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

VOLUME 20 NUMBER 173

Washington, Saturday, September 3, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) of § 6.312 (a) is amended and subparagraph (28) is added as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(14) One Special Assistant to the Secretary.

* * * * *

(28) Director, Office of Strategic Information.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

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

[F. R. Doc. 55-7144; Filed, Sept. 2, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter F—Banks for Cooperatives

[FCA Order No. 633]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATES, BERKELEY BANK FOR COOPERATIVES

Effective September 1, 1955, the rate of interest which may be charged by the Berkeley Bank for Cooperatives, as specified in § 70.4 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3½ per centum per annum.

Effective September 1, 1955, the rate of interest which may be charged by the Berkeley Bank for Cooperatives, as specified in § 70.5 of Chapter I, Title 6, Code of Federal Regulations, is hereby changed to 3 per centum per annum.

(Sec. 8, 46 Stat. 14; 12 U. S. C. 1141f)

[SEAL] R. B. TOOTELL,
Governor.

[F. R. Doc. 55-7160; Filed, Sept. 2, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

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

[Valencia Orange Reg. 52]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.352 *Valencia Orange Regulation 52*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for

(Continued on p. 6509)

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FEDERAL REGISTER

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

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 1, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 4, 1955, and ending at 12:01 a. m., P. s. t., September 11, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 462,000 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

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

Dated: September 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-7239; Filed, Sept. 2, 1955; 11:29 a. m.]

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 941), regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order", it is hereby found and determine that:

(a) The provisions of § 941.52 (a) (3) and (b) (3) will not tend to effectuate the declared policy of the act for the month of September 1955.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) This suspension order relieves handlers from certain restrictions in that it relieves them from the obligation of paying 70 cents per hundredweight on Class I and Class II milk moved in bulk to outside the surplus milk manufacturing area;

(3) A public hearing on proposed amendments to these provisions of the order was held at Chicago, Illinois on August 24, 1955. Interested parties have requested suspension of the provisions of § 941.52 (a) (3) and (b) (3) until an order amendment, if warranted on the basis of the August 24 hearing, can be made effective;

(4) Although the utilization percentage of milk received in June computed pursuant to § 941.52 (e) determined that the 70-cent differential should apply in September, 1955, this determination resulted from a fractional percentage, and more recent information indicates that supplies of milk during the month of September 1955, will be adequate for all requirements;

(5) On the basis of the evidence received at the public hearing on August 24, 1955, and on other information concerning marketing conditions generally known to handlers and other interested parties in the Chicago, Illinois, marketing area, it is found necessary to issue and make effective for September, 1955, this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in such marketing area; and

(6) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period of September 1955.

It is therefore ordered, That the following provisions of the order be and hereby are suspended for the month of September, 1955:

§ 941.52 *Class prices.* * * *

(a) *Class I milk.* * * *

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph, except as provided in paragraph (e) of this section.

(b) *Class II milk.* * * *

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of September, October or November shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph, except as provided in paragraph (e) of this section.

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

Done at Washington, D. C., this 31st day of August 1955, to be effective on and after September 1, 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-7173; Filed, Sept. 2, 1955; 8:54 a. m.]

[Lemon Reg. 605]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.712 *Lemon Regulation 605*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 31, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 4, 1955, and ending at 12:01 a. m., P. s. t., September 11, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

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

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

Dated: September 1, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-7223; Filed, Sept. 2, 1955; 8:52 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1955–56 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH YEAR

Notice was published in the August 17, 1955 issue of the FEDERAL REGISTER (20 F. R. 5974) that the Secretary of Agriculture was considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1955–56 crop year, and fix a rate of assessment for such year, as hereinafter set forth, which were recommended by said committee in accordance with the provisions of Marketing Agreement No. 110, as further amended, and Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the time for doing so has expired.

After consideration of all matters pertaining thereto, including the recommendations of the Prune Administrative Committee, it is hereby found and determined, and it is therefore, ordered, that the budget of expenses for the Prune Administrative Committee, and the rate of assessment for the crop year beginning August 1, 1955, shall be as follows:

§ 993.306 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1955–56 crop year*—(a) *Budget of expenses.* Expenses in the amount of $85,440 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1955 and ending July 31, 1956.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee in accordance with provisions of § 993.50 (e) of the marketing agreement, as further amended, and order, as further amended, an assessment of 60 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1955 and ending July 31, 1956, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found and determined that good cause exists for not postponing the effective time of the order with respect to the aforesaid budget of expenses and rate of assessment for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to all dried prunes received by each handler as the first handler thereof during the current crop year; (2) handlers usually begin about August 15 to receive deliveries of dried prunes from producers and dehydrators which receipts are, by the terms of the further amended marketing agreement and further amended order subject to the assessment set forth hereinabove; (3) the Prune Administrative Committee should be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (4) compliance with this section will not require any special preparation on the part of the handlers.

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

Issued this 31st day of August 1955, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7170; Filed, Sept. 2, 1955; 8:53 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR INITIAL FISCAL YEAR

Notice was published in the August 18, 1955, daily issue of the FEDERAL REGISTER (20 F. R. 6029) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the initial fiscal year (June 15, 1955, through March 31, 1956) under the marketing agreement, and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1001.201 *Expenses and rate of assessment for the initial fiscal year*—(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Commit-

tee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the initial fiscal year beginning June 15, 1955, and ending March 31, 1956, will amount to $13,336.00.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles limes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quantity of limes handled by such handler during such initial fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the marketing agreement and order, is applicable to all limes handled during the aforesaid initial fiscal year; (2) such handling is now in progress and is subject to the regulatory provisions of Lime Order 1, as amended (20 F. R. 4711; 4897); and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Florida Lime Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: August 31, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7171; Filed, Sept. 2, 1955; 8:53 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 11]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

APPEALS; ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 264, 84th Congress, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494), June 10, 1955 (20 F. R. 4209), June 14, 1955 (20 F. R. 4281), and July 22, 1955 (20 F. R. 5340), is further amended as follows:

1. Section 1101.634 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

2. Section 1101.642 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

3. Section 1101.648 is amended as follows:

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

(2) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (7) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(6)," changing the period at the end of "(6)" to a semicolon, and adding the following: "and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304, Pub. Law 264, 84th Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 30th day of August 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-7135; Filed, Sept. 2, 1955; 8:47 a. m.]

[ACP-1956, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

ASSIGNMENTS; APPLICABILITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, and Public Law 264, 84th Congress, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), is further amended as follows:

1. Section 1101.742 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter)."

2. Section 1101.748 is amended as follows:

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

(2) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, except as indicated in paragraph (b) (7) of this section;

b. Paragraph (b) is amended by deleting the word "and" immediately preceding "(6)," changing the period at the end of "(6)" to a semicolon, and adding the following: "and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 69 Stat. 51, Pub. Law 264, 84th Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 30th day of August 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-7135A; Filed, Sept. 2, 1955; 8:47 a. m.]

PART 1110—ASSIGNMENT OF PAYMENT

Sec.
1110.1 Purpose.
1110.2 Payment may be assigned to finance making a crop.
1110.3 Cash or advances.
1110.4 Payment assigned not to be discounted.
1110.5 Current crop year.

Sec.
1110.6 Farm.
1110.7 Payment to assignee.
1110.8 Payment to assignor.
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1110.10 Assignee.
1110.11 Assignments must be in writing.
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1110.24 Corrections.
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1110.26 Forms ACP–69 available at county offices.
1110.27 Assignments subject to correction.
1110.28 Conditions under which corrections may be made.
1110.29 Manner in which Forms ACP–69 are to be corrected.
1110.30 Where payment has been made.

AUTHORITY: §§ 1110.1 to 1110.30 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply sec. 8, 49 Stat. 1150, as amended; 16 U. S. C. 590h.

§ 1110.1 *Purpose.* The purpose of this part is to state the conditions under which a farmer may assign a payment made under section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 1110.2 *Payment may be assigned to finance making a crop.* A payment which may be made to a farmer (hereinafter referred to as the "assignor") under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, may be assigned only as security for cash or advances to finance making a crop for the current crop year. To finance making a crop means (a) to finance the planting, cultivating, or harvesting of a crop, including the purchase of equipment required therefor; (b) to provide food, clothing, and other necessities required by the assignor or persons dependent upon the assignor; or (c) to finance the carrying out of soil or water conservation practices. Nothing contained herein shall be construed to authorize an assignment given to secure the payment of the whole or any part of the purchase price of a farm or the payment of the whole or any part of a cash or fixed commodity rent for a farm.

§ 1110.3 *Cash or advances.* An assignment may be given (a) to secure repayment of cash advanced to the assignor to cover the cost of supplies or services required by him to make a crop; (b) to secure payment for supplies or services furnished to the assignor to make a crop; or (c) to secure the repayment of cash or the cash value of supplies or services being advanced in successive installments or on the order of the assignor pursuant to a contract or agreement. The amount of the cash or the cash value of the supplies or services must be stated exactly. No assignment shall be recognized by the United States when it is given to secure repayment of an indefinite sum or for the total amount or a part of the total amount of any payment, without stating the amount of the cash or the cash value of the supplies or services advanced or being advanced pursuant to the contract or agreement.

§ 1110.4 *Payment assigned not to be discounted.* The payments assigned shall not be discounted by charging the assignor more than the current cash price for any supplies furnished, by deducting interest in advance from any cash advanced, or in any other manner whatsoever.

§ 1110.5 *Current crop year.* (a) The cash, supplies, or services must be advanced to the assignor to finance making a crop during the year current at the time the assignment is made, and must not be made to secure or pay any preexisting indebtedness of any nature whatsoever. The assignment shall be effective only with respect to the payments which may be or become due and payable to the assignor for participation in the program under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, for the year current at the time the assignment is given. The unpaid balance of any amount advanced in one year and secured by an assignment cannot be secured by an assignment of any payments which may become due and payable to the assignor for participation in the program for any subsequent year.

(b) Where advances made to finance the making of a crop in the current year are to be repaid in installments coming due in more than one year, the entire amount advanced may be secured by an assignment in the year in which the advances are made. However, an assignment may not be made to secure payment of any installment coming due in the current year where the advance was made in a prior year.

§ 1110.6 *Farm.* Each assignment must be limited to the payment which may be made to the assignor with respect to a single farm unit as determined for the purpose of the Agricultural Conservation Program under section 8 of the Soil Conservation and Domestic Allotment Act, as amended. Where more than one payment is made to the assignor on a farm for the same program year, the assignment shall cover all such payments.

§ 1110.7 *Payment to assignee.* Unless the indebtedness secured by an assignment has been repaid or otherwise discharged prior to the time application for payment is made by the assignor, the amount of the payment to which the assignor is entitled under his application, or an amount equal to the indebtedness, or the amount of the indebtedness which remains unpaid or undischarged, whichever is the smallest, will be paid directly to the assignee: *Provided, however,* That in case payment should inadvertently be made to the assignor, there shall be no liability upon the Secretary of Agriculture or any disbursing agent. If payment is made to the assignee and the indebtedness secured by the assignment has been repaid in whole or in part before the payment is received by the assignee, the assignee shall receive the payment in trust to pay over to the assignor in full and without discount all of the payment except any amount of the original advance remaining unpaid.

§ 1110.8 *Payment to assignor.* If the indebtedness secured by an assignment has been repaid or otherwise discharged prior to the time application for payment is made by the assignor, payment shall be made to the assignor without regard to such assignment. If the indebtedness secured by an assignment has not been repaid or otherwise discharged prior to the time application for payment is made by the assignor, the amount of the payment to which the assignor is entitled under his application in excess of the amount thereof assigned shall be paid to the assignor.

§ 1110.9 *Assignor.* Any person, whether a landlord, tenant, or sharecropper, who is eligible for a payment under the Agricultural Conservation Program, may assign such payment. A further assignment by the assignee of a payment assigned to him shall not be recognized by the United States.

§ 1110.10 *Assignee.* Any person, including a department or bureau of the Federal Government, or corporate governmental agency, wholly owned and controlled by the Federal Government, who advances cash, supplies, or services to the farmer for the purpose of financing the making of a crop, or to finance the carrying out of soil or water conservation practices during the year current at the time the assignment is given, may be named as assignee. An assignment shall be effective in favor of and binding upon the assignee and the persons entitled by law to receive and administer the personal estate of the assignee in case of his death, incompetency, insolvency, or bankruptcy.

§ 1110.11 *Assignments must be in writing.* Assignments made orally or in writing upon forms other than the officially prescribed form shall not be recognized by the United States. The officially prescribed form is Form ACP–69, Revised June 1941 (or such further revision of this form as may be made after the issuance of these regulations). Form ACP–69 is divided into three parts: Assignment (hereinafter referred to as Part I), Representations of Assignee (hereinafter referred to as Part II), and Release of Assignment (hereinafter referred to as Part III).

§ 1110.12 *Execution of Part I of Form ACP–69.* Part I of Form ACP–69 shall be signed by the assignor in the presence of a member of the county or community Agricultural Stabilization and Conservation Committee (hereinafter referred to as the county or community committee), or the treasurer or secretary of such committee, for the county or community in which the farm is deemed to be situated. In the case of an assignment of a payment under the Naval Stores Conservation Program, the

witness shall be an Area Forester of the United States Forest Service.

§ 1110.13 *Interest on amount advanced.* Where interest is to be charged on the amount advanced, the rate of interest, and the date upon which the first advance secured by the assignment was made, or is to be made pursuant to the contract or agreement between the assignor and the assignee, should be entered in the spaces provided. The rate of interest must not be in excess of the maximum rate lawfully chargeable under the law of the State.

§ 1110.14 *Assignments must be executed in person.* An assignment made by a natural person other than an absentee landlord or operator shall not be recognized by the United States unless it is made by the person himself. An assignment may be executed by a duly authorized officer of a corporation, firm, association, or other legal entity; by an agent of a nonresident landlord or operator specially authorized, in writing; by a member of a partnership, or by an executor, administrator, guardian, trustee, or other person authorized by law or order of court to administer the personal estate of a farmer, provided proper evidence of the authority of such officer, agent, or fiduciary is presented. In case any payment would be made to two or more persons jointly, any assignment thereof must be executed by each such person.

§ 1110.15 *Number of assignments.* Not more than one assignment of a payment which may be made to a person shall be recognized by the United States. The assignee may release an assignment previously filed by executing and filing a release of assignment, and a new assignment may be executed and filed, either in favor of the original assignee, or another. Any released assignment must remain on file in the office of the county committee.

§ 1110.16 *Representations of assignee concerning circumstances of assignment.* An assignment shall not be recognized by the United States unless and until the assignee executes and files a statement of representations concerning the circumstances of the assignment on Part II of Form ACP–69. The statement of representations must show the following information:

(a) The name of the assignor and his full mail address.

(b) Separately, each amount of the advances secured by the assignment furnished to the assignor in the form of cash, fertilizer, seed, farm implements, workstock, clothing, and groceries, and the kind and amount of any other advances secured by the assignment. Where the representation of assignee indicates, or where the county committee finds, that the assignment was given to secure advances, all or any part of which were not to finance the making of a crop as defined in § 1110.2, the assignment shall not be recognized unless corrected, as provided in § 1110.27. The aggregate amount of the advances made may be less than the amount shown in Part I of Form ACP–69, but in no case shall such aggregate amount (excluding interest not in excess of the amount which properly may be included under the assignment) shown in Part II exceed the amount in Part I.

(c) That part of the aggregate amount of the debt owing by the assignor which is secured by the assignment and which remains unpaid or undischarged at the time Part II of Form ACP–69 is executed. Where separate assignments of the payment for two or more farms have been made as security for advances made to the assignor by the assignee pursuant to one contract or agreement, the sum of the amounts shown in Part II of the assignments, as remaining unpaid or undischarged, shall not exceed the total amount of the advances made pursuant to the contract or agreement which remains unpaid or undischarged. The amount entered in Part II shall include accrued interest, if interest is specified in Part I of ACP–69, and may include accrued interest, if interest is not specified in Part I, provided that under the contract or agreement between the assignor and the assignee, interest is to be charged on the debt. If this amount includes any accrued interest, the amount of the accrued interest, the rate of interest per annum, and the beginning and closing dates of the interest period must be shown. Any interest included in the amount shown as unpaid or undischarged must have been computed at a rate not in excess of that specified in Part I of Form ACP–69 or, if interest is not specified in Part I, at the rate provided for in the contract or agreement between the assignor and the assignee, and for a period not exceeding that during which the amount advanced remained unpaid. The rate of interest shall not exceed the maximum rate lawfully chargeable under the law of the State. The beginning date of the interest period must not precede the date specified in Part I of the assignment or, if interest is not specified in Part I, the date on which the advance was made. Where the advances are made on more than one date, the average of such dates, i. e., a date which will reflect the average of the periods between the dates of the advances and the date of the execution of Part II, shall be entered as the beginning date of the interest period. In no event may the interest period extend beyond the date on which Part II of the form is executed.

(d) The date and place at which Part II of Form ACP–69 was executed. Part II of Form ACP–69 must be signed by the assignee, witnessed by any disinterested person (the person need not be a county or community committeeman, or the secretary or treasurer of the committee), and filed in the county office in which the related assignment is filed, at the time or immediately prior to the time the application for payment is signed by the assignor. If at the time the application for the payment assigned is being prepared, a Part II or Part III of Form ACP–69 is not on file in the county office, written notice to that effect shall be mailed to the assignee by the county committee. If, after such notice is given, Part II or Part III of Form ACP–69 is not filed by the assignee within 10 calendar days or such longer time as the county committee fixes in the notice the assignor, if he so desires, may file application for the payment in question and such payment shall be made to the assignor without regard to the assignment. In case of the death, incompetency, insolvency, or bankruptcy of the assignee, Part II must be executed by the person or persons entitled by law to receive and administer the personal estate of the assignee. In case of the death or incompetency of the assignee, the person or persons who execute Part II shall attach thereto a properly executed Standard Form No. 1055, Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor. Whenever Part II is executed by a person or persons acting on behalf of the assignee in a representative capacity, or by operation of law, proper evidence of the authority of such person or persons must be presented.

§ 1110.17 *Release of assignment.* When the indebtedness in respect of which an assignment was given is fully paid or otherwise discharged prior to the time the assignor signs the application to the United States for payment, the assignee shall forthwith execute Part III of Form ACP–69 and file it in the county office. Every assignment so released shall remain on file in the county office. Part III must be signed by the assignee in the presence of any disinterested witness (the person need not be a county or community committeeman, or the secretary or treasurer of the committee), and must show the name of the assignor and his full mail address, and must show the place and date of its execution. In the event of the death, incompetency, insolvency, or bankruptcy of the assignee, Part III must be executed by the person or persons entitled by law to receive and administer the personal estate of the assignee. Whenever Part III is executed by a person or persons acting on behalf of the assignee in a representative capacity, or by operation of law, proper evidence of the authority of such person or persons must be presented.

§ 1110.18 *Proof that indebtedness has been repaid or otherwise discharged.* If the assignor represents to the county committee that the indebtedness secured by an assignment has been fully paid or otherwise discharged, but that the assignee fails or refuses to execute Part III of Form ACP–69, the county committee shall mail to the assignee, as soon as practicable, notice of the representations made by the assignor. If, after investigation and a reasonable opportunity for the assignee to be heard, the county committee finds from the evidence presented that the indebtedness in fact has been fully paid or otherwise discharged, there shall be attached to the assignment a written statement to that effect, signed by at least two members of the committee, and the county committee shall mail written notice of such finding to the assignee and to the assignor, and thereafter such assignment shall, so far as concerns the United States, be treated as void and of no effect.

§ 1110.19 *Time and manner of filing assignments.* An assignment shall not be recognized by the United States un-

less (a) Part I of Form ACP–69 is executed and is filed in the county office on or prior to the closing date of the program for the county, or prior to the time the assignor signs the application for the payment assigned, whichever is earlier, and (b) Part II of Form ACP–69 is executed and is filed in the county office prior to the time such application is signed by the assignor. At the time Part I of Form ACP–69 is witnessed, the witness shall immediately deliver to the assignor the second copy of the Form ACP–69, and the witness shall deposit in or mail to the county office the original and first copy thereof. In the case of the Naval Stores Conservation Program, "county office" as used in these regulations means the office of the Program Supervisor, Mathis Building, Valdosta, Georgia.

§ 1110.20 *Date of filing.* Part I of Form ACP–69 shall be considered to have been filed in the county office on the date such part is executed. The county office shall enter on Part II or III of each Form ACP–69 the date on which such executed part of Form ACP–69 was received in the county office, and such date shall be considered to be the date on which the Part II or Part III was filed.

§ 1110.21 *Priority.* Notwithstanding the provisions of § 1110.20, in case more than one assignment of the same payment is made the valid assignment Part I of which is first filed in actual point of time in the county office shall be the only assignment recognized by the United States.

§ 1110.22 *Effect of assignment.* An assignment shall not become effective insofar as the United States is concerned until application for payment is made by the assignor, his heirs, or a fiduciary who, by virtue of his office, succeeds to the right of the assignor to make such application, and it is administratively determined that such payment is to be made. Any assignment made shall be subject to the provisions of the program under which the payment is made and to the right of counterclaim, recoupment, or setoff to which the United States is entitled, as provided in the regulations or orders issued by the Secretary of Agriculture, on account of the assignor's indebtedness to the United States in connection with programs administered by the county committee. An assignment shall not be recognized by the United States if, at the time Part I thereof is filed in the office of the county committee there has previously been filed in that office notice that any other agency of the United States, in accordance with the Revised Order Governing Setoffs, as supplemented (Part 1109 of this chapter), has requested that a setoff be made against the assignor's payment.

§ 1110.23 *Liability of the Secretary or disbursing agents.* Neither the Secretary of Agriculture nor any disbursing agent shall be liable in any suit if payment is made to the assignor without regard to the existence of any assignment, and nothing contained herein shall be construed to authorize any suit against the Secretary of Agriculture or any disbursing agent if payment is not made to the assignee, or if payment is made to only one of several assignees.

§ 1110.24 *Corrections.* A timely filed assignment which is not in accordance with these regulations may be corrected at any time if the county committee finds that the assignee and the assignor in good faith endeavored to execute and file a properly executed assignment. Such corrections may be made by the county committee which shall determine and enter in Part I or Part II, or both, the correct data, and a member of the county committee shall initial and date each such correction. Where payment has been made under an assignment which is subsequently corrected, the overpayment, if any, shall be determined on the basis of the corrected assignment. The person to whom payment was made under the incorrect assignment shall be required to refund to the United States any amount of the overpayment thereunder for which he does not show, by evidence satisfactory to the county committee (a) that he has paid over to the assignor, or (b) that the assignor has received the benefit thereof under advances which properly could have been secured by the corrected assignment. The overpayment recovered by the United States shall be disbursed in accordance with the corrected assignment.

§ 1110.25 *Misrepresentations.* If the county committee shall find or have reason to believe that any material misrepresentation was made by the assignor or the assignee, or both, in executing either Part I or Part II of Form ACP–69, the county committee shall forthwith give notice thereof to the assignor and the assignee, and request them to show affirmatively whether or not any material fact was misrepresented in the execution of Part I or Part II of Form ACP–69. If, after investigation and opportunity for the assignor and assignee to be heard, the county committee finds that any material misrepresentation was in fact made, the county committee shall notify the assignor and the assignee of such finding, and thereafter such assignment, insofar as concerns the United States, shall be treated as being void and of no effect.

§ 1110.26 *Forms ACP–69 available at county office.* A farmer who desires to assign payments which may be made to him under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, may secure copies of Form ACP–69 at the office of the county committee. Copies of Form ACP–69 will not be furnished to persons who intend to advance cash, supplies, or services to farmers. However, any person desiring to advance cash, supplies, or services to farmers may secure sample copies of Form ACP–69 at the office of the county committee.

§ 1110.27 *Assignments subject to correction.* Wherever the county committee finds (a) that the Part II of Form ACP–69 as originally filed does not reflect all payments made on the debt secured by the assignment prior to the date on which such Part II was executed, or (b) that the established credit price was charged for advances secured by the assignment, and an additional charge for interest was included in the amount entered in the Part II of Form ACP–69 as originally filed by the assignee, or (c) that the assignment was discounted and an additional charge for interest was included in the amount entered in the Part II of Form ACP–69 as originally filed by the assignee, or (d) that interest at a rate in excess of the maximum rate per annum lawfully chargeable under the law of the State has been included in the Part II of Form ACP–69, the assignment is not subject to correction and shall not be recognized: *Provided,* That, wherever the county committee finds, (1) that the assignor and assignee in good faith endeavored to execute and file on Form ACP–69 a properly executed assignment of a payment, (2) that the assignment so tendered fails to meet the requirements of § 1110.11 or § 1110.14, or both, and (3) that such assignment was timely filed, the county committee shall allow the correction of the assignment.

§ 1110.28 *Conditions under which corrections may be made.* (a) Where the established credit price was charged for advances secured by the assignment but no charge for interest (in addition to that already reflected in the credit price) was included in Part II of Form ACP–69, the assignment may be corrected, provided the assignee reduces the sales price of the supplies to the cash price as of the date of the sale, with interest not in excess of the lawful rate per annum from such date to the date of the execution of the new Part II, and so corrects his records.

(b) Where interest was deducted in advance but no additional charge for interest was included in the amount entered in Part II of Form ACP–69, the assignment may be corrected, provided the assignee reduces the debt to the amount of the cash actually advanced, plus interest at not to exceed the lawful rate per annum from the date of such advance to the date of the execution of the new Part II, and so corrects his records.

(c) Where the assignment covers one or more ineligible items, such as but not limited to preexisting indebtedness or rent, the amounts entered in Part I and Part II of Form ACP–69 may be corrected so as to eliminate such ineligible items.

§ 1110.29 *Manner in which Forms ACP–69 are to be corrected.* (a) If the assignment is defective in that Part I of Form ACP–69 does not name as assignee the person who actually made the advances sought to be secured by the assignment, the assignment may be corrected by the filing by the assignor of a correctly executed Part I, and by the filing by the true assignee of a properly executed Part II of Form ACP–69, provided a defect not subject to correction under § 1110.27 does not exist in the assignment.

(b) If the assignment is defective in that Part I has been executed for an amount in excess of that permissible under § 1110.5, but the assignment is subject to correction under § 1110.27, the county committee may correct Part I of the Form ACP–69 to reflect the correct entries as determined by the county committee in accordance with § 1110.27, provided a member of the county committee initials each such correction.

(c) If the assignment is defective in that Part II has been executed for an amount in excess of that permissible

under § 1110.16, but the assignment is subject to correction under § 1110.27, the county committee may correct Part II of the Form ACP–69 to reflect the correct entries as determined by the county committee in accordance with § 1110.27, provided a member of the county committee initials each such correction, or the assignee may correct Part II by filing a properly executed Part II.

(d) Where the county committee makes a correction in Part I of a Form ACP–69, written notice of such correction shall be sent to the assignor, and where the county committee makes a correction in Part II of a Form ACP–69, written notice of such correction shall be sent to the assignee, unless the assignor or assignee, as the case may be, is present when the correction is made, and approves the correction by initialing it. If no objection to any such correction is filed in writing with the county committee by the assignor or the assignee, as the case may be, within 7 calendar days after written notice of such correction is sent out by or on behalf of the county committee, the correction shall be considered as approved by the assignor or the assignee, as the case may be.

§ 1110.30 *Where payment has been made.* (a) Where payment has been made under an incorrectly executed assignment which is subject to correction under § 1110.27, a correctly prepared Part I or Part II, or both Part I and Part II of Form ACP–69 may be executed by the assignor or the assignee, whichever is applicable, and may be filed with the county committee. If the county committee finds such corrected form to be proper in all respects, the form shall be attached to the original Part I or Part II, as the case may be, and thereupon shall become the official form.

(b) Where such a correctly executed assignment is filed, the overpayment, if any, shall be determined on the basis of the corrected assignment, and when recovered by the United States, the amount of such overpayment shall be paid to the assignee and to the assignor in accordance with their rights under the corrected assignment.

Done at Washington, D. C., this 30th day of August 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55–7134; Filed, Sept. 2, 1955; 8:47 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 7—ADVISORY BOARDS

Notice is hereby given that the Atomic Energy Commission has adopted the following part:

Sec.
7.1 Purpose.
7.2 Definitions.
7.3 Functions and limitations.
7.4 Chairman.
7.5 Membership.
7.6 Meetings.
7.7 Agenda.
7.8 Minutes.
7.9 Subcommittees.
7.10 Industry advisory committees and conferences.

AUTHORITY: §§ 7.1 to 7.10 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201.

§ 7.1 *Purpose.* The regulations in this part set forth the scope, procedure and limitations of the authority of advisory boards established by the Atomic Energy Commission pursuant to section 161a of the Atomic Energy Act of 1954 (68 Stat. 919).

§ 7.2 *Definitions.* As used in this part:

(a) "Commission" means the Atomic Energy Commission.

(b) "Duly authorized representative" of the Commission means a full-time government employee designated by the Commission or the General Manager.

§ 7.3 *Functions and limitations.* (a) It is the function of an advisory board to furnish advice, recommendations and opinions concerning the subject matter with respect to which the board has been established. Advisory boards may not establish policy or take any action on behalf of the Commission.

(b) Advisory boards may not request information from any source other than the Commission either in the name of the board or in the name of the Commission. Information needed by an Advisory Board will be obtained by the Commission or its duly authorized representative.

§ 7.4 *Chairman.* (a) Each advisory board will have as chairman a full-time government employee, except where the Commission finds that the public interest will not be adversely affected if the chairman is not a full-time government employee.

(b) The chairman will preside at all meetings of the advisory board and will be responsible for the control and conduct of its meetings. Where the Commission makes an exception to the requirement of a full-time government chairman, a full-time government employee will attend all meetings of the advisory board.

§ 7.5 *Membership.* The Commission or its duly authorized representative will appoint the members of the advisory boards.

§ 7.6 *Meetings.* (a) Advisory boards shall meet only at the call of the Commission or its duly authorized representative. Meetings will be called sufficiently in advance to enable board members to make arrangements to attend and to permit prior individual consideration of the matters to be discussed.

(b) Except as otherwise authorized by the Commission or its duly authorized representative, advisory boards shall meet only on government premises.

§ 7.7 *Agenda.* The agenda for each meeting will be formulated by the Commission or its duly authorized representative and, so far as practicable, will be forwarded to the members of the advisory board in advance of the meeting.

§ 7.8 *Minutes.* (a) Full and complete minutes of each meeting shall be kept, including a record of those in attendance. Such minutes shall be maintained as permanent and official records of the Commission.

(b) The chairman or the duly authorized representative of the Commission shall decide whether a stenographic transcript is necessary.

§ 7.9 *Subcommittees.* All advisory board subcommittees, temporary or permanent, shall be subject to the rules and procedures governing the respective full boards.

§ 7.10 *Industry advisory committees and conferences.* (a) Industry advisory committees and industry advisory conferences are deemed to be industry advisory boards and subject to the requirements of the regulations in this part. Except as otherwise authorized by the Commission, or its duly authorized representative, attendance at meetings of industry advisory committees or conferences shall be limited to the members of the committee or conference and Commission employees.

(b) Persons selected for membership on industry advisory committees or conferences shall be chosen, insofar as is practicable, with a view to assure a representation of a cross-section of the group or groups affected, with due consideration given to large, medium and small business, geographic distribution, members and non-members of trade associations and other relevant factors.

Dated at Washington, D. C., this 25th day of August 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55–7127; Filed, Sept. 2, 1955; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40–18]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

CRASH AX AND CHOP MARK REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of August 1955.

Section 40.173 (d) of Part 40 of the Civil Air Regulations requires that "All airplanes shall be equipped with at least one crash ax, and if accommodations are provided for more than 30 persons including the crew airplanes shall be equipped with at least two crash axes. This equipment shall be stowed in readily accessible locations: *Provided*, That the carriage of a second crash ax shall not be mandatory prior to September 1, 1955."

Section 40.178 (b) requires that "The exterior areas of the fuselage of an airplane shall be marked to indicate the location of mechanisms of access and those areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident: *Provided*, That marking of areas suitable for cutting need not be applied prior to September 1, 1955." Marks indicating areas suitable for cutting are commonly known as "chop marks."

During 1954 the Board received proposals from certain air carriers for the

elimination of the requirement for a second aircraft ax and the requirement for the marking of areas suitable for cutting. With respect to the aircraft ax requirement, the charge was made that the necessity for the second ax as a matter of Federal regulation has never been justified. With respect to the requirement for chop marks, it was argued that airplane fuselages, particularly those of modern pressurized airplanes, are so strongly resistant to chopping or cutting by means of hand tools as to render questionable the justification for this requirement. The Board's attention was also drawn to the fact that Part 4b of the Civil Air Regulations contains a requirement for external means of access on all emergency exits, and that the existence of chop marks may induce rescue personnel to engage in fruitless chopping or cutting when expeditious means of access are readily available. As a consequence of the foregoing and in response to a formal request of the Air Transport Association, the Board extended the effective dates of the requirements for the second ax and for chop marks until September 1, 1955, the current effective date, in order to permit reinvestigation of these provisions.

The Board examined in detail the safety record of civil operations and found that some use of an aircraft ax has been made as a result of which safety was clearly benefited. However, no record exists of the use of an aircraft ax in any carrier accident, nor does any record exist in which two aircraft axes have been used during actual operations. In fact, no record has been found of any situation involving a combination of circumstances in which the carriage of two aircraft axes would have been beneficial. On the basis of this study, therefore, it appeared that the probability that a need for two aircraft axes will arise in air carrier operations is so extremely remote as to render questionable the justification for such a requirement in the Civil Air Regulations.

A review was also accomplished in order to determine whether the presence of chop marks had in any way contributed to the safety of aircraft operations. Our investigation of civil and military records reveals no indication that the presence of chop marks has in any way served to facilitate the rescue of personnel, notwithstanding the extensive use made of chop marks for the past 15 years. Various experiments have been conducted showing that chopping or cutting of aircraft fuselages is at best very difficult and time consuming. It became clear that where external means for opening emergency exits are available, these should be used in lieu of attempts at forcible entry. Even where external means for opening emergency exits are not available, it appeared that attempts at forcible entry through such exits would be more fruitful than chopping through other areas of the fuselage. Accordingly, it was concluded that all emergency exits should be clearly identifiable as such from the outside and, where appropriate, suitable markings should be applied to indicate the method of operation of mechanisms of access. In the case of emergency exits which are not operable from the outside, it appeared that, because of differences in design between aircraft, instructions should be added indicating the most suitable procedure for forcible entry through such exits.

In view of the foregoing, a notice of proposed rule making was circulated as Civil Air Regulations Draft Release No. 55–8 (20 F. R. 1742) proposing the amendment of the pertinent sections of Part 40. This notice proposed the deletion of the requirement for the second aircraft ax. It also proposed the deletion of the requirements for chop marks and in lieu thereof proposed to require the addition of external markings on emergency exits to facilitate access into the aircraft. In the case of emergency exits which are operable from the outside, these markings were to be in the form of instructions concerning the operation of mechanisms of access. In the case of emergency exits which are not operable from the outside, the markings were to be in the form of instructions to facilitate forcible entry.

Comments received in response to this draft release indicated some opposition to the deletion of the requirements for the second ax and the chop marks; however, no justification was presented in support of these requirements. Accordingly, the Board concludes that these requirements should be deleted.

Opposition was also expressed concerning the requirement to include instructions for forcible entry at emergency exits which are not operable from the outside. The Air Transport Association, the Flight Safety Foundation, and the National Fire Protection Association concurred in the view that it is impossible, at this time, to envisage instructions concerning forcible entry which would be useful in facilitating rescue efforts. It was argued that the limitations of language are such that it would be difficult to avoid instructions, the length and complexity of which would defeat the objective sought, unless a system of universal symbols, not currently in existence, is developed. It was suggested, furthermore, that an educational program designed to acquaint rescue personnel with the peculiarity of design of various emergency exits would be far more profitable than the requirements proposed in Draft Release 55–8. The Board is of the view that these comments have merit. We are not satisfied, however, that our investigation of the feasibility of marking aircraft to facilitate forcible entry should be abandoned although it appears advisable to determine whether symbolic instructions are necessary to achieve this end. Meanwhile, the Board is of the view that programs looking toward the further indoctrination of aircraft rescue personnel should be prosecuted as vigorously as practicable.

The Board concludes that the substance of the amendments proposed in Draft Release 55–8 should be adopted at this time except with respect to the requirement for instructions for forcible entry. We are amending Part 40, therefore, to require that all emergency exits shall be clearly identifiable as such from the outside. Emergency exits which are operable from the outside should also be marked to indicate the method of opening. These latter markings may be used, where appropriate, to identify the emergency exits themselves. The Board anticipates that emergency exits which are not operable from the outside may be identified by such means as the words Emergency Exit or conventional corner markings.

Interested persons have been afforded an opportunity to participate in the making of these rules, and due consideration has been given to all relevant matter presented. Since this amendment contains rules which either impose no additional burden on any person or need not be complied with for at least four months, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective September 1, 1955:

1. By amending § 40.173 (d) to read as follows:

§ 40.173 *Emergency equipment for all operations.* * * *

(d) Crash ax: All airplanes shall be equipped with at least one crash ax.

2. By amending § 40.178 (b) to read as follows:

§ 40.178 *Exit and evacuation markings for all operations.* * * *

(b) Effective January 1, 1956, exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-7174; Filed, Sept. 2, 1955; 8:54 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 56—GRANTS AND CONTRACTS FOR AIR POLLUTION CONTROL

SUBPART A—GRANTS AND CONTRACTS FOR AIR POLLUTION RESEARCH, TRAINING, AND DEMONSTRATIONS

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of this part which relates solely to grants and contracts for air pollution control.

Sec.
56.1 Grants and allotments therefor.
56.2 Contracts and allotments therefor.
56.3 Further allotments.

AUTHORITY: §§ 56.1 to 56.3 issued under sec. 85 (a), 62 Stat. 322, Pub. Law 159, 84th Congress.

§ 56.1 *Grants and allotments therefor.* The Surgeon General shall from time to time make grants to State and local government air pollution control

agencies, other public and private agencies and institutions, and individuals for air pollution research. Such grants shall be made after applications therefor submitted by such agencies, institutions and individuals have been recommended by the National Advisory Health Council and approved by the Surgeon General. Funds appropriated by the Congress which are available for these purposes shall be allotted by the Surgeon General for those projects for which such grants have been approved.

§ 56.2 *Contracts and allotments therefor.* The Surgeon General shall from time to time enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects pertaining to the causes, effects, and control of air pollution. Funds appropriated by the Congress which are available for those purposes shall be allotted by the Surgeon General for those projects for which such contracts have been made.

§ 56.3 *Further allotments.* Funds in excess of those needed for the projects to which allotted shall be available for further allotment by the Surgeon General.

Dated: August 30, 1955.

[SEAL] PARKE M. BANTA,
Acting Secretary.

[F. R. Doc. 55-7137; Filed, Sept. 2, 1955; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

SUBPART—INTERPRETATIVE RULINGS OF THE SECRETARY

FILING OF PRICES

The following interpretative rule is issued pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.) and the marketing agreement and order regulating the handling of anti-hog-cholera serum and hog-cholera virus issued under the provisions of said act (9 CFR Part 131).

The question has been raised as to whether or not an effective price may be posted for anti-hog-cholera serum or hog-cholera virus sold in combination with other biological products under the provisions of the marketing agreement and order.

The act authorizes the Secretary of Agriculture to regulate the handling of anti-hog-cholera serum and hog-cholera virus which is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such serum and virus under the terms and conditions set forth therein. It does not permit the regulation of other biological products.

The marketing agreement and order defines such serum and virus so as to exclude from its operation any other biological product. It requires the filing of an effective posted uniform price for serum and virus for each classification of buyers and prohibits the sale of such serum or virus unless an effective price list has been filed with the Control Agency. Inasmuch as the marketing agreement and order does not permit the regulation of other biological products an effective price may not be posted for a combination of serum or virus with other biological products. On the other hand, if a price were permitted to be posted for only that portion of the price attributable to the serum or virus in a combination product, such posting would be meaningless because the price of the other components of the combination would be unknown and subject to manipulation at the whim of the handler.

Such a practice would impair the effectiveness of the price posting provisions of the marketing agreement and order and would encourage undue and excessive fluctuations in price and would open the door to unfair methods of competition and trade practices, obstruct the administration of the marketing agreement and order, and thereby defeat the declared purposes of the act. Accordingly, the marketing agreement and order is construed as not permitting the filing of an effective posted price for anti-hog-cholera serum or hog-cholera virus in combination with other biological products. Since no effective price can be posted therefor, the marketing of serum or virus in combination with other biological products is prohibited by the marketing agreement and order.

In consideration of the foregoing the following interpretative rule is hereby issued to become effective upon its publication in the FEDERAL REGISTER:

§ 131.300 *Filing of prices.* An effective price may not be posted under the provisions of this part for anti-hog-cholera serum or hog-cholera virus in combination with any other biological product.

(Sec. 60, 49 Stat. 782; 7 U. S. C. 855)

Done at Washington, D. C., this 30th day of August 1955.

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

[F. R. Doc. 55-7136; Filed, Sept. 2, 1955; 8:47 a. m.]

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

On July 30, 1955, there was published in the FEDERAL REGISTER (20 F. R. 5462) a notice of a proposed revision of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR and 1954 Supp. Part 151) under paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606).

After due consideration of all relevant views, arguments, and data submitted in connection with said notice and pursuant to the statutory authority cited above, the aforesaid regulations are hereby revised to read as follows:

DEFINITIONS

Sec.
151.1 Definitions.

CERTIFICATION OF PUREBRED ANIMALS

151.2 Issuance of a certificate of pure breeding.
151.3 Application for certificate of pure breeding.
151.4 Pedigree certificate.
151.5 Alteration of pedigree certificate.
151.6 Affidavit of identity.
151.7 Examination of animal.

RECOGNITION OF BREEDS AND BOOKS OF RECORD

151.8 Eligibility of an animal for certification.
151.9 Recognized breeds and books of record.
151.10 Recognition of additional breeds and books of record.

AUTHORITY: §§ 151.1 to 151.10 issued under par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606.

§ 151.1 *Definitions.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. As used in this part, the following words, names, or terms shall have the meanings set forth in this section, unless otherwise clearly indicated by the context.

(a) *The act.* Paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, Par. 1606 and P. L. 475, 80th Cong., 62 Stat. 161).

(b) *Department.* The United States Department of Agriculture.

(c) *Branch.* The Animal Inspection and Quarantine Branch of the Agricultural Research Service of the Department.

(d) *Chief of the Branch.* The Chief of the Branch or any officer or employee of the Branch to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(e) *Inspector.* An inspector of the Branch or of the Bureau of Customs of the United States Treasury Department authorized to perform functions under the regulations in this part.

(f) *Animal.* Any purebred animal imported specially for breeding purposes except a black, silver, or platinum fox, or any fox which is a mutation or type developed therefrom.

(g) *Purebred.* A term applicable to animals which are the progeny of known and registered ancestors of the same recognized breed and for which at least three generations of ancestry can be traced: *Provided, however,* That in the case of sheep registered on the basis of flocks, the term is applicable to animals of a recognized breed which originate in a flock for which available breeding data, as shown in the registry association's records, establish that the flock has been in existence at least ten years.

(h) *Pedigree certificate.* A document issued by a registry association giving the pedigree of an animal and certifying that it is registered in the book of record of the association issuing the document, and containing all pertinent information relating to the registered animal, such as color and natural and artificial markings, a record of the name and address of the breeder, and the name and address of each subsequent owner of the animal.

(i) *Book of record.* A printed book sponsored by a registry association and

containing breeding data relative to a large number of registered purebred animals used as a basis for the issuance of pedigree certificates.

(j) *Certificate of pure breeding.* A document issued by the Chief of the Branch to, and for the exclusive use of, the collector of customs, United States Treasury Department, certifying that the animal to which the document refers is a purebred animal of a recognized breed and duly registered in a book of record recognized under the regulations in this part for that breed.

(k) *Port of arrival.* The coastal or border port where animals first come into the United States.

(l) *Port of entry.* The port where customs entry is made for imported animals.

CERTIFICATION OF PUREBRED ANIMALS

§ 151.2 *Issuance of a certificate of pure breeding.* The Chief of the Branch will issue a certificate of pure breeding for an animal claimed to be entitled to free entry under the act provided the requirements of the regulations in this part are complied with. Such certificate will be issued to the collector of customs at the port of entry of the animal.

§ 151.3 *Application for certificate of pure breeding.* An application for a certificate of pure breeding executed by the importer of the animal or his agent may be made to the branch after customs entry has been made, on forms furnished or approved by the branch. Such an application shall show the surname of the importer and his given name, or initials, if any; the address (in the United States) of the importer; the number, breed, and sex, and port and date of arrival of the animal imported; the customs entry number of the importation, and the name of the vessel or other carrier by which shipped.

§ 151.4 *Pedigree certificate.* A pedigree certificate for an animal listed in § 151.9, issued by the custodian of the appropriate book of record listed in said section and on which there has been entered, in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, shall be furnished by the importer or his agent to the inspector at the time of examination of the animal as provided in § 151.7. Following examination of the animal, the importer or his agent shall present the pedigree certificate to the branch at the time of making application for a certificate of pure breeding as provided in § 151.3. The branch will later return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

§ 151.5 *Alteration of pedigree certificate.* No pedigree certificate which in the opinion of the Chief of the Branch has been substantially altered will be accepted.

§ 151.6 *Affidavit of identity.* An affidavit by the owner, agent, or importer, duly acknowledged before an officer having authority to administer oaths, stating that the animal declared for free entry under the act is the identical animal described in the pedigree certificate, shall be furnished to the branch by the importer or his agent.

§ 151.7 *Examination of animal.* (a) For the purpose of determining identity, an examination shall be made by an inspector at the port of arrival of each animal for which free entry is claimed under the act.

(b) The importer or his agent shall provide adequate assistance and facilities for restraining and otherwise handling the animal and present it in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animal will be refused or postponed by the inspector until the importer or his agent meets these requirements at the port of arrival.

(c) A pedigree certificate, as required by § 151.4, shall be presented at the port of arrival of the animal to the inspector making the examination in order that proper identification of the animal may be made. Removal of the animal from the port of arrival prior to presentation of such pedigree certificate shall constitute a waiver of any further claim to certification under the regulations in this part.

§ 151.8 *Eligibility of an animal for certification.* To be eligible for certification under the act, an animal must be purebred of a recognized breed and have been registered in good faith in a book of record listed in § 151.9 and must not have been registered on inspection without regard to purity of breeding.

RECOGNITION OF BREEDS AND BOOKS OF RECORD

§ 151.9 *Recognized breeds and books of record.* Breeds of animals and books of record listed in paragraphs (a) and (b) of this section are hereby recognized. Recognition of such breeds and books of record will be continued, however, only if the books of record involved are kept by the custodians thereof in a form which is reasonably current in the opinion of the Chief of the Branch. Books of purebred registration shall be sent to the branch at Washington 25, D. C., through the United States Government Despatch Agency, 45 Broadway, New York 6, New York, U. S. A., immediately following their publication.

(a) *Breeds and books of record in countries other than Canada.* Books of record of the registry associations listed below are recognized for the following breeds: *Provided,* That no Belted Galloway cattle, Criolla or Fjordhest (formerly known as Westland) horse, Shetland or Welsh pony, dog, or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

CATTLE

Name of breed	Book of record	By whom published
Aberdeen-Angus	Aberdeen-Angus Herd Book	Aberdeen-Angus Cattle Society, Alexander Keith, secretary, 91 Union St., Aberdeen, Scotland.
Africander	Africander Cattle Herd Book	The Africander Cattle Breeders' Society, under the supervision and authority of the South African Stud Book Association, E. L. Househam, secretary, 40 Henry St., Bloemfontein, Union of South Africa.
Alderney	Herd Book of the Bailiwick of Guernsey (Alderney Branch).	Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), P. D. Sumner, secretary, The Bungalow, Butes, Alderney, Channel Isles.
Ayrshire	Ayrshire Herd Book	Ayrshire Cattle Herd Book Society of Great Britain and Ireland, John Graham, secretary, 1 Racecourse Rd., Ayr, Scotland.
Devon	Davy's Devon Herd Book	Devon Cattle Breeders' Society, Cyril Ernest Berry, secretary, 1 Mayfield Terrace, Wiveliscombe, Somerset, England.
Dexter	Dexter Herd Book	Dexter Cattle Society, A. E. Richardson, secretary, Crabtree House, Lower Beeding, Horsham, Sussex, England.
Belted Galloway	The Belted Galloway Herd Book.	The Belted Galloway Cattle Society, J. Campbell Laing, secretary, Galloway Estate Office, Newton Stewart, Wigtownshire, Scotland.
Galloway	Galloway Herd Book	Galloway Cattle Society of Great Britain and Ireland, Donald M. McQueen, secretary, 111 High St., Dumfries, Scotland.
Guernsey	English Guernsey Herd Book.	English Guernsey Cattle Society, Col. T. M. Ker, secretary, 7 Cleveland Row, St. James's, London, S. W. 1, England.
Do	Herd Book of the Bailiwick of Guernsey (Guernsey Branch).	Royal Guernsey Agricultural and Horticultural Society, Ernest de Garis, secretary, States Arcade Balcony, St. Peter Port, Guernsey, Channel Isles.
Hereford	Herd Book of Hereford Cattle.	Hereford Herd Book Society, R. J. Bentley, secretary, 3 Offa St., Hereford, England.
Highland	Highland Herd Book	Highland Cattle Society of Scotland, Donald G. Noble, secretary, 17 York Pl., Perth, Scotland.
Holstein-Friesian	Friesch Rundvee-Stamboek	Vereeniging: "Het Friesch Rundvee-Stamboek," Ir. H. G. A. Leignes Bakhoven, secretary, Zuiderplein 2-4-6, Leeuwarden, The Netherlands.
Do	Nederlandsch Rundvee-Stamboek.	Vereeniging: "Het Nederlandsche Rundvee-Stamboek," H. W. J. Dekker, Chief Administrator, Stadhoudersplantsoen 24, 'S Gravenhage, The Netherlands.
Jersey	Jersey Herd Book	Royal Jersey Agricultural and Horticultural Society, H. C. Shepard, secretary, 3 Mulcaster St., St. Helier, Jersey, Channel Isles.
Do	English Jersey Herd Book	English Jersey Cattle Society, Edward Ashby, secretary, 19 Bloomsbury Square, London, W. C. 1, England.
Kerry	British Kerry Cattle Herd Book.	British Kerry Cattle Society, R. O. Hubl, secretary, The Milestone, Stanmore Hill, Stanmore, Middlesex, England.
Do	Kerry Cattle Herd Book	Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland.
Lincoln Red Shorthorn.	Lincoln Red Shorthorn Herd Book.	Lincoln Red Shorthorn Society, W. Dunnaway, secretary, "Agriculture House", Park St., Lincoln, England.
Red Danish	Stambog over Køer af Rød Dansk Malkerace. Stambog over Tyre af Rød Dansk Malkerace. Register-Stambog over Kvaeg af Rød Dansk Malkerace.	De Samvirkende Danske Landboforeninger, A. Wulff Pedersen, secretary, Vindegade 72, Odense, Denmark.

CATTLE—Continued

Name of breed	Book of record	By whom published
Red Poll	Red Poll Herd Book	Red Poll Cattle Society of Great Britain and Ireland, Inc., A. C. Burton, secretary, 32 Princes St., Ipswich, Suffolk, England.
Shorthorn	Coates's Herd Book	Shorthorn Society of Great Britain and Ireland, Arthur Furneaux, secretary, Victoria House, Southampton Row, London, W. C. 1, England.
South Devon	Herd Book of South Devon Cattle.	South Devon Herd Book Society, W. G. Turpitt, secretary, 16 Sherborne Rd., Newton Abbot, Devon, England.
Sussex	Sussex Herd Book	Sussex Herd Book Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Welsh	Welsh Black Cattle Herd Book.	Welsh Black Cattle Society, G. Williams Edwards, secretary, 27 Market St., Caernarvon, Wales.

HORSES

Arabian	Arab Horse Stud Book	The Arab Horse Society, Col. R. O. de V. Askin, secretary, 38 Langham St., London, W. 1, England.
Do	Polska Ksiega Stadna Koni, Arabskich Czystej Krwi.	Towarzystwo Hodowli Konia Arabskiego, Dr. Edward Skorkowski, secretary, Krakow, Biskupia 6, Poland.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Livestock Administration, The Minister of Agriculture, Madrid, Spain.
Do	Registro Genealogico Nacional de Caballos S. P. C.	Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Enzo Valenti Ferro, Chief, National Genealogical Register for Horses, Buenos Aires, Argentina.
Do	Stud Book Français Registre des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Varenne (7), Paris, France.
Do	The Arabian Stud Book (Recognition of this book will be restricted to Arabian horses which originate for importation in Saudi Arabia, or trace to pure Arabian stock of that country.)	The Arabian Horse Club Registry of America, Inc., Frank Watt, secretary, 111 W. Monroe St., Chicago 3, Ill.
Belgian	Stud-Book des Chevaux de Trait Belges.	Société Royale "Le Cheval de Trait Belge", Edgard Bedoret, general secretary, 45a, rue de l'Ecuyer, Brussels, Belgium.
Cleveland Bay	Cleveland Bay Stud Book	Cleveland Bay Horse Society, Oswald Welford, secretary, "Angelus", Roxby, Staithes, Saltburn, Yorkshire, England.
Clydesdale	Clydesdale Stud-Book	Clydesdale Horse Society of Great Britain & Ireland, Robert Jarvis, secretary, 93 Hope St., Glasgow, C. 2, Scotland.
Criolla	"Registre Definitivo section of the Stud Book Argentine para la Raza Criolla.	Sociedad Rural Argentina, Enrique C. Frers, Florida 460, Buenos Aires, Argentina.
Fjordhest (formerly known as Westland).	Stambok over Fjordhest	Statens Stambokkontor, W. W. Christie, State Stud-Book Registrar, Munkedamsveien 35 VI, Oslo, Norway.
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 38 Langham St., London, W. 1, England.
Percheron	British Percheron Stud Book	British Percheron Horse Society, A. E. Vyse, secretary, Owen Webb House, Gresham Road, Cambridge, England.
Do	Stud-Book Percheron de France.	Société Hippique Percheronne de France, E. Lemarié, secretary, 7 rue Villette-Gaté, Nogent-le-Rotrou (E-&-L), France.
Shetland Pony	Shetland Pony Stud-Book	Shetland Pony Stud-Book Society, Thomas H. F. Myles, secretary, 61 George St., Perth, Scotland.
Shire	Shire Horse Stud Book	Shire Horse Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Suffolk	Suffolk Stud-Book	Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England.
Thoroughbred	Australian Stud Book	Australian Jockey Club and Victoria Racing Club, W. J. McFadden, Keeper of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Jamaica Stud-Book	The Jockey Club of Jamaica, Sir George Seymour Seymour, secretary, 10 Duke St., Kingston, Jamaica, B. W. I.
Do	Stud Book de Chile	Club Hipico de Santiago, Alejandro Obolensky Dadian, secretary, San Antonio 231, Santiago, Chile.
Do	New Zealand Stud Book	New Zealand Racing Conference, A. M. McBeath, secretary, Dominion Bldg., Mercer and Wakefield Sts., Wellington, New Zealand.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Livestock Administration, The Minister of Agriculture, Madrid, Spain.
Do	Stud Book Français Registre des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, M. Maze-Sencier, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Varenne (7), Paris, France.
Do	Libro Genealogico dei Cavalli di Puro Sangue.	Jockey Club Italiano, Comm. Gino Cavaniglia, secretary, Piazza Montecitorio 121, Rome, Italy.

HORSES—Continued

Name of breed	Book of record	By whom published
Thoroughbred	Registre des Chevaux de Pur Sang.	Jockey-Club de Belgique, Lt. Colonel Hre Bon J. van Zuylen van Nyevelt, secretary, 1 Rue Guimard, Brussels 4, Belgium.
Do	Stud Book Brasileiro	Jockey Club Brasileiro, Ricardo Xavier da Silveira, director, Av. Rio Branco, 197 Rio de Janeiro, Brazil.
Do	Stud Book Peruano	Jockey Club of Peru, Oscar Berckemeyer P., president, Camana 780, Lima, Peru.
Do	American Stud Book (Recognition of this book will be restricted to Thoroughbreds imported as follows: (a) Horses bred or born in the United States, shipped to a foreign country, and returned to this country; (b) horses bred or born in Great Britain, Northern Ireland, Eire, or France, whose pedigrees trace wholly, or in part, to horses bred or born in the United States; or (c) horses from countries where a book of purebred registration for Thoroughbreds does not exist.)	The Jockey Club, Mrs. L. Brennan, registrar, 250 Park Ave., New York 17, N. Y.
Do	Registro Genealogico Nacional de Caballos S. P. C.	Ministerio de Hacienda de la Nacion, Loteria de Beneficencia Nacional y Casinos, Enzo Valenti Ferro, Chief, National Genealogical Register for Horses, Buenos Aires, Argentina.
Welsh Pony and Cob.	Welsh Stud Book	Welsh Pony & Cob Society, J. A. George, secretary, Offices of the Royal Welsh Agricultural Society, Queen's Rd., Aberystwyth, Wales, Great Britain.

ASSES

Poitou	Jack and Jennet Section of the Stud Book ou Livre Genealogique des animaux Mulassiers du Poitou.	Société Centrale d'Agriculture des Doux-Sevres, M. Marcel Moreau, president, 4 rue Vielle-Rose, Niort, France.

SHEEP

Border Leicester	Border Leicester Flock Book	Society of Border Leicester Sheep Breeders, Robert Jarvis, secretary, 93 Hope St., Glasgow, C. 2, Scotland.
Cheviot	Cheviot Sheep Flock Book	Cheviot Sheep Society, Guy H. Armstrong, secretary, Commercial Bank Buildings, Hawick, Scotland.
Corriedale	The Flock Book for Corriedale Sheep in Australia.	The Australian Corriedale Association, H. T. C. Woodfull, secretary, Temple Court, 422 Collins St., Melbourne, C. 1, Australia.
Do	Corriedale Flock Book (New Zealand).	The Corriedale Sheep Society, Inc., C. H. Lawrence, secretary, 154 Hereford St., Christchurch, New Zealand.
Dorset Horn	Dorset Horn Flock Book	Dorset Horn Sheep Breeders' Association, E. F. B. Lucas, secretary, Bank Chambers, Dorchester, Dorset, England.
Hampshire Down	Hampshire Down Flock Book	Hampshire Down Sheep Breeders' Association, Mrs. W. Garrett, secretary, 38 Endless St., Salisbury, Wilts., England.
Kent or Romney Marsh.	Kent or Romney Marsh Flock Book.	Kent or Romney Marsh Sheep Breeders' Association, G. W. Tuffrey, secretary, Dover Place, Ashford, Kent, England.
Kerry Hill	Kerry Hill Flock Book	Kerry Hill (Wales) Flock Society, Morris, Marshall & Poole, secretaries, Newtown, Montgomeryshire, England.
Leicester	Leicester Flock Book	Leicester Sheep Breeders' Association, P. S. Atkinson, secretary, The Exchange, Exchange St., Driffield, E. Yorks, England.
Lincoln	Flock Book of Lincoln Longwool Sheep.	Lincoln Longwool Sheep Breeder's Association, Brian Shelley, secretary, 184 High St., Lincoln, England.
Oxford Down	Flock Book Oxford Down Sheep.	Oxford Down Sheep Breeders' Association, L. E. Deacon, secretary, 18 Fir Tree Walk, Weston Favell, Northampton, England.
Romney Marsh	The New Zealand Romney Marsh Flock Book.	New Zealand Romney Marsh Sheep Breeders' Association, Inc., Richard J. J. Campbell, secretary, 117 Kimbolton Rd., Feilding, New Zealand.
Ryeland	Ryeland Flock Book	Ryeland Flock Book Society, Ltd., Glynne Hastings, secretary, 2 St. Nicholas St., Hereford, England.
Shropshire	Shropshire Flock Book	Shropshire Sheep Breeders' Association and Flock Book Society, Ivor Guy Mansell, secretary, College Hill, Shrewsbury, Shropshire, England.
Southdown	Southdown Flock Book	Southdown Sheep Society, Inc., R. G. Noakes, secretary, 33 High St., Maidstone, Kent, England.

SHEEP—Continued

Name of breed	Book of record	By whom published
Suffolk	Suffolk Flock Book	Suffolk Sheep Society, Harry A. Byford, secretary, 42 Westgate St., Ipswich, England.
Wensleydale	Wensleydale Longwool Sheep Flock Book.	The Wensleydale Longwool Sheep Breeders' Association, W. Dickinson, secretary, The Gardens, Ulverston, Lancashire, England.
Various recognized breeds.	New Zealand Flock Book	New Zealand Sheep Breeders' Association, M. E. Lyons, secretary, P. O. Box 296, Christchurch, C. 1, New Zealand.
Do	Flock Book for British Breeds of Sheep in Australia.	The Australian Society of Breeders of British Sheep, H. T. C. Woodfull, secretary, Temple Court, 422 Collins St., Melbourne, C. 1, Australia.

GOATS

Saanen and Toggenburg.	British Goat Society Herd Book (Saanen and Toggenburg Sections).	British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England.

HOGS

Irish Large White	Herd Book of Irish Large White Pigs.	Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland.
Berkshire, Gloucestershire Old Spots, Large Black, Large White, Middle White, Tamworth, Wessex Saddleback.	Herd Book of the National Pig Breeders' Association.	National Pig Breeders' Association, R. F. Johnson, secretary, 69 Clarendon Road, Watford, Herts., England.

DOGS

Boxer	Boxer-Zuchtbuch	Boxer-Klub e. V. Sitz München, Heinrich Zimmermann, president, 38 Otkerstrasse, Munchen 9, Germany.
Dachshund	Teckel Stammbuch	Deutscher Teckelklub e. V., Josef Chateau, studbook keeper, Duisburg, Rhineland, Moselstrasse 7, Germany.
Foxhound	Foxhound Kennel Stud Book	Masters of Foxhounds Association, J. W-Fitzwilliam, secretary, 51 Victoria St., London, S. W. 1, England.
Do	Welsh Hound Stud Book	Welsh Hound Association, Islwyn E. E. Davies, Hon. secretary, Berthddu, Llandinam, Montgomeryshire, East Wales.
German Shepherd.	Reichs-Zuchtbuch (Abteilung Deutsche Schäferhunde).	Verein für deutsche Schäferhunde (SV), Hanns Kremhelmer, secretary, Ulmerstr. 3, Augsburg 3, Germany.
Great Dane	Stammbuch für Deutsche Doggen.	Deutscher Doggen Club, Richard Staadt, president, Solingen Ohligs, Ellerstrasse 25, Germany.
Greyhound	Australian Greyhound Stud Book.	The Australian and New Zealand Greyhound Association, Robert John Maidment, 349 Collins St., Melbourne, C. 1, Australia.
Do	Greyhound Stud Book	National Coursing Club, Sydney H. Dalton, secretary, 11 Haymarket, London, S. W. 1, England.
Do	Irish Greyhound Stud Book	Irish Coursing Club, Arthur J. Morris, secretary, Davis Road, Clonmel, Co. Tipperary, Ireland.
Harrier and Beagle.	Harrier and Beagle Stud Book	Association of Masters of Harriers and Beagles, J. Pawle, Hon. secretary, Little Havers, Bishop's Stortford, England.
Rottweiler	Reichs-Zuchtbuch (Abteilung; Rottweiler).	Allgemeiner Deutscher Rottweiler-Klub, Mrs. Josefine Rieble, secretary, Stuttgart-West, Vorsteigstrasse 5, Germany.
St. Bernard	Bernhardiner-Zuchtbuch	St. Bernhards-Klub e. V., Franz Hrachowina, studbook keeper, München 12, Bergmannstrasse 35, Germany.
Various recognized breeds.	Irish Kennel Club Stud Book	Irish Kennel Club, Maud Catherine Fox, secretary, 23 Eden Quay, Dublin, C. 8, Ireland.
Do	Kennel Club Studbook	English Kennel Club, E. Holland Buckley, secretary, 84 Piccadilly, London, W. 1, England.
Do	Livre des Origines Français	Société Centrale Canine pour l'Amelieration des Races de Chiens en France, Col. Raoul Nicole, administrative director, 3 Rue de Choiseul, Paris 2, France.
Do	Livre des Origines de la Société Royale Saint-Hubert.	Société Royale Saint-Hubert, R. Willocq, secretary, 391 Chaussee Saint-Pierre, Brussels 4, Belgium.
Do	Norsk Kennelklubs Stambok	Norsk Kennel Klub, E. F. Gjersoe, Jr., secretary, Skippergaten 22, Oslo, Norway.
Do	Reichs-Zuchtbuch Abteilung; Fachschaft für Terrier e. V.	Klub für Terrier, Günter Ruppert, secretary, Kelsterbach Main, Schone Aussicht 9, Postfach 23, Germany.

DOGS—Continued

Name of breed	Book of record	By whom published
Various recognized breeds.	Schweizerisches Hunde-Stammbuch.	Schweizerische Kynologischen Gesellschaft, Carl Wittwer secretary, Seestrasse 64, Kilchberg/Zurich, Switzerland.
Do	Svenska Kennelklubbens Stambok.	Svenska Kennelklubben, Capt. Ivan Swedrup, secretary, Linnegatan 25, Stockholm, Sweden.

CATS

Long-haired and short-haired.	Register of the Governing Council of the Cat Fancy.	The Governing Council of the Cat Fancy, W. A. Hazeldine, 1 Roundwood Way, Banstead, Surrey, England.

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the branch to be of the same breed: *Provided further,* That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle, Canadian or Arabian breeds in Canada shall be certified under the Act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

Cattle	Sheep	Horses	Hogs	Goats
Aberdeen-Angus.	Blackface.	American Saddle Horse.	Berkshire.	Alpine.
Ayrshire.	Cheviot.	Arabian.	Chester White.	Angora.
Brown Swiss.	Corriedale.	Belgian Draft.	Duroc-Jersey.	Nubian.
Canadian.	Cotswold.	Canadian.	Hampshire.	Saanen.
Galloway.	Dorset Horn	Clydesdale	Large Black.	Toggenburg.
Guernsey	Hampshire.	Hackney.	Poland China.	
Hereford.	Karakul.	Percheron.	Tamworth.	
Highland.	Kerry Hill.	Shetland Pony.	Yorkshire.	
Jersey.	Leicester.	Shire.		
Red Poll.	Lincoln.	Standardbred.		
Shorthorn.	Merino.	Suffolk.		
Shorthorn (Lincolnshire Red).	Oxford Down.	Thoroughbred.		
	Rambouillet.	Welsh Pony and Cob.		
	Ryeland.			
	Shropshire.			
	Southdown.			
	Suffolk.			

(2) *Holstein-Friesian cattle in Canada.* The Holstein-Friesian Association of Canada, Brantford, Ontario, Canada, of which G. M. Clemons is secretary and editor, is recognized for the Holstein-Friesian breed registered in the Holstein-Friesian Herd Book of that Association.

(3) *Dogs in Canada.* The Stud Book of the Canadian Kennel Club, Incorporated (Canadian National Live Stock Records) is recognized for all the breeds of dogs registered therein: *Provided,* That no dog so registered shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian Kennel Club, Incorporated, is submitted for such dog.

§ 151.10 *Recognition of additional breeds and books of record.* Before a breed or a book of record shall be added to those listed in this part, the custodian of the book of record involved shall submit to the branch a complete set of the published volumes of that book up to date of application, together with a copy of all rules and forms in force on said date affecting the registration of animals in said book.

The revision amends the definition of "purebred" to include sheep of a recognized breed which originate in a flock

for which available breeding data establishes that the flock has been in existence at least ten years. It recognizes the book of record of purebred Arabian and Thoroughbred horses entitled "Registro Genealogico Nacional de Caballos S. P. C." and requires that no Shetland or Welsh Pony shall be certified under the Act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the breed is submitted for such animal. The revision also incorporates certain corrections in the names, custodianship, and addresses of the associations sponsoring or publishing books of record, and makes several other changes in the regulations for clarity.

The foregoing regulations shall become effective on October 4, 1955.

Done at Washington, D. C., this 26th day of August 1955.

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

[F. R. Doc. 55-7093; Filed, Sept. 2, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6300]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. J. EINBENDER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or service; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 13.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* In connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the offering for sale, sale, advertising, transportation, or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is the fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; (f) the name of the country of origin of any imported furs used in the fur product; (2) setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in (A) (1) (a) above; (3) setting forth on labels attached to fur products: (a) Non-required information mingled with required information; (b) required information in handwriting; (B) Falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is the fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (e) the name and address of the person issuing such invoices; (f) the name of the country of origin of any imported furs contained in the fur product; (C) Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose: (a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (c) the name of the country of origin of any imported furs contained in fur products; (2) contains the name or names of any animal or animals other than the name or names provided for in (C) (1) (a) above; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, A. J. Einbender et al. t. a. Einbenders, etc., St. Joseph, Mo., Docket 6300, July 16, 1955]

In the Matter of A. J. Einbender, Sylvia B. Einbender, Lester L. Einbender, and Edwin I. Einbender, Individually and as Copartners Trading as Einbenders and The Vogue

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair methods of competition and unfair acts and practices in commerce, in violation of the provisions of the Federal Trade Commission Act, the Fur Products Labeling Act, and the rules and regulations promulgated under the latter; and upon a stipulation which respondents entered into with counsel supporting the complaint, after answering the same, which provided for the entry of a consent order disposing of all the issues in the proceeding and which was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's rules of practice.

Respondents, pursuant to the aforesaid stipulation, admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and it was further provided that the answer theretofore filed in the proceeding by respondents be withdrawn, that all parties expressly waived a hearing before the hearing examiner or the Commission, and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission, and that respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order.

Respondents also agreed that the said stipulation, together with the complaint, should constitute the whole record in the matter, and it was further stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation; that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint; and that said stipulation was subject to approval in accordance with Rules V and XXII of the Commission's rules of practice, and that said order should have no

force and effect unless and until it became the order of the Commission.

As respects respondents' alleged operation as "The Vogue", counsel supporting the complaint in transmitting said stipulation to the hearing examiner stated that it was his belief that said respondents do not own and operate "The Vogue" as a branch store of "Einbenders" in the sale of fur garments, as alleged in the complaint, and that as a consequence, the order in said stipulation did not contain the name of "The Vogue", but that, in his opinion, the said order included within its purview any possible violation of the Fur Act by any of respondents under any name including "The Vogue".

Thereafter the proceeding having come on for final consideration by said hearing examiner on the complaint and the aforesaid stipulation for consent order, said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that said stipulation provided for an appropriate disposition of the proceeding and his acceptance thereof; his order that the same be filed as a part of the record in the matter and his permission to respondents to withdraw their said answer; his findings for jurisdictional purposes, including his findings as to respondents, that the Commission had jurisdiction of the subject matter of the proceeding and of said respondents, and that the complaint stated a cause of action against said respondents under the Federal Trade Commission Act and the Fur Products Labeling Act; and that the proceeding was in the public interest; and in which he issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated June 30, 1955, became, on July 16, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents A. J. Einbender, Sylvia B. Einbender, Lester L. Einbender, and Edwin I. Einbender, individually and as copartners trading and doing business under the firm name of Einbenders, or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the offering for sale, sale, advertising, transportation, or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

(2) Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (1) (a) above.

(3) Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

b. Required information in handwriting.

B. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(1) Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

c. The name of the country of origin of any imported furs contained in fur products.

(2) Contains the name or names of any animal or animals other than the name or names provided for in paragraph C (1) (a) above.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents A. J. Einbender, Sylvia B. Einbender, Lester L. Einbender, and Edwin I. Einbender, individually and as copartners trading as Einbenders, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 30, 1955.

By the Commission.

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

[F. R. Doc. 55-7162; Filed, Sept. 2, 1955; 8:52 a. m.]

[Docket 6315]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL SALES AND SERVICE CO. AND GRECO MANUFACTURING CO.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings;* § 13.115 *Jobs and employment service;* § 13.200 *Sample, offer or order conformance;* § 13.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1530 *Producer status of dealer.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1935 *Earnings;* § 13.1995 *Job guarantee and employment:* § 13.2040 *Returns and reimbursements;* § 13.2060 *Sample, offer or order conformance;* § 13.2080 *Terms and conditions;* § 13.2090 *Undertakings, in general.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 13.2120 *Dealer or seller assistance;* § 13.2130 *Earnings;* § 13.2147 *Sample, offer or order conformance;* § 13.2165 *Terms and conditions.* In connection with the offering for sale, sale, and distribution of vending machines, vending machine supplies, greeting card display equipment, greeting cards, or other merchandise, in commerce: (1) Using advertisements which represent directly or by implication that employment is offered by respondent to selected persons when in fact the real purpose of the advertisement is to obtain purchasers for respondent's products; (2) representing that the cash investment required to purchase respondent's products is secured, either by an inventory of merchandise or otherwise or is for use as working capital; (3) representing as customary or regular earnings or profits to be derived from the operation of respondent's vending machines or greet-

ing card display equipment any amount in excess of that which has in fact been customarily and regularly earned by operators of such machines and display equipment; (4) representing that no selling will be required of persons purchasing respondent's products; (5) representing that respondent will obtain satisfactory locations for said vending machines and greeting card display equipment, unless such locations are in fact obtained by respondent; (6) representing that the territory allotted purchasers of such machines or display equipment is exclusive, unless respondent does in fact refrain from selling said merchandise and display equipment to other purchasers for operation in such designated territory; (7) representing that respondent will refund the purchase money, less only a very nominal discount, to any dissatisfied purchaser of respondent's products, or will dispose of or assist in disposing of such products in the event the venture is not profitable; (8) representing that respondent is a manufacturer or producer of the products he offers for sale if such is not the fact; (9) representing that purchasers of respondent's products are protected by a liability insurance policy in the event any of such products causes injuries to any person; and (10) representing that respondent will give financial assistance to purchasers for expansion purposes; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Robert L. Kniffen t. a. National Sales and Service Company, etc., Fort Wayne, Ind., Docket 6315, July 21, 1955]

In the Matter of Robert L. Kniffen, an Individual Trading as National Sales and Service Company and as Greco Manufacturing Company

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondent with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act, in connection with the sale and distribution of vending machines, vending machine supplies, greeting card display equipment, and greeting cards, through seeking purchasers for his said products in the guise of offering employment as salesmen and through other misrepresentations; and, following the filing of respondent's answer, upon a stipulation for a consent order disposing of all the issues in the proceeding, which stipulation was duly approved by the Director and Assistant Director of the Bureau of Litigation, and which expressly provided that the signing thereof was for settlement purposes only and did not constitute an admission by respondent that he had violated the law as alleged in the complaint.

By the terms of said stipulation, the respondent admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; and all parties expressly waived the filing of answer, a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which the respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

By said stipulation, respondent further agreed that the order to cease and desist, issued in accordance with said stipulation, should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of such order, and it was further provided that said stipulation, together with the complaint, should constitute the entire record in the matter, that the complaint therein might be used in construing the terms of the order issued pursuant to said stipulation, and that said order might be altered, modified, or set aside in the manner prescribed by the statute for orders of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and that he had considered such stipulation and the order therein contained; his conclusion that said stipulation and order provided for appropriate disposition of the proceeding and his acceptance thereof, which he made a part of the record; and his findings, in consonance with the terms of said stipulation, that the Commission had jurisdiction of the subject matter of the proceeding and of said respondent, and that the proceeding was in the interest of the public; and in which he issued cease and desist order.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated June 30, 1955, became, on July 21, 1955, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, Robert L. Kniffen, an individual, trading as National Sales and Service Company or Greco Manufacturing Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of vending machines, vending machine supplies, greeting card display equipment, greeting cards, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using advertisements which represent directly or by implication that employment is offered by respondent to selected persons when in fact the real purpose of the advertisement is to obtain purchasers for respondent's products.

2. Representing that the cash investment required to purchase respondent's products is secured, either by an inventory of merchandise or otherwise or is for use as working capital.

3. Representing as customary or regular earnings or profits to be derived from the operation of respondent's vending machines or greeting card display equipment any amount in excess of that which has in fact been customarily and regularly earned by operators of such machines and display equipment.

4. Representing that no selling will be required of persons purchasing respondent's products.

5. Representing that respondent will obtain satisfactory locations for said vending machines and greeting card display equipment, unless such locations are in fact obtained by respondent.

6. Representing that the territory allotted purchasers of such machines or display equipment is exclusive, unless respondent does in fact refrain from selling said merchandise and display equipment to other purchasers for operation in such designated territory.

7. Representing that respondent will refund the purchase money, less only a very nominal discount, to any dissatisfied purchaser of respondent's products, or will dispose of or assist in disposing of such products in the event the venture is not profitable.

8. Representing that respondent is a manufacturer or producer of the products he offers for sale if such is not the fact.

9. Representing that purchasers of respondent's products are protected by a liability insurance policy in the event any of such products causes injuries to any person.

10. Representing that respondent will given financial assistance to purchasers for expansion purposes.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 30, 1955.

By the Commission.

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

[F. R. Doc. 55-7161; Filed, Sept. 2, 1955; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DEFINITIONS OF TERMS USED IN THE ACT

The Securities and Exchange Commission announced today the adoption of § 230.134 (Rule 134) which would specify the information required and permitted to be included in a notice, circular, advertisement, letter or other communica-

tion with respect to a security when published or transmitted to any person after a registration statement has been filed prior to the delivery of a prospectus meeting the requirements of section 10. Such a communication is not deemed to constitute a "prospectus" as defined in section 2 (10) of the act when limited to the information specified in the rule but would be subject to the provisions of section 17 of the act. The rule is adopted pursuant to sections 2 (10) (b) and 19 (a) of the act.

Communications used pursuant to the new rule must be limited to simple statements of fact identifying the security and the nature of the offering. Financial information or detailed descriptions of the business or the security may not be included. Such information is to be furnished to prospective investors by means of a prospectus meeting the requirements of section 10 of the act.

Section 230.135 (Rule 135) provides that a notice or other communication sent by an issuer to security holders to inform them of the proposed issuance of rights to subscribe to additional securities shall not be deemed to offer any security for sale if the communication is transmitted within 60 days prior to the record date, states that the offering will be made only by the prospectus and in addition contains only certain specified information necessary to inform the security holders of the forthcoming offering. The rule is in the nature of an interpretative rule and in substance gives specific authority for a practice which has been followed without objection by the Commission. This rule was adopted pursuant to section 19 (a) of the act.

The text of §§ 230.134 and 230.135 is as follows:

§ 230.134 *Communications not deemed a prospectus.* The term "prospectus" as defined in section 2 (10) of the act shall not include a notice, circular, advertisement, letter, or other communication published or transmitted to any person after a registration statement has been filed if it contains only the statements required or permitted to be included therein by the following provisions of this section:

(a) Such communication may include any one or more of the following items of information, which need not follow the numerical sequence of this paragraph:

(1) The name of the issuer of the security;

(2) The full title of the security and the amount being offered;

(3) A brief indication of the general type of business of the issuer, limited to the following:

(i) In the case of a manufacturing company, the general type of manufacturing and the principal products or classes of products manufactured;

(ii) In the case of a public utility company, the general type of services rendered and a brief indication of the area served;

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics; and

(iv) In the case of any other type of company, a corresponding statement;

(4) The price of the security, or if the price is not known, the method of its determination or the probable price range as specified by the issuer or the managing underwriter;

(5) In the case of a debt security with a fixed (non-contingent) interest provision, the yield or, if the yield is not known, the probable yield range, as specified by the issuer or the managing underwriter;

(6) The name and address of the sender of the communication and the fact that he is participating, or expects to participate, in the distribution of the security;

(7) The names of the managing underwriters;

(8) The approximate date upon which it is anticipated the proposed sale to the public will commence;

(9) Whether, in the opinion of counsel, the security is a legal investment for savings banks, fiduciaries, insurance companies, or similar investors under the laws of any State or Territory or the District of Columbia;

(10) Whether, in the opinion of counsel, the security is exempt from specified taxes, or the extent to which the issuer has agreed to pay any tax with respect to the security or measured by the income therefrom;

(11) Whether the security is being offered through rights issued to security holders, and, if so, the class of securities the holders of which will be entitled to subscribe, the subscription ratio, the actual or proposed record date, the date upon which the rights were issued or are expected to be issued, the actual or anticipated date upon which they will expire, and the approximate subscription price, or any of the foregoing;

(12) Any statement or legend required by any state law or administrative authority.

(b) Except as provided in paragraph (c) of this section, every communication used pursuant to this section shall contain the following:

(1) If the registration statement has not yet become effective, the following statement:

A registration statement has been filed under the Federal Securities Act of 1933 with respect to these securities. They may not be sold nor may offers to buy them be accepted before the registration statement becomes effective. This (communication) shall not constitute an offer to sell or the solicitation of an offer to buy the securities in any State in which such offer or solicitation would be unlawful prior to registration or qualification under the laws thereof.

(2) A statement whether the security is being offered in connection with a distribution by the issuer or by a security holder, or both, and whether the issue represents new financing or refunding or both; and

(3) The name and address of a person or persons from whom a written prospectus meeting the requirements of section 10 of the act may be obtained.

(c) Any of the statements or information specified in paragraph (b) of this section may, but need not, be contained in a communication: (i) Which does no more than state from whom a written prospectus meeting the requirements of Section 10 of the Act may be obtained, identify the security, state the price thereof and state by whom orders will be executed; or (ii) which is accompanied or preceded by a prospectus or a summary prospectus which meets the requirements of section 10 of the act at the date of such preliminary communication.

(d) A communication sent or delivered to any person pursuant to this rule which is accompanied or preceded by a prospectus which meets the requirements of section 10 of the act at the date of such communication, may solicit from the recipient of the communication an offer to buy the security or request the recipient to indicate, upon an enclosed or attached coupon or card, or in some other manner, whether he might be interested in the security, if the communication contains substantially the following statement:

No offer to buy the securities can be accepted and no part of the purchase price can be received until the registration statement has become effective, and any such offer may be withdrawn or revoked, without obligation or commitment of any kind, at any time prior to notice of its acceptance given after the effective date. An indication of interest in response to this advertisement will involve no obligation or commitment of any kind.

Provided, That such statement need not be included in such a communication to a dealer if the communication refers to a prior communication to the dealer, with respect to the same security, in which the statement was included.

§ 230.135 *Notice to security holders of proposed offering.* For the purposes only of section 5 of the act, a notice or other communication sent by an issuer to the holders of any class of its securities for the purpose of advising them that it proposed to issue to such holders rights to subscribe to other securities shall not be deemed to offer any security for sale provided such notice or other communication:

(a) Is sent not more than 60 days prior to the proposed record date for determining the security holders entitled to subscribe to the securities;

(b) States that the offering will be made only by means of a prospectus which will be furnished to security holders; and

(c) Contains no more than the following information:

(1) The name of the issuer;

(2) The title of the security proposed to be offered.

(3) The class of securities the holders of which will be entitled to subscribe to the securities proposed to be offered, the subscription ratio; the proposed record date, the approximate date upon which the rights are proposed to be issued, the proposed term or expiration date of the rights and the approximate subscription price, or any of the foregoing; and

(4) Any statement or legend required by State law or administrative authority.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interpret or apply sec. 2 (10), 48 Stat. 75; 15 U. S. C. 77b (10))

Inasmuch as the use of communications pursuant to § 230.134 (Rule 134) is not mandatory and since the rule relieves a restriction, it may be made effective immediately. The Commission finds that § 230.135 (Rule 135) is in the nature of an interpretative rule, that notice and procedure pursuant to section 4 of the Administrative Procedure Act is not required, and that such rule may be made effective immediately. Accordingly, both of the foregoing rules shall become effective immediately upon publication August 29, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 25, 1955.

[F. R. Doc. 55-7141; Filed, Sept. 2, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 542—SCHOOLS AND COLLEGES

MISCELLANEOUS AMENDMENTS

Paragraph (a) of § 542.1 is revised; in § 542.6, paragraph (a) is revoked and paragraph (b) is revised; and paragraph (a) of § 542.8 is revised, as follows:

§ 542.1 *Military authority*—(a) *Secretary of the Army.* All matters pertaining to the coordination and supervision of military instruction at institutions conducting military training under the provisions of section 55c of the National Defense Act (55c units) are vested in the Secretary of the Army. Specifically, the Assistant Chief of Staff, G-3, is charged with General Staff supervision of all matters relating to policy, instruction, training, establishment and inspection of military units at educational institutions. The Commanding General, Continental Army Command, is responsible for the implementation of General Staff training policies for the military training conducted under the provisions of the act of Congress cited above. The Adjutant General is the administrative agency of the Department of the Army for matters pertaining to 55c units.

* * * * *

§ 542.6 *Military training and instruction*—(a) *Prescribed course.* [Revoked.]

(b) *General.* Every effort will be made to offer to students a progressive course of military instruction which will follow, as nearly as the facilities of the institution and available equipment will permit, the program of instruction prescribed by the Commanding General, Continental Army Command. Professors of military science and tactics may obtain training literature and training aids listed in the prescribed program of instruction by submitting requests through appropriate military channels. Additional equipment, over and above that authorized in § 542.13, will not be issued for this purpose without prior approval of the Department of the Army. This program will be studied carefully and the policy and method of training outlined therein will be adhered to as carefully as practicable.

* * * * *

§ 542.8 *Credit for training.* (a) Students who complete the minimum program of instruction prescribed by the Commanding General, Continental Army Command, will be eligible to receive credit not to exceed the first year of the senior division ROTC, as determined by the professor of military science and tactics and the head of the senior division institution, provided the course was conducted under the direction of a professor of military science and tactics who is a retired or Reserve officer of the Army not on active duty.

* * * * *

[C4, AR 350-250, 15 Aug. 1955] (41 Stat. 780; 10 U. S. C. 1180, 1181)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-7125; Filed, Sept. 2, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 55-37]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

PART 74—CHARGES FOR PLACEMENT OF TEMPORARY AIDS

REVISION OF STANDARD CHARGES

The amendments to the regulations in this document revise the tables on costs and charges for Coast Guard personnel used in the replacement of damaged or destroyed aids to navigation to reflect the increase in costs due to the Career Incentive Act of 1955 (Public Law 20, 84th Cong.). Because of the urgency of fairly and equitably settling current claims arising in the performance of such work, as well as anticipated claims, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-3 (18 F. R. 2962) to promulgate regulations in accordance with 14 U. S. C. 186, 92, 633, 642, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

1. Section 70.05-50 is amended to read as follows:

§ 70.05-50 *Table of charges.* Charges for preparation of a replacement aid, and charges for vessel time as indicated in § 70.05-45 shall be in accordance with the following table:

TABLE A—STANDARD CHARGES

Type of aid	Preparation of replacement aid	Vessel time per hour according to § 70.05-45 (d)
1. Lighted buoy for exposed station, with or without sound	$47.00	$56.00
2. Bell, gong or whistle buoys, unlighted	23.00	56.00
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	42.00	56.00
4. Lighted buoy (7' or less) for sheltered station, with or without sound	38.00	19.00
5. Can or nun buoys (1st and 2d class), except river type	9.00	19.00
6. Can or nun buoys (3d class), except river type	7.00	6.00
7. Wooden spar buoy, any class	7.00	19.00
8. River type buoy	4.00	6.00
9. Lighting apparatus (only)	14.00	6.00

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

2. Section 74.01-1 is amended to read as follows:

§ 74.01-1 *Table of charges.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 62.10-5 (c), 64.15-1, and 64.15-5 of this subchapter, shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound	$47.00	$53.00
2. Bell, gong or whistle buoys, unlighted	23.00	14.00
3. Lighted buoy (8' or 9') for sheltered station, with or without sound	42.00	42.00
4. Lighted buoy (7' or less) for sheltered station, with or without sound	38.00	27.00
5. Can or nun buoys (1st and 2d class), except river type	9.00	4.00
6. Can or nun buoys (3d class), except river type	7.00	2.00
7. Wooden spar buoy, any class	7.00	1.00
8. River type buoy	4.00	1.00
9. Lighting apparatus (only)	14.00	26.00

(63 Stat. 501, 503, 545, 547; 14 U. S. C. 86, 92, 633, 642)

Dated: August 29, 1955.

[SEAL] J. A. HIRSHFIELD, *Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 55-7159; Filed, Sept. 2, 1955; 8:52 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.245 (j) governing the operation of certain drawbridges where constant attendance of draw tenders is not

required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is amended by addition of subparagraph (8–a) as follows:

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

(j) *Waterways discharging into the Gulf of Mexico west of Mississippi River.* * * *

(8–a) Bayou Courtableau, La.; Texas and New Orleans Railroad Company bridge at Washington. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * *

[Regs., Aug. 17, 1955, 823.01 (Bayou Courtableau, La.)—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 (f), governing the operation of drawbridges across the Mississippi River and tributaries, where constant attendance of draw tenders is not required, is hereby amended to provide for openings of the Chicago, Rock Island and Pacific Railway Company bridge across the Arkansas River at Little Rock, Arkansas, on 48 hours' advance notice; to include all drawbridges across the St. Francis River, Arkansas; and to include all drawbridges across Obion and Hatchie Rivers, Tennessee, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Lower Mississippi River.* * * *

(18) Arkansas River, Ark.; The Chicago, Rock Island and Pacific Railway Company Bridge at McClean Street, Little Rock. At least 48 hours' advance notice required to be given to the Chicago, Rock Island and Pacific Railway Company Dispatcher, Little Rock, Arkansas.

* * * * *

(27) St. Francis River, Ark.; Missouri Pacific Railroad Company bridge at Cody. At least 72 hours' advance notice required to be given to the trainmaster or dispatcher of the Missouri Pacific Railroad Company at Wynne, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without any further notice.

(28) St. Francis River, Ark.; Arkansas State Highway bridge at Cody, Arkansas State Highway bridge at Madison, and Arkansas State Highway bridge near Madison. At least 72 hours' advance notice required to be given to the Division Maintenance Superintendent, Division No. 1, Arkansas State Highway Department, Wynne, Arkansas. Whenever any vessel passing through any one of these bridges intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without any further notice.

(29) St. Francis River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Madison. At least 72 hours' advance notice required to be given to the trainmaster or dispatcher of the Chicago, Rock Island and Pacific Railroad Company at Little Rock, Ark. Whenever any vessel passing through the bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without any further notice.

(30) St. Francis River, Ark.; Cross County Road Improvement District No. 1 bridge at Parkin, Arkansas State Highway bridge at Marked Tree, St. Louis-San Francisco Railway Company bridge near Marked Tree, St. Louis-Southwestern Railway Lines bridge at Lunsford, Arkansas State Highway bridge at Lake City, St. Louis-Southwestern Railway Lines bridge at Bertig, St. Louis-San Francisco Railway Company bridge at West Kennett, St. Louis-Southwestern Railway Lines bridge at St. Francis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(31) Hatchie River, Tenn.; Illinois Central Railroad bridge at Rialto and Louisville and Nashville Railroad Company bridge at Shepp. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(32) Obion River, Tenn.; Dyer County highway bridges at Bradley Ferry, McCleres Ferry and Lanes Ferry, and Illinois Central Railroad bridge at Lenox. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

* * * * *

[Regs., 15, 17, and 19 Aug. 1955, 823.01—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-7126; Filed, Sept. 2, 1955; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 53, Narcotic Regs. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

FINDING AND DESIGNATION OF NARCOTIC DRUGS AND COMPOUNDS OF NARCOTIC DRUGS SUBJECT TO ORAL PRESCRIPTION PROCEDURE

Pursuant to authority delegated by Treasury Department Order No. 180–2 (19 F. R. 6399), and under section 7 of the act of August 31, 1954 (68 Stat. 1001; 26 U. S. C. 4705), and article 172 of Narcotic Regulations 5 (26 CFR 151.172; 20 F. R. 1132), the following narcotic drugs and compounds of narcotic drugs are hereby found and designated to possess relatively little or no addiction liability:

§ 151.172a *Narcotic drugs and compounds for which oral prescription is authorized.* (a) Any isoquinoline alkaloid of opium or any salt of any such isoquinoline alkaloid, alone or in combination with other active, non-narcotic medicinal ingredients.

(b) Apomorphine or any salt thereof, alone or in combination with other active, non-narcotic medicinal ingredients.

(c) N-allyl-normorphine (Nalorphine, Nalline) or any salt thereof, alone or in combination with other active, non-narcotic medicinal ingredients.

(d) Any compound consisting of methylmorphine (codeine) or of any salt thereof with an equal or greater quantity of any isoquinoline opium alkaloid or salt thereof, where the content of methylmorphine or any salt thereof does not exceed eight grains per fluid ounce or one grain per dosage unit of the compound.

(e) Any compound consisting of methylmorphine (codeine) or of any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of methylmorphine or salt thereof does not exceed eight grains per fluid ounce or one grain per dosage unit of the compound.

(f) Any compound consisting of dihydrocodeinone (Hydrocodone, Dicodid, Hycodan) or of any salt thereof with a four-fold or greater quantity of any isoquinoline opium alkaloid or salt thereof, where the content of dihydrocodeinone or any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

(g) Any compound consisting of dihydrocodeinone (Hydrocodone, Dicodid, Hycodan) or any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of dihydrocodeinone or of any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

(h) Any compound consisting of dihydrohydroxycodeinone (Oxycodone, Eucodal) or any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of dihydrohydroxycodeinone or of any salt thereof does not exceed two-thirds grains per fluid ounce or one-twelfth grain per dosage unit of the compound.

(i) Any compound consisting of ethylmorphine (Dionin) or of any salt thereof with one or more active, nonnarcotic ingredients in recognized therapeutic amounts, where the content of ethylmorphine or any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

Because the finding and designation made by this Treasury decision relieves restrictions, it is found unnecessary to

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

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

(68 Stat. 1001; 26 U. S. C. 4705)

[SEAL] G. W. CUNNINGHAM,
Acting Commissioner of Narcotics.

SEPTEMBER 1, 1955.

[F. R. Doc. 55–7200; Filed, Sept. 2, 1955; 8:56 a. m.]

Subchapter F—Procedure and Administration

[T. D. 6142]

PART 301—PROCEDURE AND ADMINISTRATION

USE OF WHOLE DOLLAR AMOUNTS ON INTERNAL REVENUE FORMS

The following regulations applicable with respect to the taxes imposed by the Internal Revenue Code of 1954 are hereby prescribed under section 6102 of such Code:

§ 301.6102 *Statutory provisions; computations on returns or other documents.*

SEC. 6102. *Computations on returns or other documents*—(a) *Amounts shown on internal revenue forms.* The Secretary or his delegate is authorized to provide with respect to any amount required to be shown on a form prescribed for any internal revenue return, statement, or other document, that if such amount of such items is other than a whole-dollar amount, either—

(1) The fractional part of a dollar shall be disregarded; or

(2) The fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by $1.

(b) *Election not to use whole dollar amounts.* Any person making a return, statement, or other document shall be allowed, under regulations prescribed by the Secretary or his delegate, to make such return, statement, or other document without regard to subsection (a).

(c) *Inapplicability to computation of amount.* The provisions of subsections (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on a form, but shall be applicable only to such final amount.

§ 301.6102–1 *Computations on returns or other documents*—(a) *Amounts shown on forms.* To the extent permitted by any internal revenue form or instructions prescribed for use with respect to any internal revenue return, declaration, statement, other document, or supporting schedules, any amount required to be reported on such form shall be entered at the nearest whole dollar amount. The extent to which, and the conditions under which, such whole dollar amounts shall be entered on any form will be set forth in the instructions issued with respect to such form. For the purpose of the computation to the nearest dollar, a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by $1. The following illustrates the application of this section:

Exact amount:	*To be reported as—*
$18.49	$18
$18.50	19
$18.51	19

(b) *Election not to use whole dollar amounts*—(1) *Method of election.* Where any internal revenue form, or the instructions issued with respect to such form, provide that whole dollar amounts shall be reported, any person making a return, declaration, statement, or other document on such form may elect not to use whole dollar amounts by reporting thereon all amounts in full, including cents.

(2) *Time of election.* The election not to use whole dollar amounts must be made at the time of filing the return, declaration, statement, or other document. Such election may not be revoked after the time prescribed for filing such return, declaration, statement, or other document, including extensions of time granted for such filing. Such election may be made on any return, declaration, statement, or other document which is filed after the time prescribed for filing (including extensions of time), and such an election is irrevocable.

(3) *Effect of election.* The taxpayer's election shall be binding only on the return, declaration, statement, or other document filed for a taxable year or period, and a new election may be made on the return, declaration, statement, or other document filed for a subsequent taxable year or period. An election by either a husband or a wife not to report whole dollar amounts on a separate income tax return shall be binding on any subsequent joint return filed under the provisions of section 6013 (b).

(4) *Fractional part of a cent.* For treatment of the fractional part of a cent in the payment of taxes, see section 6313 and the regulations thereunder.

(c) *Inapplicability to computation of amount.* The provisions of paragraph (a) of this section apply only to amounts required to be reported on a return, declaration, statement, or other document. They do not apply to items which must be taken into account in making the computations necessary to determine such amounts. For example, each item of receipt must be taken into account at its exact amount, including cents, in computing the amount of total receipts required to be reported on an income tax return or supporting schedule. It is the amount of total receipts, so computed, which is to be reported at the nearest whole dollar on the return or supporting schedule.

(d) *Effect on accounting method.* Section 6102 and this section have no effect on any authorized accounting method.

(68A Stat. 917; 26 U. S. C. 7805. Interpret or apply 68A Stat. 753; 26 U. S. C. 6102)

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

[SEAL] PAUL K. WEBSTER,
Acting Commissioner of Internal Revenue.

Approved: August 29, 1955.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 55–7138; Filed, Sept. 2, 1955; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2–4]

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

FREQUENCY ALLOCATIONS; EDITORIAL CHANGES

The Commission having under consideration the desirability of making certain editorial changes in Part 2, § 2.104 (a) of its rules and regulations; and

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

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and other information;

It is ordered, This 24th day of August 1955, that, effective immediately, Part 2, § 2.104 (a) of the Commission's rules and regulations is amended as set forth below: In § 2.104 (a), renumber footnote US43 to read footnote US30.

Released: August 30, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 48 Stat. 1068, as amended; 47 U. S. C. 303, 155)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55–7164; Filed, Sept. 2, 1955; 8:53 a. m.]

[Rules Amdt. 12–12]

PART 12—AMATEUR RADIO SERVICE

RADIO DISTRICTS; EDITORIAL CHANGES

The Commission having under consideration certain editorial changes in Appendix 1 of part 12 of its rules and regulations; and

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

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 30th day of August 1955, that, effective immediately, Appendix 1 of part 12 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 48 Stat. 1068, as amended; 47 U. S. C. 303, 155)

Released: August 30, 1955.

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

Amend Appendix 1 of Part 12, rules governing amateur radio service, to reflect the following changes in the addresses of the following radio district offices:

Radio District No. 4: 500 McCawley Building, 400 East Lombard Street, Baltimore 2, Md.

Radio District No. 6: 718 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Georgia. Suboffice: P. O. Box 77, 214 Post Office Building, York and Bull Streets, Savannah, Georgia.

Radio District No. 8: 608 Federal Office Building, 600 South Street, New Orleans 12, Louisiana.

Radio District No. 13: 433 New U. S. Courthouse, 620 Southwest Main Street, Portland 5, Oregon.

Radio District No. 14: 802 Federal Office Building, First Avenue and Marion Street, Seattle 4, Washington.

Radio District No. 17: 3100 Federal Office Building, 911 Walnut Street, Kansas City 6E, Missouri.

Radio District No. 23: P. O. Box 644, 53 U. S. Post Office and Courthouse Building, Anchorage, Alaska. Suboffice: P. O. Box 1421, 6 Shattuck Building, Juneau, Alaska.

Radio District No. 24: 104 Briggs Building, 415 22d Street NW., Washington 25, D. C.

[F. R. Doc. 55-7165; Filed, Sept. 2, 1955; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO 238-A4-RO 1]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held at Abilene, Texas, on February 9, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER on February 5, 1955 (20 F. R. 795) on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Central West Texas, marketing area.

The reopened hearing will convene at the Windsor Hotel, Abilene, Texas, October 18, 1955 beginning at 10:00 a. m.

Subjects and issues involved in the hearing. The purpose of the reopened hearing is to afford interested persons the further opportunity to introduce additional evidence with respect to Issue No. 3 of the original hearing which deals with compensatory payments on other source milk allocated to Class I milk and to receive evidence with respect to economic conditions which relate to the provisions specified in the proposals listed below or appropriate modifications thereof. The proposals to amend the order (No. 82), as amended, are as follows:

By the Central West Texas Producers Association.

1. Amend § 982.6 to include the following towns and places in the marketing area: Haskel, Mundy, Knox City, Rule, Rochester and Abilene Air Base, Texas.

2. Consider modifications in the order provisions relative to the base and excess payment plan.

By the Borden Company, Abilene, Texas.

3. Consider amendments to the order included under proposals (1) and (2) above.

4. Consider a provision to provide that other source milk transferred from an approved plant to an unapproved plant may be applied as a credit toward custom bottled milk received from such unapproved plant pursuant to § 982.14 under certain conditions.

By Vandervoorts Dairy, Sweetwater, Texas.

5. Amend § 982.6 to include the following towns and places in the marketing area: Aspermont, Merkel, Tye and Abilene Air Force Base.

By Foremost Dairies, Inc., Dallas, Texas.

6. Delete §§ 982.7 (b), 982.9 (b) and 982.62.

7. Amend §§ 982.53 and 982.91 so as to result in prices for milk at plants located in the vicinity of Lubbock, Texas the same as is applicable at plants located in Midland, Texas and at plants located in the vicinity of Wichita Falls, Texas the same as is applicable at plants located in Abilene, Texas.

8. Amend § 982.52 (b) to read as follows: Class II milk: Multiply such price for the current month by 1.08.

By the Dairy Division:

9. In view of proposals (1), (3) and (5) above, consider amending § 982.6 to include all territory in Taylor County, Texas.

10. Review all other provisions of Order No. 82 in light of the above stated proposals to extend the marketing area.

11. Consider suggestions for changes in the order language which may be appropriate in redrafting and reissuance of the entire order.

Copies of this notice of reopening of hearing, and the order now in effect, may be procured from the Market Administrator, P. O. Box 6525, Medical Center Station, Dallas, Texas, or the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: August 30, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7133; Filed, Sept. 2, 1955; 8:47 a. m.]

[7 CFR Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING REGARDING ESTABLISHMENT OF SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97, as amended, regulating the handling of filberts grown in Oregon and Washington (7 CFR, Part 997), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C. and which are received not later than the close of business on the tenth day after date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business of the next following work day.

Following is a summary of the estimated supply and demand situation for merchantable filberts for the fiscal year beginning August 1, 1955, based on estimates submitted by the Filbert Control Board, the administrative agency for the

marketing agreement and order, and on other information available to the Department:

(1) Merchantable production from the 1955 crop, 9,824,000 pounds; (2) handler carryover August 1, 1955 (not certified for shipment) 3,000 pounds; (3) total merchantable filberts subject to salable and surplus percentages for the fiscal year beginning August 1, 1955, 9,827,000 pounds; (4) trade demand for the 1955–56 fiscal year, 10,000,000 pounds; (5) estimated decrease in certified handler carryover from August 1, 1955 to August 1, 1956, 1,028,000 pounds; (6) estimated increase in trade carryover from August 1, 1955 to August 1, 1956, 293,000 pounds; (7) trade demand to be supplied from merchantable supply subject to regulation, 9,265,000 pounds; (8) salable percentage 94 percent (item 7 divided by item 3); (9) surplus percentage 6 percent; (10) withholding percentage 6 percent (item 8 divided by item 7 rounded to nearest whole number).

Therefore, the proposed administrative rule is as follows:

§ 997.205 *Salable, surplus, and withholding percentages for merchantable filberts.* For the fiscal year beginning August 1, 1955, the salable percentage for merchantable filberts shall be 94 percent, the surplus percentage shall be 6 percent, and the withholding percentage shall be 6 percent.

Issued at Washington, D. C., this 31st day of August 1955.

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

[F. R. Doc. 55–7172; Filed, Sept. 2, 1955; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 263]

[Economic Regulations Draft Release No. 75]

AGREEMENTS BETWEEN AIR FREIGHT FORWARDERS AND DIRECT AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

AUGUST 30, 1955.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 263 of the Economic Regulations designed to implement its policy determinations in the Air Freight Forwarder Investigation, Docket No. 5947 et al., with particular reference to agreements between air freight forwarders and direct air carriers relating to the establishment of transportation rates, fares, or charges, or to cooperative arrangements for the determination of compensation, to forwarders, for promotional and other services rendered.

The principal features of the proposed regulation are explained in the attached explanatory statement and the reasons therefor are described more fully in the Board's opinion in the Air Freight Forwarder Investigation. The proposed new Part 263 is set forth below.

This regulation is proposed under authority of sections 205 (a), 1 (2) and 416 (b) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 977, 1004; 49 U. S. C. 425, 401, 496).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before October 3, 1955 will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available on or after October 9, 1955 for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Explanatory statement. The principal features of the proposed new Part 263 are as follows:

Section 1 contains the definitions and establishes the types of agreements which come within the part.

Section 2 requires written application for approval to be made by each party to the agreement. In this connection it should be noted that proposed § 263.4 requires that any such agreement be expressly left open to other freight forwarders and other direct air carriers, who may become parties thereto by filing a written concurrence.

Section 4 contains the requirements concerning contents of the applications. Among these is a detailed statement setting forth the economic justification for the reduced rate or the specific compensation provided for in the agreement. As noted above this section also requires the filing of an irrevocable offer to other forwarders and other direct carriers to become parties thereto.

Section 5 of the proposed part provides that no agreement shall come within the terms of the part unless it contains a provision that it shall not become effective in advance of the date of the Board order approving such agreement under section 412 of the act.

Section 6 of the proposed part provides for filing of protests, and section 7 relates to the disposition of applications thereunder.

Sections 8 and 9 provide for amendments to and the termination of previously approved agreements.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

PART 263—AGREEMENTS BETWEEN AIR FREIGHT FORWARDERS AND DIRECT AIR CARRIERS

§ 263.1 *Definitions.* For the purposes of this part:

(a) "Air Freight Forwarder" means any air carrier classified and defined as such in § 296.2 of this subchapter.

(b) "Direct air carrier" means any common carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Civil Aeronautics Act of 1938, as amended, or under the authority conferred by any part of this subchapter.

(c) "Agreement" means any oral or written contract, agreement, or understanding, and any amendment, modification, extension, cancellation or termination thereof, coming within the purview of section 412 of the Civil Aeronautics Act of 1938, as amended, and entered into between one or more air freight forwarders and one or more direct air carriers relating to the establishment of transportation rates, fares, or charges or to cooperative working arrangements for the determination of compensation, to forwarders, for promotional and other services rendered.

§ 263.2 *Application for approval.* (a) A written application for Board approval of such agreements shall be filed, in triplicate, by each of the parties to the agreement. At their election, such applicants may join in a single application. An application may incorporate by specific reference material contained in another application in the same matter or in any document then on file with the Board.

(b) Any air freight forwarder or direct air carrier desirous of becoming a party to an agreement previously approved by the Board, in accordance with the provisions of § 263.4 (c), shall file, in triplicate, a written concurrence (CAB Form No. ____)[1] with the Board.

§ 263.3 *Formal requirements of applications and agreements.* Applications filed pursuant to this part shall conform generally to the outline set forth in § 263.4 and to the requirements of §§ 302.3 and 302.4 of this chapter. All agreements, within the purview of this part, must be reduced to writing and must contain all terms and provisions of the contract, agreement, or understanding between the parties.

§ 263.4 *General provisions concerning contents of applications.* Each application shall include, among other things, the following matters:

(a) True and complete copies of the written agreement for which Board approval is sought and of all pertinent agreements not incorporated by reference under § 263.2.

(b) A detailed statement setting forth the economic justification for the reduced rate or the specific compensation provided for in the agreement. The statement shall also contain an explanation of the basis for determining the particular transportation rate or compensation charges with respect to the types of commodities, routes and volume factors involved.

(c) A firm contractual offer, which may be included in the agreement or filed as a separate document, to enter into an identical agreement with any other interested air freight forwarder or direct air carrier. Such offer shall be conditioned upon the filing of a concurrence to the agreement by any other interested party. The offer must be of the same duration as the related agreement.

§ 263.5 *Effective date of agreements.* Any such agreement shall contain a provision specifying that it shall not become effective in advance of the date of a Board order approving such agreement under section 412 of the act. Any agree-

[1] Available from the Publications Office of the Board.

ment which fails to comply with the requirements of this section will not be approved.

§ 263.6 *Protests to agreements.* Any interested party may, within 15 days after the filing of such agreements, file a protest challenging the proposed rate or compensation therein provided. Such party shall specifically recite the basis for his complaint and the reasons why the agreement is believed to be unreasonable, unduly discriminatory or unduly prejudicial or otherwise inconsistent with the public interest.

§ 263.7 *Disposition of applications.* If, after the expiration of the time herein prescribed for the filing of protests, it appears from a review of the application, protest and other information available to the Board, that approval of the agreement will not result in unreasonable compensation to either the direct air carrier or the forwarder, or in unjust discrimination or undue prejudice to other forwarders or to commercial shippers, the Board will enter an order of approval. If, however, it appears to the Board that the ultimate effect of the agreement can only be determined through an evidentiary hearing, the Board will so advise the applicants by letter, and set the application down for public hearing.

§ 263.8 *Amendments to approved agreements.* Application for approval of an amendment to or modification of the terms of any previously approved agreement shall be filed in accordance with the provisions of §§ 263.2, 263.3 and 263.4, and shall be subject to the same requirements as those applicable to the original agreement.

§ 263.9 *Termination of agreements.* Any previously approved agreement may be terminated at will by any party thereto, as to such party, giving such prior notice as may be specified by the terms of said agreement. Any new agreement intended by the parties to cancel an old agreement shall specifically cancel the previously approved agreement. In the event of a change of name or the transfer of the operating authority of either party to an agreement, a new agreement showing the correct names of the new parties or a joint writing adopting the old agreement shall be filed with the Board within 30 days after the occurrence of such event.

[F. R. Doc. 55-7175; Filed, Sept. 2, 1955; 8:55 a. m.]

[14 CFR Part 296]

[Economic Regulations Draft Release No. 74]

CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

AUGUST 30, 1955.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a revised Part 296 of the Economic Regulations designed to implement its policy determinations in the Air Freight Forwarder Investigation, Docket No. 5947 et al, and to revise the regulations insofar as they relate to cooperative shippers associations.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the Proposed Revised Part 296 is set forth below.

This regulation is proposed under authority of sections 205 (a), 1 (2), 416 (b) and 411 of the Civil Aeronautics Act of 1938, as amended, (52 Stat. 984, 977, 1004, 66 Stat. 628; 49 U. S. C. 425, 401, 496, 491).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before October 3, 1955, will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available on or after October 9, 1955, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Explanatory statement. The proposed regulation changes the present scope of the general classification designated as "indirect air carriers" in several important respects. A separate subclassification relating to cooperative shippers associations who engage in forwarding activities has been established. Forwarders engaged in the air express business have been deliberately excluded from the definition of indirect air carriers in order to clarify their status, which is doubtful under the present regulation. The general classification of indirect air carriers has been redefined to specify that such carriers are engaged in "interstate air transportation". The purpose of this change is to differentiate the carriers subject to this part from the International Air Freight Forwarders subject to Part 297, and to enable the former carriers to operate in the several Territories and possessions of the United States.

In addition, the proposed regulation enlarges the present operating authority of indirect air carriers. Thus, it expressly authorizes both forwarders and cooperatives to engage in joint loading with other indirect air carriers belonging to the same subclassification. The proposed regulation also permits all indirect air carriers to act as agent of the individual shipper in the event that the volume of freight available for a consolidated, single shipment is inadequate. Forwarders are also permitted to act as the agent of any direct air carrier which may have authorized the agency relationship under such circumstances. Finally, the proposed regulation clarifies the prohibition against the direct operation of aircraft by indirect air carriers in order to insure their freedom to charter aircraft from direct air carriers engaged in common carriage. It is also the intention of the Board to permit joint charters of such aircraft by several indirect air carriers, of the same subclassification, acting in concert. In order to implement its policy, in these respects, the Board will supplement any final Part 296 which may be issued by proposing an appropriately revised Part 207.

In view of the Board's desire to subject cooperatives to the minimum degree of regulation consistent with necessary protection of the public interest, a general exemption from the certification requirements of the act has been accorded that entire subclassification of carriers. Furthermore, they have not been subjected to the requirement that they apply for the issuance of a letter of registration or other document evidencing their individual qualifications.

Such cooperatives are, however, expressly required to file with the Board the schedules or formulae used to compute their drayage and consolidation charges to members and, also either to post copies of such documents in each office where shipments are accepted or to distribute them among their membership. In addition, the Board intends to propose a revised Part 244—which will require appropriate, but minimal, annual reports from such cooperatives—after Part 296 becomes final. It should also be noted that since these carriers have not been exempted from subdivisions (b) and (c) of section 407 or from sections 408 and 409, of the act, they must also file reports relating to interlocking relationships under the applicable parts of the Economic Regulations.

These requirements, as well as the restriction on the use of aircraft not operated by a direct air carrier engaged in common carriage and the prohibition against engagement in direct air transportation, have been made express limitations upon the scope and effectiveness of the exemption accorded all indirect air carriers. Consequently, the Board will be able to proceed by way of enforcement action against any forwarder or cooperative which fails to comply with these provisions of the proposed regulation.

The operating authority provided by the proposed part has been given an indefinite duration, terminable separately with respect to either forwarders or cooperatives upon a finding by the Board that the continued operation by either subclassification of indirect air carrier would no longer be in the public interest. And, the operating authority provided with respect to all forwarders either controlled, controlling or under common control with surface carriers by rail has been limited to a maximum duration of 5 years.

Various substantive revisions of the provisions governing the conditions of issuance, effectiveness and terminability of the individual operating authorizations required by commercial forwarders have been made. Thus, provision has been made for the issuance of exemption authorizations only to those applicants which establish the availability of branch offices or necessary business connections. The purpose of this provision is to guard against the issuance of operating authorizations to parties not genuinely interested in conducting an air freight forwarder business and seeking merely to obtain a strategic position in this growing industry. Legal power to issue exemption authorizations having a definite duration, shorter than the life of

this part, and to attach appropriate conditions upon individual authorizations has been reserved to the Board. Successors by operation of law have been permitted to continue operations under the existing authorization for a maximum period of six months. Thereafter, a new operating authorization in the name of the successor is required. Minimum insurance coverage requirements concerning the liability of forwarders to shippers whose property has been damaged have been raised from $2,000 to $10,000 on cargo insurance and from $2,000 to $5,000 on public liability insurance. Punitive suspensions, as well as the remedial suspensions now authorized, have been provided. Failure to operate for a two year period has been made a basis for revocation.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

SUBPART A—GENERAL

§ 296.1 *Definitions.* For the purposes of this part:

(a) "Indirect Air Carrier" means any citizen of the United States [1] which:

(1) Engages indirectly in interstate air transportation [2] of property only, and does not engage directly in the operation of aircraft in air transportation, and

(2) Does not engage in such air transportation pursuant to the terms of an individual authorization, contained in an order of the Board,[3] which permits it to furnish air express services under the terms of Board approved contracts with certificated direct air carriers.

§ 296.2 *Classification.* There is hereby established a classification of air carriers, having the attributes of, and which are designated as, "indirect air carriers". Such classification shall include the following subclassifications:

(a) "Air Freight Forwarder" means any indirect air carrier which, in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating such property and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, and assumes responsibility for the transportation of property from the point of receipt to point of destination and utilizes for the whole or any part of such transportation the services of a direct air carrier.

(b) "Cooperative Shippers Association" means a bona fide association of shippers, operating as an indirect air carrier on a non-profit basis, which:

(1) undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefit of its members, and

(2) utilizes for the whole or any part of such transportation the services of a direct air carrier.

§ 296.3 *Freight forwarder acting as agent of shipper or carrier.* (a) Any air freight forwarder may, by complying with the requirements of this section, accept particular shipments for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof (or as the agent of such direct air carrier as may have authorized the agency) in the event that a volume of freight adequate to permit consolidated shipment cannot be assembled.

(b) Any air freight forwarder seeking to avail itself of this option must give notice that it reserves such right, in the case of every shipment, accepted subject thereto, to handle the shipment as agent of the shipper, or if such be the case, as agent of an identified direct air carrier. In the event that it acts as agent, the forwarder shall charge the shipper the airport to airport rate for air transportation specified in the applicable charges of the airline rendering the services and its own pick up and delivery charges.

(c) Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time when the shipment is accepted. Such notice shall be given by means of (1) notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public, (2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, (3) appropriate tariff provisions, and (4) reasonably prominent statements on all the air bills of such forwarder and on such receipts or other documentation as may be furnished to the shipper at the time of acceptance of the shipment.

§ 296.4 *Cooperative shippers association acting as agent of shipper.* Any cooperative shippers association may accept particular shipments for consolidation on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be obtained.

§ 296.5 *Payment of transportation charges.* Freight bills from direct air carriers for all transportation charges shall be paid by every indirect air carrier within a reasonable period after the rendering of the transportation services. A reasonable period for payment of such charges shall be 7 days after being billed therefor.

§ 296.6 *Nonapplicability.* This part shall not apply to any air carrier authorized by a certificate of public convenience and necessity to engage in direct air transportation, nor to any noncertificated air carrier engaged in direct air transportation pursuant to any general exemption granted by any other part of this subchapter.

§ 296.7 *Separability.* If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

SUBPART B—EXEMPTIONS

§ 296.11 *Exemption of air freight forwarders.* Subject to the other provisions of this part, air freight forwarders are hereby relieved from the provisions of title VI of the act, and from all provisions of title IV of the act, other than the following:

(a) Subsection 401 (1) (Compliance with Labor Legislation);

(b) Section 403 (Tariffs);

(c) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;

(d) Subsection 404 (b) (Discrimination);

(e) Subsection 407 (a) (Filing of Reports); *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(f) Subsection 407 (b) (Disclosure of Stock Ownership);

(g) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(h) Subsection 407 (d) (Form of Accounts); *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(i) Subsection 407 (e) (Inspection of Accounts and Property);

(j) Section 408 (Consolidation, Merger and Acquisition of Control);

(k) Section 409 (Prohibited Interests);

(l) Section 410 (Loans and Financial Aid);

(m) Section 411 (Methods of Competition);

(n) Section 412 (Pooling and Other Agreements);

(o) Section 413 (Form of Control);

(p) Section 414 (Legal Restraints);

(q) Section 415 (Inquiry into Air Carrier Management); and

(r) Section 416 (Classification and Exemption of Carriers).

Provided, however, That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any air freight forwarder from engaging in joint loading with any other air freight forwarder for the pooling of

[1] As defined in section 1 (13) of the act.
[2] As defined in section 1 (21) of the act.
[3] Issued under the authority granted to the Board in sections 1 (2) or 416 of the act.

traffic for shipment in order to obtain the benefit of volume rates, and air freight forwarders are hereby relieved from the requirements of section 412 of the act with respect to contracts for such joint loading.

Provided, further, That the provisions of subsection 404 (b) shall not be applicable insofar as they would otherwise prohibit the exercise, by any air freight forwarder, of its reserved option to act as either a forwarder or as agent of the shipper or of the direct air carrier in accordance with provisions of § 296.3.

§ 296.12 *Exemption of cooperative shippers associations.* Subject to the other provisions of this part applicable thereto, cooperative shippers associations are hereby relieved from the provisions of title VI of the act, and from all provisions of title IV of the act, other than the following:

(a) Subsection 407 (a) (Filing of Reports); *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to cooperative shippers associations unless such rule, regulation, term, condition, or limitation expressly so provides;

(b) Subsection 407 (b) (Disclosure of Stock Ownership);

(c) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(d) Section 408 (Consolidation, Merger and Acquisition of Control);

(e) Section 409 (Prohibited Interests);

(f) Section 411 (Methods of Competition);

(g) Section 412 (Agreements);

(h) Section 413 (Form of Control);

(i) Section 414 (Legal Restraints);

(j) Section 415 (Inquiry into Air Carrier Management); and

(k) Section 416 (Classification and Exemption of Carriers).

Provided, however, That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any cooperative shippers association from engaging in joint loading with any other cooperative shippers association for the pooling of traffic for shipment in order to obtain the benefit of volume rates, and cooperative shippers associations are hereby relieved from the requirements of § 412 of the Act with respect to contracts for such joint loading.

Provided, further, That the provisions of subsection 404 (b) shall not be applicable insofar as they would otherwise prohibit the exercise, by any cooperative shippers association, of its reserved option to act as an indirect air carrier or as agent of the shipper in accordance with provisions of § 296.4.

§ 296.13 *Duration of exemptions.* The exemption authority provided by this part shall continue in effect until the Board shall find that the continuation of such authority in respect of either air freight forwarders or cooperative shippers associations, or both such classifications, is no longer in the public interest, and thereafter the authority with respect to such classification or classifications shall terminate: *Provided, however,* That the exemption authority of any air freight forwarder which the Board shall find to control, be controlled by, or be under common control with any common carrier by rail shall terminate 5 years from the effective date of this part.

SUBPART C—LIMITATIONS ON EXEMPTIONS; GENERAL

§ 296.21 *Limitations on use of aircraft.* The exemption authority provided to indirect air carriers by this part shall be effective only with respect to shipments of property, by air, in aircraft operated in common carriage by (1) air carriers which have effective tariffs for the services thus utilized on file with the Board, or (2) air carriers which have been exempted from the filing of such tariffs. No indirect air carrier shall ship property, by air, except in aircraft operated in common carriage by a direct air carrier of the class specified in this section.

§ 296.22 *Prohibition on use of aircraft.* The exemption authority provided by this part, to indirect air carriers, shall not be effective to authorize any such air carrier to directly engage in the operation of aircraft in air transportation. No indirect air carrier may directly engage in the operation of aircraft in air transportation. *Provided, however,* That this limitation and prohibition shall not be construed to prohibit charters of aircraft by such indirect air carrier from a direct air carrier operating charter trips and special services under the authority conferred by the act or the applicable regulations of the Board.

SUBPART D—LIMITATIONS ON EXEMPTION—COOPERATIVE SHIPPERS ASSOCIATIONS

§ 296.31 *Filing of schedules or formulae used to compute charges to members.* The exemption authority provided by this part with respect to any cooperative shippers association, shall be effective only after, and during only such periods of time as each such indirect air carrier has filed with the Board, and either distributed to its members or posted in each office where shipments are accepted, copies of all currently effective schedules or formulae used for assessing drayage and consolidation charges to its members. Upon changing any of such schedules or formulae, each cooperative shippers association shall again comply with the requirements of this section.

SUBPART E—CONDITIONS ON EXEMPTION; AIR FREIGHT FORWARDERS

§ 296.41 *Necessity for Operating Authorization.* No person shall operate as an air freight forwarder, within the meaning of this part, unless there is in force with respect to such person a document entitled "Operating Authorization" authorizing him to engage in air transportation pursuant to the general exemption granted by this part.

§ 296.42 *Application for issuance.* (a) Any person, other than those specified in § 296.43 (a), desiring to operate as an air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate, an "Application for Operating Authorization as an Air Freight Forwarder" (CAB Form ____);[4]

(b) The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

§ 296.43 *Issuance of Operating Authorization*—(a) *To successful parties to the investigation.* Any air freight forwarder applicant whose application for issuance or renewal of operating authority was approved in the Air Freight Forwarder Investigation, Docket No. 5947 et al., shall be issued an Operating Authorization bearing the same effective date as this part.

(b) *To all other applicants.* (1) If, after the filing of an application for an Operating Authorization, it appears that the applicant is capable of performing the air transportation authorized by this part as an air freight forwarder and of conforming to the provisions of the act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, an Operating Authorization will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the act or the rules and regulations of the Board between the date of such notification and such filing. In the latter event, an Operating Authorization will not be issued unless and until a due showing is made by the applicant that it has terminated such unauthorized or prohibited activities, and that the issuance of such an authorization would be consistent with the public interest.

(2) If, after the filing of an application for an Operating Authorization, it appears that the applicant has not made a due showing of capability or that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter, the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for hearing in order to properly present its case.

(3) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

§ 296.44 *Effective period.* Each Operating Authorization shall be effective upon the date specified therein, and shall

[4] Available from Publications Section.

continue in effect, unless sooner suspended or revoked, during such period as the authority provided by this part shall remain in effect, or if issued for a limited period of time, shall continue in effect until the expiration thereof unless sooner suspended or revoked.

§ 296.45 *Conditions on Operating Authorization—(a) Attachment of conditions to Operating Authorizations.* At the time of issuance, and from time to time thereafter, there shall be attached to the exercise of the privileges granted by any Operating Authorization issued under this part such reasonable terms, conditions, and limitations applicable to the person named therein as are necessary to carry out the requirements of the act and the regulations prescribed thereunder.

(b) *Operating Authorizations will not be issued to applicants having tainted officers or owners.* No Operating Authorization will be issued to an applicant which has, or proposes to have, as owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other air freight forwarder, international air freight forwarder, cooperative shippers association, irregular air carrier, or noncertificated cargo carrier, if the letter of registration, Operating Authorization, or other exemption privilege of such carrier was suspended or revoked by the Board on account of acts or omissions which occurred during the time of such connection. *Provided, however,* That an Operating Authorization may be issued to such an applicant where the Board finds, upon a showing by applicant, that the public interest and applicant's intention and ability to conform to the provisions of the act and requirements thereunder are not adversely affected by such relationship.

(c) *Prohibition against holders of Operating Authorizations having tainted officers or owners.* No holder of an Operating Authorization shall have and retain as an owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other air freight forwarder, international air freight forwarder, cooperative shippers association, irregular air carrier, or noncertificated cargo carrier, under the circumstances set forth in paragraph (b) of this section. *Provided, however,* That such holder may have and retain persons presently or previously affiliated, in the manner described above, where the Board finds that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder are not adversely affected by such relationship.

§ 296.46 *Restrictions on issuance of Operating Authorizations.* No Operating Authorization will be issued to an applicant which fails to demonstrate, as a part of its showing of capability, that it has such branch offices, associated companies, affiliated companies, or agents as tend to establish the ability of the applicant to perform pickup, delivery, and other necessary services to be performed in handling shipments.

§ 296.47 *Nontransferability of Operating Authorizations.* (a) An Operating Authorization shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under an Operating Authorization issued in the name of another person, for a maximum period of six months, by giving written notice of such succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners collectively of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the Operating Authorization and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new Operating Authorization within 120 days after such succession.

§ 296.48 *Suspension of Operating Authorizations.* Suspension proceedings may be instituted upon complaint, or upon motion of any person showing an interest therein, or upon the Board's own initiative.

(a) Whenever the Board contemplates the institution of suspension proceedings it shall, by letter, give the carrier the notice and warning specified in section 9 (b) of the Administrative Procedure Act. Such notice shall specifically recite the holder's failure to comply with any provisions of the act or any order, rule, or regulation issued under any such provision, or any term, condition or limitation of any authority issued under said act or regulation. Such notice shall also afford the holder a reasonable opportunity to demonstrate or achieve compliance with such legal requirements within a specified period of time. At the expiration of such period, the Board may issue an order instituting a suspension proceeding. Such order will specify a period of time within which the holder must file a written response with the Board. In such response, the holder may deny noncompliance or adduce such considerations as it desires to rely upon in order to justify or excuse noncompliance.

(b) In the event such a written response is filed, the Board may assign the application for hearing or oral argument or, in appropriate cases, enter an order of suspension or an order dismissing the suspension proceeding.

(c) Such suspension may continue until the Board finds that such suspended forwarder has complied with the provisions of the act, or with such rules, regulations, orders, terms, conditions, or limitations or until the expiration of such a minimum suspension period, of fixed duration, as the Board may prescribe. The Board may also order a suspension, of indefinite duration, during the pendency of a docketed revocation proceeding brought under § 296.49.

(d) Failure to seek reinstatement of an Operating Authorization suspended pursuant to the provisions of this section within a period of 60 days after the effective date of such suspension or prior to the expiration of any prescribed suspension period of fixed duration, whichever is later, shall automatically terminate all rights under such authorization.

§ 296.49 *Revocation of Operating Authorizations.* (a) Operating Authorizations shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the act or of any order, rule, or regulation issued under any such provision, or of any term, condition, or limitation of any authority issued under said act or regulations.

(b) An Operating Authorization shall be revoked without prejudice [6] upon the filing by an air freight forwarder of a written notice with the Board indicating the discontinuance of common carrier activities, together with a tender of the Operating Authorization for cancellation: *Provided,* That the Board may refuse to accept such notice and to cancel the authorization if any proceedings or action is pending in which an air freight forwarder's authority may be subject to suspension or revocation action. The failure of any carrier to perform interstate air transportation services for a period of two years or failure for two successive periods to file the periodic reports required by this chapter may, for the purpose of this part, be deemed by the Board to constitute the filing of written notice indicating the discontinuance of the common carrier activities, and in such case the tender of the Operating Authorization shall not be necessary.

§ 296.50 *Business name of air freight forwarder.* On and after _____, 1955, the effective date of this part, it shall be an express condition upon the exercise of the privileges herein granted and the operating authorizations issued hereunder, that the forwarder concerned, in holding out to the public and in performing air transportation services, shall do so only in a name the use of which is authorized under the provisions of this section or under § 296.47.

(a) Except as otherwise provided under paragraph (b) of this section, an air freight forwarder may do business in the name or names in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name or names which are readily identifiable therewith.

(b) An air freight forwarder may do business in such other and different name or names as the Board may permit in said Operating Authorization or by order,

[6] To the filing of a subsequent application for such authorization.

upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its Operating Authorization is issued and outstanding, in air transportation services by the carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted thereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, or regulations issued thereunder.

SUBPART F—INSURANCE

§ 296.51 *Insurance*—(a) *Cargo.* No air freight forwarder shall engage in air transportation pursuant to this part unless the risks of loss of or damage to the property so transported are covered by it in not less than the amounts prescribed in paragraph (c) (1) of this section by insurance, evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board) or surety bond.

(b) *Public liability and property damage.* No air freight forwarder shall engage in the performance of transfer, collection or delivery services pursuant to this part unless it shall file with the Board a satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form ------) * qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board) or surety bond in not less than the amounts prescribed in paragraph (c) (2) and (3) of this section, conditioned to pay within the amount of such insurance coverage any final judgment recovered against it on account of bodily injuries to or death of any person, or loss of or damage to property (other than property covered by paragraph (a) of this section) resulting from the negligent operation, maintenance or use of motor vehicles operated by or under its direction and control, or resulting from other acts of its agents, employees and representatives in the performance of the aforementioned transfer, collection or delivery services.

(c) *Minimum liability limits*—(1) *Cargo insurance.* For loss of or damage to property while carried on or resting in any one conveyance or premises; minimum $10,000 per conveyance or premises. Conveyance includes, but is not limited to, aircraft, motor vehicles, rail and watercraft;

(2) *Public liability; property.* For loss or damage to property occurring at any one time or place: minimum $5,000;

(3) *Public liability; personal injury.* Claims for bodily injury or death: minimum $10,000 for one person subject to that limit per person and $20,000 for all persons in any one accident.

[F. R. Doc. 55-7176; Filed, Sept. 2, 1955; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

OVER-THE-COUNTER MARKETS

NOTICE OF PROPOSED RULE MAKING

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

Section 240.15c3-1 provides that no broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 2,000 percent of his net capital. Paragraph (c) of the rule defines "aggregate indebtedness", "net capital" and certain other terms as used in the rule. (See Securities Exchange Act Release No. 5156, dated April 11, 1955.) Subparagraph (1) of paragraph (b) exempts from the provisions of the rule any broker or dealer who does not (A) extend credit to customers or (B) carry money or securities for the account of customers or owe money or securities to customers except as an incident to transactions promptly consummated by payment or delivery.

It has been suggested that brokers and dealers exempted from the rule by paragraph (b) (1) thereof frequently owe money or securities to customers in substantial amounts in connection with their transactions, and that such customers may need the safeguards which the rule affords with respect to the financial responsibility of these brokers and dealers.

All interested persons are invited to submit their views and comments on the proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before September 26, 1955. Unless the person submitting such comments or suggestions requests in writing that they be held confidential, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 26, 1955.

[F. R. Doc. 55-7142; Filed, Sept. 2, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-58]

ARNOLD BERNSTEIN LINE, INC.

NOTICE OF HEARING ON APPLICATION

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of Arnold Bernstein Line, Inc., for an operating-differential subsidy agreement, under which it would operate vessels in combined passenger and cargo service on Trade Route No. 8, Service No. 1, between New York and Antwerp/Rotterdam. The proposed frequency of sailings is 20 voyages per annum with the first vessel, a Mariner type converted to passenger carriage, with the contemplation of adding sufficient ships to make weekly sailings.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of the United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within fifteen (15) days from publication hereof and should promptly file petitions for leave to intervene in accordance with said Rules of Practice and Procedure.

By order of the Federal Maritime Board.

Dated: August 29, 1955.

[SEAL] THOS. E. STAKEM, Jr., *Acting Secretary.*

[F. R. Doc. 55-7163; Filed, Sept. 2, 1955; 8:53 a. m.]

* Available from Publications Section.

DEPARTMENT OF JUSTICE

Office of Alien Property

FILOMENA D'ILARIO 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

Filomena D'Ilario, Luigi D'Ilario, Massimo D'Ilario, also known as Masimo D'Ilario and Gelsomina D'Ilario, All of Casoli di Atri, Province of Teramo, Italy, $145.50 in the Treasury of the United States; one-fourth thereof to each claimant, Claim No. 60848, Vesting Order No. 1528.

Executed at Washington, D. C., on August 26, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7157; Filed, Sept. 2, 1955; 8:51 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[T. D. No. 52]

DEPUTY COMMISSIONER ET AL.

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Treasury Department Order No. 180-3, the functions under Public Law No. 362—84th Congress, 1st Session, are hereby transferred as follows:

1. All of said functions are transferred to the Deputy Commissioner of Narcotics, the Assistant to the Commissioner of Narcotics and the Narcotic District Supervisors;

2. All of said functions except the authority to issue subpoenas are transferred to the Narcotic Agents.

Dated: August 31, 1955.

[SEAL] G. W. CUNNINGHAM,
Acting Commissioner of Narcotics.

[F. R. Doc. 55-7158; Filed, Sept. 2, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 1]

MINERAL LEASES AND PERMITS

REDELEGATION OF AUTHORITY

Part 2 of Order No. 1 (20 F. R. 234) is amended by adding the following new section under the heading Functions Relating to Lands and Minerals:

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payment of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

DON C. FOSTER,
Area Director.

Approved: August 26, 1955.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 55-7128; Filed, Sept. 2, 1955; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CATEGORIES OF EQUIPMENT HAVING SANITARY SIGNIFICANCE

NOTICE OF SCHEDULING FOR REVIEW

For the purposes of the Interstate Quarantine Regulations, Title 42, CFR Part 72, adopted pursuant to the Public Health Service Act, P. L. 410, 78th Congress as amended, notice is hereby given that the Public Health Service has scheduled for review the following categories of equipment having sanitary significance, used or intended to be used on interstate carriers, in their servicing areas, or in their catering establishments:

Washing equipment for soil and garbage cans.
Creamer filling equipment.
Drinking fountains.
Ice making machines.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Dated: August 30, 1955.

Approved: August 30, 1955.

PARKE M. BANTA,
Acting Secretary.

[F. R. Doc. 55-7156; Filed, Sept. 2, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11004; FCC 55M-752]

OHIO VALLEY BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849; for a construction permit for a New Television Broadcast Station.

The Hearing Examiner having under consideration a motion filed on August 29, 1955, by Clarksburg Publishing Company, Protestant, in the above-entitled proceeding, requesting that the hearing in such proceeding presently scheduled for September 15, 1955, be continued for a period of 60 days;

It appearing that counsel for the other parties to the proceeding, Ohio Valley Broadcasting Corporation and the Broadcast Bureau, have informally agreed to a waiver of the requirements of section 1.745 of the Commission's Rules and Regulations and consented to the immediate consideration and grant of the petition, and good cause for the grant thereof has been shown;

It is ordered, this 29th day of August 1955, that the motion be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to November 15, 1955, at 10 o'clock a. m., in Washington, D. C.

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

[F. R. Doc. 55-7166; Filed, Sept. 2, 1955; 8:53 a. m.]

[Docket Nos. 11055, 11056; FCC 55M-749]

AIRCALL, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration informal agreement of the parties with respect to continuance of the above-entitled proceeding;

It is ordered, This 29th day of August 1955, that the hearing now scheduled for September 2, 1955, is continued until September 27, 1955, at 10:00 a. m.

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

[F. R. Doc. 55-7167; Filed, Sept. 2, 1955; 8:53 a. m.]

[Docket Nos. 11408, etc.; FCC 55M-750]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11408, File No. P-C-3585; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Dr. Leslie L. Carter, d/b as the Leroy Telephone Company, Leroy, Texas.

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11409, File No. P-C-3595; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Otis Mayfield, d/b as the Mustang Telephone Company, Mustang, Oklahoma.

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11410, File No. P–C–3592; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Mijo Cooperative Telephone Company, Stilwell, Kansas.

The Hearing Examiner having under consideration informal agreement of the parties with respect to continuance of the above-entitled proceeding;

It is ordered, This 29th day of August 1955, that the hearing now scheduled for September 19, 1955, is continued until October 11, 1955, at 11:00 a. m.

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

[F. R. Doc. 55–7168; Filed, Sept. 2, 1955; 8:53 a. m.]

[Docket Nos. 11417 and 11418; FCC 55M–746]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

MEMORANDUM OPINION AND ORDER CONTINUING HEARING

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP–9439; Garden of the Gods Broadcasting Co., Manitou Springs, Colorado, Docket No. 11418, File No. BP–9462; for construction permits.

1. On August 19, 1955, Taylor Broadcasting Company filed a petition requesting a continuance of the hearing date which is now scheduled as September 7. This petition has been opposed by the other applicant, Garden of the Gods Broadcasting Company, and by Boulder Radio KBOL, Inc. (KBOL), which is one of the parties respondent in this proceeding.

2. Briefly, the sequence of events which led up to the request for a continuance is as follows: The Commission, on June 22, 1955, designated the above-entitled applications for a consolidated hearing to commence on September 7 in Manitou Springs, Colorado. Six issues were recited. Four of these relate solely to engineering matters. Issue No. 5 seeks a determination as to which of the applications, if granted, would better provide a fair, efficient and equitable distribution of radio service in the light of section 307 (b) of the Communications Act of 1934, as amended. Issue No. 6 is summary in nature and seeks to determine which, if either, of the applications should be granted in the light of all the evidence under the other issues. On July 26, 1955, the Hearing Examiner denied a petition from Taylor seeking to change the place of hearing from Manitou Springs to Washington, D. C. On August 9 Taylor filed another petition, this time seeking reconsideration of the Hearing Examiner's ruling and, although the Broadcast Bureau had opposed the original petition for change of hearing location, it filed a "comment" to make clear its position that hearings on the technical engineering issues should be held in Washington. The Hearing Examiner denied the petition for reconsideration on August 16 and that ruling has now been appealed to the full Commission.

3. There are several arguments contained in the oppositions to the petition for continuance. It is claimed that parties have relied upon the date of September 7 as designated by the Commission and would be seriously inconvenienced by any alteration of it. The City Council at Manitou Springs, Colorado, has made its council chambers available as the locale of the hearing and, according to Garden of the Gods, any change in the hearing date would upset the schedule of the Council. It is also claimed that Taylor acted belatedly in seeking to change the place of hearing.

4. Under all the circumstances this is certainly an instance where the Hearing Examiner must use discretion in order to avoid needless waste of time and money. It is quite evident that no meeting of the minds exists among the several parties as to where the engineering issues should be heard and it is just as clear that this portion of the case under the issues, as contained in the Commission's order of June 22, 1955, will require the bulk of the hearing time. The Commission's uniform practice in standard broadcast comparative hearings has been to conduct that portion of the hearing relating to technical engineering matters in Washington, D. C. for the very sound reason that all of the Commission's files relating to these technical matters are kept in Washington. Considerable inconvenience and delay would very likely ensue if an attempt were made to hear the engineering issues elsewhere than at the main offices of the Commission in Washington. Consequently it is to be supposed that the Commission intended for the Hearing Examiner to adjourn the hearing after the presentation of lay testimony at Manitou Springs and to receive all engineering testimony at a subsequent date in Washington. This has always been the understanding of the Hearing Examiner and the pleadings filed by Taylor and the Broadcast Bureau reveal that those parties share the Examiner's view. Garden of The Gods has apparently thought differently. Nevertheless, since the entire question as to the place of hearing has been presented to the Commission through Taylor's pending appeal, any attempt to go forward with the hearing on Issue No. 5—the only one on which evidence would be taken at Manitou Springs—on the date now scheduled would be highly inadvisable. In its Public Notice of April 28, 1955, the Commission announced, among other things, that it would not hold any regular meetings during the current month of August. Obviously, therefore, action on Taylor's pending appeal cannot be expected within sufficient time prior to the scheduled hearing date in order for the parties to make whatever adjustments in their schedules might be necessary. To persist in going forward with the hearing on September 7 would place an emphasis on haste which is not warranted by the circumstances whereas the delay of approximately a month would enable all parties and the Hearing Examiner to know precisely what the Commission's mandate will be with respect to where particular issues will be heard.

5. It is regrettable that the parties, their counsel and their witnesses may be somewhat inconvenienced by a postponement and it is particularly regrettable that any inconvenience will be caused to the Manitou Springs City Council which has obligingly made its chambers available for the hearing. These factors, however, are more than balanced by the possible confusion which could result from holding the hearing before the Commission has acted upon Taylor's appeal.

6. *Therefore, it is ordered*, This 26th day of August 1955, that the petition of Taylor Broadcasting Company for continuance is granted and that the date for commencement of hearing is continued from September 7, 1955, to October 11, 1955.

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

[F. R. Doc. 55–7169; Filed, Sept. 2, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–6165—G–6177; G–6179, G–6181—G–6188]

SUPERIOR OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1955.

There have been filed with the Federal Power Commission applications as hereinafter specified; all of these applications were filed on November 29, 1954, by the Superior Oil Company.

Docket No.	Address
G–6165 to G–6168 incl., and G–6175 to G–6188 incl.	930 Edison Bldg., Los Angeles 17, Calif.
G–6169 to G–6174 incl.	400 Oil and Gas Bldg., Houston 2, Tex.

The Superior Oil Company has applied for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

The Superior Oil Company produces and sells natural gas for transportation in interstate commerce for resale, as indicated below:

Docket No.	Location of field	Buyer
G-6165 to G-6168 incl., G-6175 to G-6177 incl., G-6181 to G-6182 incl., and G-6184.	Katie Field, Garvin County, Okla	Lone Star Gas Co.
G-6169	Baxterville Field, Lamar and Marion Counties, Miss.	United Gas Pipe Line Co.
G-6170	Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	Southern Natural Gas Co.
G-6171	Bayou Mallet Field, Acadia Parish, La	United Gas Pipe Line Co.
G-6172	Kent Bayou Field, Terrebonne Parish, La	Do.
G-6173	Slick-Wilcox Field, Goliad and DeWitt Counties, Tex.	Do.
G-6174	Bosco Field, Acadia and St. Landry Parishes, La	Northern Gas Corp. and Texas Gas Transmission Corp.
G-6179	North Johnson Hill Field, Logan County, Colo	Kansas-Nebraska Natural Gas Co., Inc.
G-6183	Levelland Field, West Central Hockley and East Central Cochran Counties, Tex.	El Paso Natural Gas Co.
G-6185	TXL and Wheeler Fields, West Central Ector and East Central Winkler Counties, Tex.	Do.
G-6186	Fullerton Field, Andrews County, Tex	Do.
G-6187	Katie Field, Southeastern Garvin County, Okla	Cities Service Oil Co.
G-6188	Big Springs Field, Deuel County, Nebr	Kansas-Nebraska Natural Gas Co., Inc.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7139; Filed, Sept. 2, 1955; 8:48 a. m.]

[Docket No. G-6309]

H. J. CHAVANNE, TRUSTEE, ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 30, 1955.

Take notice that H. J. Chavanne, Trustee, Applicant, whose address is 1605 Bank of Commerce Building, Houston 2, Texas, for himself and on behalf of the Fidelity Oil and Royalty Company, the Mound Company, the Roanoke Building Company and the Courtshire Building Company as authorized, Applicants, filed on November 29, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and gather natural gas from the Englehart Field, Colorado County, Texas, which they sell to the Texas Eastern Transmission Corporation at 12.9 cents per MCF for transportation in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Wednesday, September 28, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7145; Filed, Sept. 2, 1955; 8:49 a. m.]

[Docket No. G-8923]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 29, 1955.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation whose address is 3100 Travis Street, Houston, Texas, filed on May 18, 1955, an application for a certificate of public convenience and necessity authorizing Applicant to construct and operate a sales meter station and appurtenant equipment at a point on its authorized 12-inch Trenton-Woodbury line in Mt. Laurel Township, New Jersey, all as much more fully described in its application filed herein.

Such facilities will provide a new delivery point for the delivery by Transcontinental of natural gas to the Public Service Electric and Gas Company, a present customer of Transcontinental.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 3, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7146; Filed, Sept. 2, 1955; 8:49 a. m.]

[Docket Nos. G-8936, G-8937]

LONE STAR GAS CO. AND SPEARMAN GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 29, 1955.

Applications have been filed with the Federal Power Commission by Lone Star Gas Company (Lone Star) and The Spearman Gas Company (Spearman) on May 23, 1955, for certificates of public convenience and necessity, authorizing the acquisition, operation and abandon-

ment of service and facilities, as hereinafter described, all as more fully represented in the respective applications now on file with the Commission and open to public inspection.

Lone Star, by its application at Docket No. G–8936, seeks a certificate of public convenience and necessity authorizing the acquisition by purchase and the operation of an interstate natural-gas transmission pipeline now owned by Spearman, which line transports natural gas from a connection with Lone Star to the City of Eldorado, Oklahoma.[1]

The facilities which Lone Star proposes to acquire by purchase from Spearman consist of a lateral gas transmission pipeline, consisting of approximately 69,886 feet of 4-inch and 2⅜-inch pipe extending from a point on Lone Star's Line A near Quanah, Texas, generally northward to a point of connection with the gas-distribution system in Eldorado, Oklahoma.

Lone Star presently sells and delivers natural gas to Spearman, which company in turn supplies natural gas through its distribution facilities in the City of Eldorado. If the authorization herein requested is approved, Lone Star proposes to supply gas in the City of Eldorado. It is represented that no service will be discontinued, and the present customers of Spearman will continue to receive gas from the same source and in the same manner as heretofore. The gas will continue to be delivered from Lone Star's present sources of gas supply.

Spearman, by its application at Docket No. G–8937, seeks a certificate of public convenience and necessity authorizing it to abandon by sale the facilities above described.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 5, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the Proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7147; Filed, Sept. 2, 1955; 8:49 a. m.]

[1] Lone Star proposes to acquire Spearman's distribution facilities in Eldorado.

[Docket No. G–8898, etc.]

BARBARA OIL CO. ET AL.

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

AUGUST 30, 1955.

In the matters of Barbara Oil Company, Docket No. G–8898; Mayfair Minerals, Inc., et al., Docket No. G–8980; Orville H. Parker, et al., Docket Nos. G–8986, G–8987, G–8988, G–8989.

Notice is hereby given that on August 29, 1955, the Federal Power Commission issued its findings and order adopted August 25, 1955, issuing certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7148; Filed, Sept. 2, 1955; 8:50 a. m.]

[Docket Nos. G–6922, G–6923, G–6924, G–6925]

NOLLEM OIL & GAS CORP.

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

AUGUST 30, 1955.

Notice is hereby given that on August 29, 1955, the Federal Power Commission issued its findings and order adopted August 25, 1955, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7149; Filed, Sept. 2, 1955; 8:50 a. m.]

[Docket Nos. G–6926, G–6927, G–6928, G–6929]

OIL WELL DRILLING CO.

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

AUGUST 30, 1955.

Notice is hereby given that on August 29, 1955, the Federal Power Commission issued its findings and order adopted August 25, 1955, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7150; Filed, Sept. 2, 1955; 8:50 a. m.]

[Docket Nos. G–5194, etc.]

BUHL STANLEY ET AL.

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

AUGUST 30, 1955.

In the matters of Buhl Stanley, Docket No. G–5194; Stanley J. Tepe, Docket No. G–6933; Michaelis Drilling Company, Docket No. G–9033.

Notice is hereby given that on August 29, 1955, the Federal Power Commission issued its findings and orders adopted August 25, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7151; Filed, Sept. 2, 1955; 8:50 a. m.]

[Project No. 2064]

WINTER ELECTRIC LIGHT & POWER CO.

NOTICE OF ORDER AMENDING LICENSE

AUGUST 30, 1955.

Notice is hereby given that on August 29, 1955, the Federal Power Commission issued its order adopted August 25, 1955, further amending license (major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7152; Filed, Sept. 2, 1955; 8:50 a. m.]

[Docket No. G–9207]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 30, 1955.

Take notice that Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business at Columbus, Ohio, filed an application on August 8, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of transmission facilities necessary to serve increased requirements in the Barnesville-St. Clairsville, Ohio, market area, including extension of retail service to the Village of Salesville, Guernsey County, Ohio, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission.

Applicant proposes to provide additional capacity for the Barnesville-St. Clairsville area by the construction of extensions to its existing transmission line 0–1463 between Barnesville and Bethesda, Ohio. The extension will consist of approximately 4.3 miles of 8⅝-inch O. D. pipeline in two sections. Applicant also plans to transfer approximately 3.1 miles of line 0–1463 from low pressure to high pressure service in con-

nection with the operation of line 0–1463.

Applicant further proposes, in response to a request by the Village of Salesville and the Public Utilities Commission of Ohio, to provide retail distribution service in the Village of Salesville, Ohio. The facilities necessary to initiate this service to Salesville will consist of approximately 100 feet of 2-inch line, connecting line 0–1463 with a town border measuring and regulating station and distribution facilities in the village. The peak day market requirements for Salesville are estimated to be 63 Mcf, 76 Mcf, and 84 Mcf, respectively, in the first three peak years.

The estimated cost of installation of the 4.3 miles of new 8⅝-inch pipeline is $93,000, of which $100 is the estimated cost of the 2-inch branch necessary to serve the Village of Salesville, together with valves, fittings, and other necessary facilities for practical operation. Columbia Gas System, Inc., Applicant's parent company, will provide such financing as is necessary in connection with the construction proposed herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 23, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–7153; Filed, Sept. 2, 1955; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF ORGANIZATION

ADDITIONS TO PUERTO RICO FIELD OFFICE

Section I, Description of Agency and Principal Programs, is amended as follows:

Paragraph F is amended by adding the following officials to the list of officials designated therein:

Puerto Rico Field Office:

1. Alfredo T. Ramirez, Assistant Director for Development.

2. Theodore Goshen, Assistant Director for Management.

Date approved: August 29, 1955.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 55–7140; Filed, Sept. 2, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3402]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF 177,500 SHARES OF COMMON STOCK AND $15,000,000 PRINCIPAL AMOUNT OF BONDS

AUGUST 30, 1955.

Utah Power & Light Company ("Company"), a registered holding company which is also an operating utility company, having filed with this Commission a declaration and amendments thereto pursuant to sections 6 (a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules U-42 and U-50 thereunder with respect to the following proposed transactions:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, (a) 177,500 shares of its Common Stock, without par or face value, and (b) $15,000,000 aggregate principal amount of First Mortgage Bonds, __ percent Series due 1985.

The interest rate on the Bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount), as well as the price to be paid for the Stock, will be fixed by proposals to be invited by the Company, which will reserve the right to reject any or all proposals at or after the opening thereof. The Bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1943, from the Company to Guaranty Trust Company of New York et al., trustees, as heretofore supplemented and as further supplemented by a Tenth Supplemental Indenture to be dated as of September 1, 1955. Such Bonds will also be entitled to the benefit of the Indenture dated as of December 1, 1943, between the Company's subsidiary, The Western Colorado Power Company, and the aforesaid trustees.

Stating that it may desire to acquire not more than 5,000 shares of its Common Stock by purchases on the New York Stock Exchange or otherwise, on the morning of the day on which the bids for the purchase of the Stock are to be opened, for the purpose of facilitating the distribution and offering of said 177,500 shares of Common Stock, the Company requests permission to conduct such limited stabilizing operation. Any shares so acquired are to be purchased from the Company by the underwriters in addition to said 177,500 shares.

The Company states that the proceeds accruing from the sale of said securities will be used to pay bank loans aggregating $18,000,000; and that the remainder of the proceeds, together with other available cash, will be used to carry forward the construction program of the system.

The issuance and sale of the proposed securities have been expressly authorized by the Public Service Commission of Wyoming and by the Idaho Public Utilities Commission. Declarant represents that no other State Commission and no Federal Commission other than this Commission has jurisdiction over the proposed transactions.

The Company estimates its aggregate expenses in connection with the stock financing at $37,500, including attorneys' fees of $2,750, and in connection with the bond financing at $57,500, including attorneys' fees of $6,250. The fees of independent counsel to the underwriters, which will be paid by the successful bidders, are estimated at $2,500 for the stock financing and $6,000 for the bond financing.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–7143; Filed, Sept. 2, 1955; 8:49 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 periods for certificates issued under general learner

regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Clairmont Manufacturing Co., Inc., 2114 Peachtree Road NW., Atlanta, Ga., effective 8-10-55 to 8-9-56, 10 learners for normal labor turnover purposes (women's rayon and cotton underwear, etc.).

Glen Lyon Bra & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 8-14-55 to 8-13-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets, etc.).

Fuller Sportswear Co., Inc., 1123 Broad Street, Fullerton, Pa., effective 8-15-55 to 8-14-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (women's blouses).

Lee-Mar Shirt Co., Pulaski, Tenn., effective 8-10-55 to 8-9-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' sport shirts).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa., effective 8-18-55 to 8-17-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' nightwear.)

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Lambert Manufacturing Co., 1123 North Osteopathy, Kirksville, Mo., effective 8-15-55 to 8-14-56, 10 learners for normal labor turnover purposes (cotton work gloves).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304).

Texas Boot Manufacturing Co., Inc., Lebanon, Tenn., effective 8-10-55 to 8-9-56, 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special student-worker certificates were issued in the school operated industries listed below:

Campion Academy, Loveland, Colo., effective 9-1-55 to 8-31-56, 16 learners in broom shop as broom maker, stitcher, sorter, winder and related skilled and semiskilled occupations, 200 hours at 65 cents an hour and 200 hours at 70 cents an hour.

Emmanuel Missionary College, Berrien Springs, Mich., effective 9-1-55 to 8-31-56, 30 learners in bookbindery as bookbinder, bindery worker, and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour; 12 learners in print shop as pressman, compositor and related skilled and semiskilled occupations, 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 40 learners in woodwork shop (furniture) as assembler, machine operator, furniture finisher and related skilled and semiskilled occupations, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour; 6 learners in clerical work as bookkeeper, typist and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Pacific Union College, Angwin, Calif., effective 9-1-55 to 8-31-56, 8 learners in print shop as pressman, compositor, lithographer, bindery worker, and related skilled and semiskilled occupations including incidental clerical work in shop, 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 12 learners in bookbindery as bookbinder, including sewer, gold stamper, trimmer and backer, cutter, case-maker and related skilled and semiskilled occupations including incidental clerical work in shop, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour; 6 learners as basic hand and machine operations on color slide previewers and equipment including incidental clerical work in shop, 90 hours at 65 cents an hour and 90 hours at 70 cents an hour.

Southern Missionary College, Collegedale, Tenn., effective 9-1-55 to 8-31-56, 30 learners in print shop as compositor, pressman and related skilled and semiskilled occupations, 500 hours at 65 cents an hour and 70 cents an hour for next 500 hours; 65 learners in broom shop as broommaker, sorter, winder, stitcher and related skilled and semiskilled occupations, 200 hours at 65 cents an hour and 200 hours at 70 cents an hour; 75 learners in furniture and cabinetmaking as machine operator, kiln worker, assembler, finisher and other related skilled and semiskilled occupations, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour; 20 learners in clerical work as typist, stenographer and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Southwestern Junior College, Keene, Tex., effective 9-1-55 to 8-31-56, 10 learners in print shop as compositor, pressman, bindery worker and related skilled and semiskilled occupations, 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 3 learners in clerical work as typist, file clerk, bookkeeper, stenographer, timekeeper and other related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Union College, Lincoln, Nebr., effective 9-1-55 to 8-31-56, 6 learners in print shop as compositor, pressman and related skilled and semiskilled occupations, 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; 10 learners in bookbindery as bookbinder, bindery worker, and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour; 5 learners in broom shop as broommaker and related skilled and semiskilled occupations, 200 hours at 65 cents an hour and 200 hours at 70 cents an hour; 25 learners in furniture shop as furniture maker, furniture finisher and related skilled and semiskilled occupations, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour; 4 learners in clerical work as bookkeeper, file clerk, business machines operator, and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour.

Walla Walla College, Drawer 1, College Place, Wash., effective 9-1-55 to 8-31-56, 8 learners in print shop as compositor, pressman, bindery worker and related skilled and semiskilled occupations, 500 hours at 65 cents an hour, 500 hours at 70 cents an hour; 22 learners in bookbindery, as bookbinder, bindery worker and related skilled and semiskilled occupations, 300 hours at 65 cents an hour and 300 hours at 70 cents an hour; 22 learners in furniture and cabinet making as woodworking machine operator, furniture maker, furniture finisher and related skilled and semiskilled occupations, 375 hours at 65 cents an hour and 375 hours at 70 cents an hour.

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 17th day of August 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-7129; Filed, Sept. 2, 1955; 8:46 a. m.]

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 periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Connellsville Sportswear Co., South First Street, Connellsville, Pa., effective 8-18-55 to 8-17-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa., effective 8-18-55 to 8-17-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts and jackets).

Hazlehurst Manufacturing Co., Inc., Vidalia, Ga., effective 8-12-55 to 2-11-56, 35 learners for plant expansion purposes (brassieres).

Hazelhurst Manufacturing Co., Inc., Vidalia, Ga., effective 8-12-55 to 8-11-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

The Iuka Shirt Co., Inc., Tishomingo County, Iuka, Miss., effective 8-18-55 to 1-10-56, 50 additional learners for plant expansion purposes in the production of men's shirts only (supplemental certificate) (men's sport shirts).

Junior Form Lingerie Corp., Route 601, Jerome, Pa., effective 8-19-55 to 8-18-56, 10 learners for normal labor turnover purposes (slips, nightgowns, etc.).

MacSmith Garment Co., Inc., Gulfport, Miss., effective 8-22-55 to 8-21-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

Earle C. Parker, Inc., 1717 West Webster Avenue, Houston 3, Tex., effective 8-22-55 to

8-21-56, 5 learners for normal labor turnover purposes (ladies' and men's hospital uniforms).

Rhea Manufacturing Co., American Junior Division, Colquitt, Ga., effective 8-22-55 to 2-21-56, 20 learners for expansion purposes (junior and misses sportswear).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 8-22-55 to 8-21-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

The Shirtcraft Co., Inc., 300 North Cedar Street, Hazelton, Pa., effective 8-19-55 to 8-18-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and outerwear).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla., effective 8-19-55 to 8-18-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

True Loom Manufacturing Co., Inc., La Fayette, Tenn., effective 8-15-55 to 2-14-56, 90 learners for plant expansion purposes (men's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Ideal Glove Co., Inc., Maben, Miss., effective 8-19-55 to 8-18-56, 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., Jasper, Ind., effective 8-25-55 to 8-24-56 10 learners for normal labor turnover purposes (work gloves).

Portage Hosiery Co., Portage, Wis., effective 8-19-55 to 8-18-56, 5 learners in the manufacture of mittens for normal labor turnover purposes (mittens).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Portage Hosiery Co., Portage, Wis., effective 8-19-55 to 8-18-56, 5 percent of the total number of factory production workers engaged in the production of hosiery (not including slipper sox) for normal labor turnover purposes (seamless hosiery).

Quitman Manufacturing Co., Quitman, Miss., effective 9-1-55 to 8-31-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35 as amended April 19, 1955, 20 F. R. 2304).

McComb Manufacturing Co., McComb, Miss., effective 8-16-55 to 8-15-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (nylon and rayon lingerie).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C., effective 8-18-55 to 2-17-56, 50 learners for plant expansion purposes (ladies' knit nylon and acetate slips, gowns, etc.).

Reverie Lingerie, Inc., Highway 50, Hillsboro, N. C., effective 8-18-55 to 1-6-56, 20 learners for plant expansion purposes (supplemental certificate) (ladies' and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Sewell Manufacturing Co., Bremen, Ga., effective 8-12-55 to 8-11-56, 7 percent of the total number of factory production workers engaged in the production of men's and boys' rayon suits and coats only, for normal labor turnover purposes in the following occupations: Machine operators (except cutting), pressers, hand sewers, 480 hours each at not less than 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (men's and boys' rayon suits).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods, and the learner wage rates are indicated, respectively.

FinRico, Inc., Cayey, P. R., effective 8-8-55 to 2-7-56, 20 learners in any one work day in the occupations of machine stitching, pressing and marking, each 160 hours at 30 cents an hour, 160 hours at 37½ cents an hour and 160 hours at 45 cents an hour; examining, including line inspection, 160 hours at 37½ cents an hour (finishing of full-fashioned sweaters).

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 22d day of August 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-7130; Filed, Sept. 2, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 31, 1955.

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

LONG-AND-SHORT HAUL

FSA No. 31026: *Various commodities from, to, and between the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads from, to, and between points in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 31027: *Iron pipe from the South to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from points in southern territory to points in official (including Illinois), territory, and official-southern border territory.

Grounds for relief: Market and truck competition, and circuity.

Tariff: Supplement No. 53 to Agent Spaninger's I. C. C. 1374.

FSA No. 31028: *Sugar from Gulf Ports to Atlanta, Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, in carloads, from Gulf ports to Atlanta, Ga., and group points.

Grounds for relief: Market competition and port relationship.

Tariff: Supplement 271 to Agent Emerson, Jr.'s I. C. C. 380.

FSA No. 31029: *Motor-rail-motor rates in Southwest—Substituted service.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on loaded and empty highway trailers between St. Louis, Mo., on one hand, and Oklahoma City, Kansas City, Kans., on the one hand, and Oklahoma City and Tulsa, Okla., and Dallas, Tex., on the other.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 28 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 31030: *Superphosphate from, to, and between points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, in carloads between points in southwestern territory, and between points in southwestern territory, on the one hand, and points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee, on the other.

Grounds for relief: Rates constructed on basis of a short-line distance formula and circuity.

Tariff: Supplement 80 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 31031: *Superphosphate from the South to the Southwest.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated, in carloads, from points in southern to points in southwestern territory.

Grounds for relief: Rates constructed on basis of a short-line distance formula and circuity.

Tariff: Supplement 17 to Agent Spaninger's I. C. C. No. 1433.

FSA No. 31032: *Scrap iron or steel—Winston-Salem, N. C., to Richmond, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel in carloads from Winston-Salem, N. C., to Richmond, Va.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 82 to Agent Spaninger's I. C. C. No. 1329.

FSA No. 31033: *Kyanite from Clover, S. C., to Cabot, Pa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, in carloads from Clover, S. C., to Cabot, Pa.

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

Tariff: Supplement 78 to Agent Spaninger's I. C. C. No. 1346.

FSA No. 31034: *Perlite brick from, to, and between points in W. T. L. Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on perlite brick, in carloads from, to, and between points in W. T. L. territory.

Grounds for relief: Analogous commodity.

FSA No. 31035: *Cotton from the Southwest to the South and New Orleans.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads from points in Arkansas, Louisiana, and southeast Missouri, also Memphis, Tenn., to New Orleans, La., and points in the South.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. No. 4014.

FSA No. 31036: *Soda ash from Saltville, Va., to Chicago District.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on soda ash, in bulk, carloads from Saltville, Va., to Chicago, Ill., and points in the Chicago switching district, South Chicago and Joliet, Ill., East Chicago, Hammond, and Whiting, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Agent LeGrande's I. C. C. 253.

FSA No. 31037: *Soda ash from Saltville, Va., to St. Louis, Mo.-East St. Louis, Ill.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on soda ash, in bulk, carloads from Saltville, Va., to St. Louis, Mo., East St. Louis, Wood River, and Alton, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 154 to Agent LeGrande's I. C. C. 253.

FSA No. 31038: *Barytes ore from Marion, Ky., to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphate of barium, viz.: barytes ore, carloads from Marion, Ky., to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Agent Spaninger's tariff I. C. C. 1299.

FSA No. 31039: *Zinc spelter from Amarillo, Tex., to Savanna, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc spelter, pig of slab, carloads from Amarillo, Tex., to Savanna, Ill.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Suplement 72 to Agent Kratzmeir's I. C. C. No. 4045.

FSA No. 31040: *Gravel from Standard Pit, Ind., to St. James, Ill.* Filed by R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company. Rates on gravel, carloads from Standard Pit, Ind., to St. James, Ill.

Grounds for relief: Wayside pit and motor carrier competition.

Tariff: Supplement 57 to Chicago & Eastern Illinois Railroad Company's I. C. C. No. 144.

FSA No. 31041: *Feldspar from Amco, Ga., to Sibert, Ala.* Filed by R. E. Boyle, Jr., Agent, for the Central of Georgia Railway Company and other carriers. Rates on feldspar, in bulk or in packages, carloads from Amco, Ga., to Sibert, Ala.

Grounds for relief: Circuity.

Tariff: Supplement 78 to Agent Spaninger's I. C. C. 1346.

FSA No. 31042: *Caustic Soda from Alabama to Jeffersonville, Ind.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Huntsville and Redstone Arsenal, Ala., to Jeffersonville, Ind.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 148 to Agent Spaninger's I. C. C. 1351.

FSA No. 31043: *Synthetic rubber from Charleston, S. C., to Hannibal, Mo.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on rubber, synthetic, coprecipated with lignin pitch, carloads, from Charleston, S. C., to Hannibal, Mo.

Grounds for relief: Rail carrier competition and circuity.

Tariff: Supplement 148 to Agent Spaninger's I. C. C. 1351.

FSA No. 31044: *Various commodities from and to Official Territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on various commodities, carloads, from, to, and between points in official territory.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-7154; Filed, Sept. 2, 1955; 8:51 a. m.]