1/4  
NE 1/4, NW 1/4 SE 1/4 NE 1/4, N 1/2 SW 1/4 SE 1/4  
NE 1/4.  
30.00 acres.

## SISKIYOU NATIONAL FOREST

## Grayback Recreation Area

T. 39 S., R. 6 W.,  
Sec. 30: E 1/2 E 1/2 of lot 4, SE 1/4 SW 1/4, S 1/2 S 1/2  
SE 1/4;  
Sec. 31: E 1/2 E 1/2 of lot 1, NW 1/4 NE 1/4, N 1/2  
NE 1/4 NE 1/4, SW 1/4 NE 1/4 NE 1/4, NE 1/4 NW 1/4.  
250.97 acres.

## SIUSLAW NATIONAL FOREST

## Cape Perpetua Recreation Area

T. 15 S., R. 12 W.,  
Sec. 2: lots 11, 12, 13, and 14;  
Sec. 3: lots 2 and 3, SW 1/4 of lot 4, lots 5,  
6, and 7.  
308.10 acres.

## WALLOWA NATIONAL FOREST

## Hurricane Creek Recreation Area

T. 3 S., R. 44 E.,  
Sec. 3: lot 4, W 1/2 of lot 5, NE 1/4 NE 1/4 SW 1/4,  
S 1/2 NE 1/4 SW 1/4, SE 1/4 SW 1/4, NW 1/4 SE 1/4,  
N 1/2 SW 1/4 SE 1/4, SW 1/4 SW 1/4 SE 1/4;  
Sec. 10: NW 1/4 NW 1/4 NE 1/4, E 1/2 NW 1/4, E 1/2  
SW 1/4 NW 1/4, E 1/2 W 1/2 SW 1/4, E 1/2 SW 1/4,  
SW 1/4 NW 1/4 SE 1/4, NW 1/4 SW 1/4 SE 1/4;  
Sec. 15: W 1/2 E 1/2 NW 1/4, E 1/2 W 1/2 NW 1/4.  
530.00 acres.

## WILLAMETTE NATIONAL FOREST

## Shady Dell Recreation Area

T. 20 S., R. 2 E.,  
Sec. 35: lot 11.  
43.5 acres.

The total area described above consists of 3,170.28 acres.

G. H. SHARRER,  
State Supervisor.

[F. R. Doc. 55-1132; Filed, Feb. 8, 1955;  
8:47 a. m.]

## OREGON

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

JANUARY 28, 1955.

An application, serial number ORE-03801, for the withdrawal from all forms of appropriation under the General Mining Laws, exclusive of oil and gas leasing laws, of the lands described below was filed on November 9, 1954, by the Department of Agriculture, U. S. Forest Service.

The purposes of the proposed withdrawal: Rainie Falls Recreational Area.

For a period of 30 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, Bureau of Land Management, Department of the Interior, at P. O. Box 3861, 1001 Northeast Lloyd Boulevard, Portland 8, Oregon. 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 applica-

tion is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON  
SISKIYOU NATIONAL FOREST

T. 34 S., R. 8 W.  
Sec. 2: lots 1 to 8 incl., S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Total area 395.5 acres.

G. H. SHARRER,  
State Supervisor.

[F. R. Doc. 55-1133; Filed, Feb. 8, 1955;  
8:47 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Barnesville Manufacturing Co. Inc., 315-319 South Gardiner Street, Barnesville, Ohio, effective 1-28-55 to 1-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

Carole Industries, Inc., Rutherfordton, N. C., effective 1-28-55 to 1-27-56; 10 learners for normal labor turnover purposes (ladies' and misses' woven pajamas).

Industrial Garment Manufacturing Co., Erwin, Tenn., effective 1-31-55 to 7-30-55; 25 learners for plant expansion purposes (work pants and work shirts).

Jermyn Manufacturing Co., Inc., 505 Washington Avenue, Jermyn, Pa., effective 1-26-55 to 1-25-56; 10 percent of the total number of factory production workers, for normal labor turnover purposes (women's dresses).

Macree Shirt Corp., Lafayette, Tenn., effective 1-31-55 to 1-30-56; 10 learners for normal labor turnover purposes (sport shirts).

Monleigh Garment Co., Inc., Yadkinville Highway, Mocksville, N. C., effective 1-26-55 to 1-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' woven pajamas).

Monterey Mills, Monterey, Tenn., effective 2-3-55 to 2-2-56; 10 learners, for normal labor turnover purposes (boys' sport shirts).

Rob Roy Company, Inc., Ridgely, Md., effective 2-13-55 to 2-12-56; 10 percent of the total number of factory production workers, for normal labor turnover purposes (boys' shirts).

Samsons, Inc., 122 North Goldsboro Street, Wilson, N. C., effective 2-9-55 to 2-8-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Southland Manufacturing Co., Inc., Benson, N. C., effective 1-25-55 to 1-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Sweet-Orr & Co., Inc., 68 First Street SW., Pulaski, Va., effective 1-26-55 to 5-31-55; 30 learners for plant expansion purposes (work clothes, pants) (supplemental certificate).

Tuf-Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark., effective 2-5-55 to 2-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' overalls, jumpers, work pants, work shirts; men's and boys', women's and girls' dungarees).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 2-5-55 to 2-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Williamson-Dickie Manufacturing Co., Weslaco, Tex., effective 1-31-55 to 1-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing, men's and boys' pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Adams-Millis Corp., 400 English Street, 710 Grimes Street, Gaylord Street, High Point, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers, for normal labor turnover purposes (seamless, full-fashioned).

Francis-Louise Full-Fashion Mills, Inc., Valdese, N. C., effective 2-5-55 to 2-4-56; 5 percent of the total number of factory production workers, for normal labor turnover purposes (full-fashioned).

Industrial Hosiery Mills, Inc., Lebanon, Pa., effective 1-27-55 to 1-26-56; 5 learners for normal labor turnover purposes (seamless).

Standard Hosiery Mills, Inc., Burlington, N. C., effective 2-5-55 to 2-4-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Menominee Garment Factory, Keshena, Wis., effective 1-31-55 to 1-30-56; 5 learners for normal labor turnover purposes (ladies' knit rayon panties).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C., effective 1-27-55 to 1-26-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knitted underwear and outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Haspel Bros., Inc., New Orleans, La., effective 1-26-55 to 1-25-56; 7 percent of the total number of factory production workers, for normal labor turnover purposes; machine operators (except cutting), pressers, hand sewers, all at 480 hours, at least 65 cents an

hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (men's and boys' summer clothing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the **FEDERAL REGISTER** pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of February 1955.

MILTON BROOKE,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 55-1135; Filed, Feb. 8, 1955;  
8:48 a. m.]

### Wage and Hour and Public Contracts Divisions

#### EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

##### ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Albany Association of the Blind, Inc., 208 State Street, Albany, New York, at a rate of not less than 34 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Albany Association of the Blind, Inc., 19 Chestnut Street, Albany, New York, at a rate of not less than 34 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

## NOTICES

Altro Work Shops, Inc., 1021 Jennings Street, New York 60, New York, at a rate of not less than 20 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Goodwill Industries of Scranton, Inc., 334 Penn Avenue, Scranton, Pennsylvania, at a rate of not less than 30 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Mobile Association for the Blind, 500 St. Michael Street, Mobile, Alabama, at a rate of not less than 37½ cents per hour for a training period of 320 hours and 45 cents thereafter in the broom department; 12½ cents per hour for a training period of 160 hours and 25 cents thereafter in the mop and chair department. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Community Workshop, 163 Madison, Detroit 26, Michigan; at a rate of 20 cents per hour for the entire shop for a training period of 160 hours and 40 cents thereafter. Certificate is effective January 1, 1955, and expires on December 31, 1955.

Cincinnati Association for the Blind, 1548 Central Parkway, Cincinnati, Ohio, at a rate of 25 cents per hour for a training period of 120 hours in the broom and brush division and 40 cents thereafter; 25 cents per hour for a training period of 120 hours and 40 cents thereafter in the mop making division; 25 cents per hour for a training period of 120 hours and 25 cents thereafter in the contract shop. Certificate is effective February 1, 1955, and expires January 31, 1956.

National Society, Volunteers of America, 290 North Main Street, Mansfield, Ohio, at a rate of 45 cents per hour for a training period of 40 hours and 45 cents thereafter for the entire workshop. Certificate is effective February 1, 1955, and expires January 31, 1956.

Evansville Goodwill Industries, Inc., 18 Locust Street, Evansville, Illinois, at a rate of not less than 50 cents per hour. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Goodwill Industries of Minneapolis, 413-417 South Third Street, Minneapolis 15, Minnesota, at a rate of 45 cents per hour for a training period of 160 hours and 50 cents thereafter for the entire shop. Certificate is effective January 1, 1955, and expires December 31, 1956.

Rockford Goodwill Industries, Inc., 923 South Main Street, Rockford, Illinois, at a rate of 50 cents per hour for a training period of 160 hours and 60 cents thereafter for the entire shop. Certificate is effective December 28, 1954, and expires on December 31, 1955.

St. Paul Goodwill Industries, 509 Sibley Street, St. Paul 1, Minnesota, at a rate of 60 cents per hour for a training period of 160 hours and 67½ cents thereafter for clerical and switchboard personnel; 60 cents per hour for a training period of 160 hours and 67½ cents thereafter in the maintenance division; 40 cents an hour for a training period of 160 hours and 50 cents thereafter in the salvage and sorting department. Certificate is effective January 1, 1955, and expires December 31, 1955.

St. Vincent dePaul Salvage Bureau, 1001 Fairview Avenue North, Seattle, Washington, at a rate of 50 cents per hour for a training period of 160 hours and 62½ cents thereafter for the entire shop. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Goodwill Industries of Fort Worth, Inc., 665 South Main St., Fort Worth, Texas, at a rate of 40 cents per hour for a training period of 160 hours and 60 cents thereafter for the entire shop. Certificate is effective February 1, 1955, and expires on January 31, 1956.

Goodwill Industries of Oakland, 212 Ninth Street, Oakland 7, California, at a rate of 60 cents per hour for the entire shop. Certificate is effective January 16, 1955, and expires on January 15, 1956. Goodwill Industries of San Bernardino & Riverside Counties, 899 Third Street, San Bernardino, California, at a rate of 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Goodwill Industries of Orange County, California, 417 West Fourth Street, Santa Ana, California, at a rate of 50 cents per hour for a training period of 160 hours and 65 cents per hour thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Goodwill Industries of Oregon, 512 Southeast Mill Street, Portland, Oregon, at a rate of 50 cents per hour for a training period of 160 hours and 55 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Goodwill Industries of Tacoma, Inc., 2356 South Tacoma Avenue, Tacoma 3, Washington, at a rate of 50 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Lighthouse for the Blind, Inc., 131 Elliott Avenue West, Seattle 99, Washington, at a rate of not less than 50 cents per hour. Certificate is effective January 19, 1955, and expires on January 15, 1956.

Volunteers of America, 2801 Lombard Avenue, Everett, Washington, at a rate of 50 cents per hour for a training period of 160 hours and 62½ cents thereafter. Certificate is effective January 16, 1955, and expires January 15, 1956.

The Volunteers of America, 2300 East 14th Street, Oakland 1, California, at a rate of 55 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

Volunteers of America, West 28 Main Avenue, Spokane 1, Washington, at a rate of 46 cents per hour for a training period of 160 hours and 65 cents thereafter. Certificate is effective January 16, 1955, and expires January 15, 1956.

Volunteers of America of Oregon, Inc., 538 Southeast Ash Street, Portland, Oregon, at a rate of not less than 62½ cents per hour. Certificate is effective January 16, 1955, and expires on January 15, 1956.

The Volunteers of America, 1517 Broadway, Tacoma 2, Washington, at a rate of 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

16, 1955, and expires on January 15, 1956.

The Volunteers of America, 1921 First Avenue, Seattle 1, Washington, at a rate of 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective January 16, 1955, and expires on January 15, 1956.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitative activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the **FEDERAL REGISTER**.

Signed at Washington, D. C., this 31st day of January 1955.

**JACOB I. BELOW,**  
*Assistant Chief of Field Operations.*

[F. R. Doc. 55-1134; Filed, Feb. 8, 1955; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10378, 10335; FCC 55M-103]

WESTERN UNION TELEGRAPH CO. ET AL.

### ORDER CONTINUING PRE-HEARING CONFERENCE

In the matter of the Western Union Telegraph Company, complainant, v. All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., defendants; Docket No. 10378. In the matter of the Western Union Telegraph Company, complainant, v. RCA Communications, Inc., defendant; Docket No. 10335.

The Commission having before it a motion filed February 1, 1955, by The Western Union Telegraph Company requesting that the pre-hearing conference herein now scheduled for February 4, 1955, be continued until March 3, 1955, because of conflicting engagements of its counsel; and

It appearing, that counsel for all parties to the proceeding have joined in the request and that counsel for the Commission's Common Carrier Bureau interposes no objection;

*It is ordered*, This 2d day of February 1955, that the motion is granted, and that the pre-hearing conference is rescheduled for 10:00 a. m. Thursday, March 3, 1955, at Washington, D. C.

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

[F. R. Doc. 55-1160; Filed, Feb. 8, 1955;  
8:55 a. m.]

[Docket No. 11162; FCC 55M-951]

SALINA BROADCASTING CO.

ORDER CONTINUING PRE-HEARING  
CONFERENCE

In re application of Philip D. Jackson  
tr/as Salina Broadcasting Company, Salina, Kansas, for construction permit; Docket No. 11162, File No. BP-9147.

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1310 kc., with power of 500 watts, daytime only, at Salina, Kansas; and

It appearing that on January 20, 1955, the Hearing Examiner in the above-entitled proceeding issued a notice of pre-hearing conference to be held at the offices of this Commission on Tuesday, February 1, 1955; and

It further appearing that on January 31, 1955, the Commission received a letter, dated January 27, 1955, from Philip D. Jackson, the applicant herein, in which he requested that the above-entitled application be amended to specify the use of the frequency 1420 kc., instead of 1310 kc., as presently requested, subject to channel 1420 kc. being vacated by Station KJCK, Junction City, Kansas, and that the said application be removed from the hearing docket; and

It further appearing that, although under the requirements of §§ 1.307 and 1.365 of the Commission's rules of practice and procedure the applicant will be required to file a formal petition in order to obtain appropriate consideration of his request for the amendment and removal of his application, the information contained in the above letter indicates that the said applicant does not wish to prosecute his application for a permit to construct and operate a broadcast station on the assignment presently requested therein and that therefore a pre-hearing conference on the said application in its present form would serve no useful purpose;

*It is ordered*, This 31st day of January 1955, by the Commission on its own motion, that the pre-hearing conference now scheduled to be held on February 1, 1955, is continued until further order.

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

[F. R. Doc. 55-1161; Filed, Feb. 8, 1955;  
8:55 a. m.]

[Docket No. 11243; FCC 55-1391]

HYMAN ROSENBLUM ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re application of Hyman Rosenblum, et al., transferors, and Lowell J. Thomas, et al., transferees, for consent to the transfer of control of Hudson Valley Broadcasting Company, Inc., Albany, New York (WROW and WROW-TV); Docket No. 11243, File No. BTC-1828.

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

The Commission, by its order in the above-entitled proceeding released January 20, 1955, having continued until further order the oral argument scheduled to commence at 10 a. m. on January 24, 1955; and

It appearing that no reason appears why oral argument in the above-entitled proceeding should not be re-scheduled without further delay;

*It is ordered*, That the oral argument herein before the Commission en banc shall commence at 10:00 a. m. February 14, 1955.

Released: February 3, 1955.

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

[F. R. Doc. 55-1159; Filed, Feb. 8, 1955;  
8:54 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

CHARLOTTE ELISABETH WITTELSHOEFER  
ET AL.

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Charlotte Elisabeth Wittelshoefer, nee Hirsch, London, England, Claim No. 35313; Kurt Alfred Jacobi, Black-Notley-Braintree, England, Claim No. 37081; Felix Edward Hirsch, Annandale-on-Hudson, New York, Claim No. 42045; Vesting Order No. 4915; \$8,838.00 in the Treasury of the United States; one-half ( $\frac{1}{2}$ ) thereof to Kurt Alfred Jacobi and one-fourth ( $\frac{1}{4}$ ) thereof each to Charlotte Elisabeth Wittelshoefer and Felix Edward Hirsch.

Executed at Washington, D. C., on February 3, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 55-1156; Filed, Feb. 8, 1955;  
8:54 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6737]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF HEARING

In the matter of the application of Transportes Aereos Nacionales, S. A., for amendment of its foreign air carrier permit so as to designate Belize, British Honduras, as an intermediate point on said foreign air carrier permit.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held February 23, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

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

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 55-1163; Filed, Feb. 8, 1955;  
8:56 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6585]

SOUTH CAROLINA GENERATING CO.

NOTICE OF ORDER GRANTING EXTENSION OF  
TIME

FEBRUARY 3, 1955.

Notice is hereby given that on December 28, 1954, the Federal Power Commission issued its order adopted December 22, 1954, granting extension of time to make showing of facts in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1146; Filed, Feb. 8, 1955;  
8:51 a. m.]

[Docket Nos. G-2310, G-2316, G-2321, G-2330,  
G-2331, G-2367, G-2389, G-2419]

IROQUOIS GAS CORP. ET AL.

NOTICE OF ORDER MAKING ALLOCATION OF  
NATURAL GAS

FEBRUARY 3, 1955.

In the matters Iroquois Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2310; Tennessee Gas Transmission Company, Docket No. G-2316; West Tennessee Public Utility District of Weakley, Carroll and Benton Counties, Tennessee, Docket No. G-2321; New York State Natural Gas Corporation and Tennessee Gas Transmission Company, Docket No. G-2330; Tennessee Gas Transmission Company, Docket No. G-2331; Transcontinental Gas Pipe Line Corporation, Docket No. G-2367; City Gas Company of Newton, New Jersey, Docket No. G-2389; Central Hudson Gas and Electric Corporation, Docket No. G-2419.

Notice is hereby given that on December 28, 1954, the Federal Power Commission issued its order adopted December

## NOTICES

22, 1954, making allocation of natural gas to Lake Shore Pipe Line Company in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1147; Filed, Feb. 8, 1955;  
8:52 a. m.]

[Docket Nos. G-2784, G-4262]

NEW YORK STATE NATURAL GAS CORP.  
ET AL.

## NOTICE OF FINDINGS AND ORDERS

FEBRUARY 3, 1955.

In the matters of New York State Natural Gas Corporation and Texas Eastern Transmission Corporation, Docket No. G-2784; Tennessee Gas Transmission Company, Docket No. G-4262.

Notice is hereby given that on December 28, 1954, the Federal Power Commission issued its findings and orders adopted December 22, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1148; Filed, Feb. 8, 1955;  
8:52 a. m.]

[Docket Nos. G-3189, G-3190, G-3235]

A. E. HERRMANN CORP. ET AL.

## NOTICE OF FINDINGS AND ORDERS

FEBRUARY 3, 1955.

In the matters of A. E. Herrmann Corporation, Docket Nos. G-3189 and G-3190; Dr. I. B. Rougon, et al., Docket No. G-3235.

Notice is hereby given that on December 31, 1954, the Federal Power Commission issued its findings and orders adopted December 22, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1149; Filed, Feb. 8, 1955;  
8:52 a. m.]

[Docket Nos. G-4373, G-1835]

EL PASO NATURAL GAS CO.

## NOTICE OF FINDINGS AND ORDER

FEBRUARY 3, 1955.

Notice is hereby given that on December 28, 1954, the Federal Power Commission issued its findings and order adopted December 22, 1954, in the above-entitled matters, vacating order in Docket No. G-1835, and issuing a certificate of public convenience and necessity in Docket No. G-4373.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1150; Filed, Feb. 8, 1955;  
8:52 a. m.]

[Docket No. G-5259]

TENNESSEE GAS TRANSMISSION CO.  
NOTICE OF ORDER MAKING PROPOSED TARIFF  
CHANGES EFFECTIVE

FEBRUARY 3, 1955.

Notice is hereby given that on December 28, 1954, the Federal Power Commission issued its order adopted December 22, 1954, making effective proposed tariff changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1151; Filed, Feb. 8, 1955;  
8:53 a. m.]

[Docket Nos. G-6851-G-6853]

TEXAS GAS TRANSMISSION CORP. ET AL.

## NOTICE OF APPLICATIONS

FEBRUARY 3, 1955.

In the matters of Texas Gas Transmission Corporation, Docket No. G-6853; Louisiana Natural Gas Corporation, Docket No. G-6852; Texas Northern Gas Corporation, Docket No. G-6851.

Take notice that there have been filed with the Federal Power Commission on December 2, 1954, applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition, operation and abandonment of service and facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications now on file with the Commission and open to public inspection.

Texas Gas Transmission (Texas Gas), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed its application in Docket No. G-6853 requesting authority to acquire, through merger, and operate the facilities of its wholly-owned subsidiaries, Texas Northern Gas Corporation (Texas Northern) and Louisiana Natural Gas Corporation (Louisiana Natural).

Louisiana Natural, a Louisiana corporation with its principal place of business in Shreveport, Louisiana, filed its application in Docket No. G-6852 for permission and approval to abandon, through merger with Texas Gas, its facilities and the service rendered by means of such facilities.

Texas Northern, a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed its application in Docket No. G-6851 for permission and approval to abandon, through merger with Texas Gas, its facilities and the service rendered by means of such facilities.

Texas Gas proposes to succeed to the rights and obligations of Texas Northern and Louisiana Natural and to commence and continue the operation of the facilities of each of the predecessor companies.

Texas Gas states that Texas Northern and Louisiana Natural are primarily engaged in the acquisition of gas reserves in the Louisiana Gulf Coast area for de-

livery to the parent corporation, Texas Gas. It is further stated that the proposed merger of the three companies will permit reduction and economies in general overhead expense, accounting, reporting and administrative and general expense; and will provide better control over the design of and expenditures for construction and maintenance of additional supply gathering facilities.

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before February 24, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1152; Filed, Feb. 8, 1955;  
8:53 a. m.]

[Project No. 2147]

PACIFIC NORTHWEST POWER CO.

NOTICE OF ORDER AMENDING PRELIMINARY  
PERMIT

FEBRUARY 3, 1955.

Notice is hereby given that on December 31, 1954, the Federal Power Commission issued its order adopted December 22, 1954, amending preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1153; Filed, Feb. 8, 1955;  
8:53 a. m.]

[Project No. 2157]

PUBLIC UTILITY DISTRICT NO. 1 OF  
SNOHOMISH COUNTY, WASH.

NOTICE OF ORDER ISSUING PRELIMINARY  
PERMIT

FEBRUARY 3, 1955.

Notice is hereby given that on December 31, 1954, the Federal Power Commission issued its order adopted December 22, 1954, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-1154; Filed, Feb. 8, 1955;  
8:53 a. m.]

HOUSING AND HOME  
FINANCE AGENCY

## Office of the Administrator

REGIONAL DIRECTOR, URBAN RENEWAL,  
REGION V (FORT WORTH, TEX.)

REDELEGATION OF AUTHORITY WITH RESPECT  
TO SLUM CLEARANCE AND URBAN RENEWAL  
PROGRAM

The Regional Director of Urban Renewal, Region V (Fort Worth, Texas),

Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to me by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F. R. 428, 1/19/55), with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended 42 U. S. C. 1450-1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629), except those authorities which under paragraph 4 of such delegation may not be redelegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c)

Effective as of the 19th day of January 1955.

W. H. SINDT,  
Acting Regional Administrator,  
Region V.

[F. R. Doc. 55-1162; Filed, Feb. 8, 1955;  
8:55 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 46]

### MOTOR CARRIER APPLICATIONS

FEBRUARY 4, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

### APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 286 Sub 4, THE E. W. LANCASTER COMPANY, LIMITED, 850 Wyandotte, W., Windsor, Ontario, Canada. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the United States-Canada International Boundary line at Detroit, Mich., on the one hand, and on the other, Gibraltar, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 665 Sub 46, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1300 West 10th St., Joplin, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highway 169 and unnumbered Kansas Highway, at or near Cherryvale, Kans., and junction unnumbered Kansas Highway and U. S. Highway 96, at or near Mound Valley, Kans., operating from junction U. S. Highway 169 and unnumbered Kansas Highway over unnumbered Kansas Highway to junction unnumbered Kansas Highway approximately one (1) mile east of Cherryvale, thence south approximately four (4) miles over unnumbered Kansas Highway to junction unnumbered Kansas Highway and U. S. Highway 96, near Mound Valley, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 8957 Sub 2, GLENN H. BROWER, R. D. No. 1, Lewistown, Pa. Applicant's attorney: Rhoads, Sinon & Reader, State Street Building, Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Waste materials*, in bulk, *scrap lead*, in bulk, *scrap ferrous and non-ferrous materials*, in bulk, *metals*, in bulk, *scrap paper*, in bulk, and *scrap rags and fabrics*, in bulk, between Lewistown, Pa., and points in Ohio, New York, Connecticut, Vermont, New Jersey, Maryland, Virginia, West Virginia, Michigan, North Carolina, South Carolina and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movement.

No. MC 13105 Sub 1, JOHN MAREN-CIK, doing business as INDIANA MOTOR SERVICE CO., 2117 West 11th Street, P. O. Box 167, Gary, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities usually handled by wholesale grocery houses*,

from Chicago, Ill., to points in that part of Indiana bounded by a line beginning at the Illinois-Indiana State line and extending along U. S. Highway 24 to Monticello, thence along Indiana Highway 39 to Buffalo, thence along Indiana Highway 119 to Winamac, thence along Indiana Highway 14 to Akron, thence along Indiana Highway 114 to Indiana Highway 5, thence along Indiana Highway 5 to U. S. Highway 30, thence along U. S. Highway 30 to Pierceton, thence along Indiana Highway 13 to the Indiana-Michigan State line; thence along the Indiana-Michigan State line and the south shore of Lake Michigan to the Indiana-Illinois State line, and thence along the Indiana-Illinois State line, to point of beginning, including points on the indicated portions of the highways specified; *materials, supplies and equipment* used in the manufacture and fitting of house trailers, from Chicago, Ill., to points in Elkhart County, Ind.; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 31600 Sub 379, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in New York. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 31600 Sub 380, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in Connecticut. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 31600 Sub 381, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in Vermont. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

No. MC 31600 Sub 382, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes,

## NOTICES

transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in Massachusetts. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 31600 Sub 383, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in New Hampshire. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

No. MC 31600 Sub 384, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities* in bulk, in tank vehicles, and *refused shipments*, between all points in Rhode Island. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 31600 Sub 385, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, and *refused shipments*, between all points in New Jersey. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

No. MC 46005 Sub 7, Amended, Published on Page 571 of issue of January 26, 1955, BURG TRUCKING CORP., 835 Washington Street, New York, N. Y. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats* requiring refrigeration, from Linden, N. J., to points in Fairfield County, Conn. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania and Maryland.

No. MC 52110 Sub 61, BRADY MOTORFRATE, INC., 443 Southwest 6th Street, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Des Moines, Iowa and Omaha, Nebr., over

U. S. Highway 6, serving no intermediate points, as an alternate route in connection with carrier's regular route operations (1) between Des Moines, Iowa and Sioux City, Iowa; (2) between Fort Dodge, Iowa and Des Moines, Iowa; (3) between Des Moines, Iowa and Joliet, Ill.; (4) between Omaha, Nebr., and Storm Lake, Iowa; and (5) between Omaha, Nebr., and Dennison, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio and South Dakota.

No. MC 63417 Sub 15, BLUE RIDGE TRANSFER COMPANY, INCORPORATED, Railroad Avenue, Galax, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass*, from Arnold and Jeanette, Pa., and Charleston, W. Va., to Galax, Va., and Mount Airy, N. C. Applicant is authorized to conduct operations in Indiana, Maryland, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

No. MC 87730 Sub 14, R. W. BOZEL TRANSFER, INC., 414 West Camden Street, Baltimore, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh or frozen beef* on hangers and *fresh or frozen veal*, from Washington, D. C., to Fort Bragg, Camp Lejeune and Marine Base, Cherry Point, N. C., Fort Jackson, S. C., Camp Gordon and Fort Benning, Ga., and Naval Base, Pensacola, Fla. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia.

No. MC 103880 Sub 136, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, between ports of entry on the boundary of the United States and Canada at Port Huron, Mich., Detroit, Mich., and Buffalo, N. Y., on the one hand, and, on the other, points in Connecticut and Massachusetts, and (2) *Petroleum products*, *petroleum distillates*, *coal tar products* and *coal tar distillates*, in bulk, in tank vehicles, between ports of entry on the boundary of the United States and Canada at Port Huron, Mich., Detroit, Mich., and Buffalo, N. Y., on the one hand, and on the other, points in Michigan, Ohio, Illinois, Indiana, Pennsylvania, New York, Connecticut and Massachusetts, except no authority is sought to transport petroleum products and coal tar products, in bulk, in tank vehicles, from the port of entry on the boundary of the United States and Canada at or near Port Huron, Mich., to points in Michigan and Ohio. **RESTRICTION:** The authority sought in (1) and (2) above is to be restricted to shipments originating at or destined to points in Canada. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan,

Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 107403 Sub 190, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia, Pa. Applicant's attorney: Paul F. Barnes, 801-804 I. B. M. Building, 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glycerin*, in bulk, in tank vehicles, from Baltimore, Md., to Pittsburgh, Pa. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

No. MC 107403 Sub 191, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 801-804 I. B. M. Building, 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Bayway, N. J., to Kansas City, Mo., and Kansas City, Kans. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

No. MC 107496 Sub 58, RUAN TRANSPORT CORPORATION, 408 S. E. 30th and Scott Streets, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Albany, Ill., and points in Illinois within 5 miles of Albany, to points in Wisconsin within 170 miles of Albany, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska and Wisconsin.

No. MC 109638 Sub 6, WOODROW EVERETT, doing business as W. EVERETT TRUCK LINE, P. O. Box 145, Washington Heights, Washington, N. C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, from all points in North Carolina on, south and east of a line beginning at Manteo, N. C., and extending along U. S. Highway 64 to junction North Carolina Highway 32, thence along North Carolina Highway 32 to Edenton, N. C., thence along U. S. Highway 17 to Windsor, N. C., thence along North Carolina Highway 308 to junction U. S. Highway 258, thence along U. S. Highway 258 to Rich Square, N. C., thence along North Carolina Highway 305 to junction U. S. Highway 158, thence along U. S. Highway 158 to Weldon, N. C., thence along U. S. Highway 301 to Rocky Mount, N. C., thence along U. S. Highway 64 to Tarboro, N. C., thence along U. S. Highway 258 to junction North Carolina Highway 41, thence along North Carolina Highway 41 to junction U. S. Highway 117, thence along U. S. Highway 117 to Wilmington, N. C., thence along U. S. Highway 76 to the North Carolina-South Carolina State line, to all points in Virginia, Maryland, the District of Columbia, Pennsylvania, Delaware, New Jersey, New York, and Ohio, and (2) *Sugar*, from the Philadelphia, Pa., Commercial Zone as defined by the Commission, to all points in North Carolina on and east

of U. S. Highway 15. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Virginia.

No. MC 109689 Sub 24, W. S. HATCH CO., a corporation, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Salt Lake County, Utah, to Dillon, Mont., and points within 50 miles of Dillon; and *contaminated shipments*, on return. Applicant is authorized to conduct operations in Idaho, Nevada and Utah.

No. MC 110818 Sub 1, AFFILIATED LUMBER CARRIERS, INC., 58-36 Flushing Avenue, Maspeth, Long Island, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in the New York, N. Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Pennsylvania and Maryland within 150 miles of the New York, N. Y., corporate limits. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 110834 Sub 3, ANTHONY W. MORELLI, doing business as MORELLI STONE & LIME COMPANY, Swedesford and Moorehall Road, Malvern, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime, limestone, lime and limestone products*, from Cedar Hollow, Pa., and points in Pennsylvania within five miles of Cedar Hollow and Swedeland, Pa., to points in New York except points in Suffolk, Nassau, Rockland, Orange, Dutchess, Ulster and Sullivan Counties, N. Y., points in Massachusetts, Rhode Island, Connecticut and Virginia except those points in Virginia east of Chesapeake Bay, and points in Maryland except those points in Maryland on and east of U. S. Highway 15, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, New York and the District of Columbia.

No. MC 111383 Sub 2, BRASWELL MOTOR FREIGHT LINES, a corporation, P. O. Box 1961, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and New Orleans, La., from Houston over U. S. Highway 90, through Lake Charles, La., to Iowa, La., thence over U. S. Highway 165 to Kinder, La., thence over U. S. Highway 190 to McClure, La., thence over U. S. Highway 71-190 to Baton Rouge, La., thence over U. S. Highway 61-65 to New Orleans, and return over the same route, serving all intermediate

points. Applicant is authorized to conduct operations in California and Texas.

No. MC 112677 Sub 2, TENNESSEE MOTOR SERVICE, INC., 1615 North 11th Street, St. Louis, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Boots, shoes, and materials and supplies* entering into the finished boots and shoes, and *equipment and machinery* used in the manufacture thereof, between Trenton, Tenn., and Booneville, Miss., from Trenton over U. S. Highway 45-W to junction U. S. Highway 45, thence over U. S. Highway 45 to Booneville, Miss., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Missouri and Tennessee.

No. MC 114911 Sub 2, CARL GAINER, 855 North 99 Highway, Eugene, Oreg. Applicant's attorney: King, Miller, Anderson, Nash & Yerke, 926 American Bank Building, Portland 5, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from Eugene, Springfield, Roseburg, Philomath, Cottage Grove and Wren, Oreg., to points in Contra Costa, San Joaquin, Calaveras, Alameda, San Mateo, Stanislaus, Tuolumne, Mono, Mariposa, Santa Cruz, Santa Clara, Merced, Madera, Fresno, Inyo, San Benito, Monterey, Kings, Tulare, San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, San Diego, and Imperial Counties, Calif., and *cottonseed meal and cottonseed cake*, on return.

No. MC 115114, MARK GASH, Tuba City, Ariz. Applicant's attorney: Neil V. Christensen, Post Office Box 1438, Flagstaff, Ariz. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities* except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Flagstaff, Ariz., and Kayenta, Ariz., from Flagstaff, Ariz., over U. S. Highway 89 to junction unnumbered highway known as the Tuba City Highway, and thence over said unnumbered highway to Kayenta, Ariz., and return over the same route, serving all intermediate points except those on U. S. Highway 89, and serving the off-route points of Tuba City, Red Lake, Cow Spring, Inscription House, Kibeto, Navajo Mountain and Rainbow Lodge.

No. MC 115138, AVONDALE TRUCKING COMPANY, INC., 1648 National Bank of Commerce Building, New Orleans, La. Applicant's attorney: Carl B. Callaway, Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fish oil*, in bulk, in tank vehicles, from Apalachicola, Fla., Cameron, Empire and Lake Charles, La., Moss Point and Pascagoula, Miss., and points in Jefferson County, Tex., to points in the New Orleans, La., Commercial Zone as defined by the Commission, and Good Hope, La.; and from points in the New Orleans, La., Commercial Zone, as defined by the Commission, and Good Hope, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee; (2) *vegetable oils*, in bulk, in tank vehicles, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee, on the one hand, and, on the other, points in the New Orleans, La., Commercial Zone, as defined by the Commission, and Good Hope, La.; (3) *tallow*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee, to points in the New Orleans, La., Commercial Zone, as defined by the Commission, and Good Hope, La.; and (4) *alcohol*, in bulk, in tank vehicles, from points in the New Orleans, La., Commercial Zone, as defined by the Commission, and Good Hope, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi and Tennessee.

No. MC 115148, O. D. DIMSDALE, North Washington Street, Rutherfordton, N. C. Applicant's attorney: J. Nat Hamrick, Rutherfordton, N. C., for authority to operate as a *contract carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rutherford County, Polk County and McDowell County, N. C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

#### CORRECTIONS

Application No. MC 110851 Sub 14, Gordon Ray, published Page 576 issue of January 26, 1955. Sub number assigned thereto was in error, should read: Sub 4 (four).

#### APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC-F-5902. Authority sought for purchase by THE INTERCITY COACH COMPANY, 23 South St., Danbury, Conn., of the operating rights of MARGERY T. WHITE and BARBARA T. SPERRY, doing business as INTERCITY VALLEY LINE, 4490 Main St., Bridgeport, Conn., and for acquisition by WILLIAM T. SPERRY, Danbury, Conn., of control of the operating rights through the purchase. Applicants' attorney: Hugh M. Joseloff, 410 Asylum St., Hartford, Conn. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Waterbury, Conn., and Bridgeport, Conn., serving all intermediate points. Vendee is authorized to operate in Connecticut. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5904. Authority sought for purchase by JACK COOPER, JR. AND THOM COOPER, doing business as J-T TRANSPORT COMPANY, 6504 East 37th St., Kansas City, Mo., of the operating rights of TRANSPORT TRUCKING COMPANY, 13th and Winchester, Kansas City, Mo. Applicants' attorney: J. F. Miller, 500 Board of Trade Bldg., Kansas City, Mo. Operating rights sought to be transferred: *Automobiles and trucks*, in truckaway service, in initial movements, as a *common carrier*, over irregular routes, from Kansas City, Mo.-Kans., and points within five miles

