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Washington, Thursday, September 8, 1955

TITLE 7—AGRICULTURE

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

[Avocado Order 9, As Amended]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

CONTAINER REGULATION

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Avocado Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the relaxation of the limitation, hereinafter provided, on the handling of such avocados will tend to effectuate the declared policy of the act. Such relaxation relates to the effective time of Avocado Order No. 9 (20 F. R. 5627) prescribing sizes of containers which may be used, effective on and after September 4, 1955, for the handling of avocados. It has developed that some avocado handlers have inventories of containers not meeting the specifications prescribed in such order and it is desirable to delay its effective time until October 3, 1955, to facilitate disposition of such inventories.

(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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in South Florida.

Order, as amended. The provisions in paragraph (c) of § 969.309 (Avocado Order 9; 20 F. R. 5627) are hereby amended to read as follows:

(c) *Effective time.* The provisions of this regulation shall become effective at 12:01 a. m., e. s. t., October 3, 1955.

(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. 55-7278; Filed, Sept. 7, 1955; 8:52 a. m.]

[Docket No. AO-177-A14]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Correction

In F. R. Doc. 55-6991 appearing in the issue for Saturday, August 27, 1955, on page 6275, make the following change:

Delete the last paragraph in column 3, 20 F. R. 6282, and substitute therefor the following paragraph:

Issued at Washington, D. C., this 24th day of August 1955, to be effective on and after the 1st day of September 1955.

Done at Washington, D. C., this 1st day of September 1955.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 55-7240; Filed, Sept. 7, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6287]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. H. KELLOGG CHEMICAL CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 32: Parts 400–699 ($5.75)
Parts 800–1099 ($5.00)
Part 1100 to end ($4.50)
Title 43 (Revised, 1954) ($6.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Titles 4–5 ($0.70); Title 6 ($2.00); Title 7: Parts 1–209 ($0.60); Parts 210–899 ($2.50); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 15 ($1.25); Title 16 ($1.25); Title 17 ($0.55); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 21 ($1.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) ($2.50); Title 26: Parts 1–79 ($0.35); Parts 80–169 ($0.50); Parts 170–182 ($0.50); Parts 183–299 ($0.30); Part 300 to end and Title 27 ($1.25); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Title 32: Parts 1–399 ($4.50); Parts 700–799 ($3.75); Title 32A, Revised December 31, 1954 ($1.50); Title 33 ($1.50); Titles 35–37 ($0.75); Title 38 ($2.00); Title 39 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 46: Parts 1–145 ($0.40); Part 146 to end ($1.25); Titles 47–48 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60); Title 50 ($0.55)

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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.

staff; Producer status of dealer or seller: *Laboratory;* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.90 *History of product or offering;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Comparative; Savings and discounts subsidized; § 13.170 *Qualities or properties of product or service;* § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.250 *Success, use or standing;* § 13.265 *Tests and investigations;* § 13.280 *Unique nature or advantages.* Subpart—*Using misleading name*—Vendor: § 13.2445 *Producer or laboratory status of dealer or seller.* In connection with the offering for sale, sale, or distribution in commerce, of respondents' embalming fluids designated as "Kelco Scientists Series Fluids" or any other embalming fluids of substantially similar composition or possessing substantially similar properties, whether sold under the same or under any other name: (1) Representing, directly or by implication: (a) Through the use of pictorial representations or otherwise, that respondents own or control a laboratory or laboratories that they do not actually own or control or that they employ scientists which they do not actually employ; (b) that their line of embalming fluids is the first complete line developed and tested as a series; (c) that such embalming fluids are the first perfected in cooperation with primary chemical producers; (d) that such fluids are the first produced as a result of scientific research methods; (e) that such fluids are the first series of formulations tested in sequence by undertakers and recorded in available case reports; (f) that the "KB–500" contained in their fluids is any number of times more effective than phenol than is actually the fact; (g) that the "KB–500" contained in their fluids maintains its germicidal or bactericidal potency for any period of time that is not in accordance with the facts; (h) that the "Thrombex-Heparin" contained in their fluids will stop or prevent coagulation or disperse blood clots; (i) that "Lanomulsion" is the first or only oil-emulsion of proven value in embalming fluids; (j) that their specifications for chemicals are so exacting that only two producers can comply therewith or misrepresent in any manner the quality of the ingredients in their fluids; and (k) that purchasers of their products are afforded savings from the prices charged by their competitors which are not in accordance with the facts; and (2) using the words "Manufacturing Analytical Chemists" or any of them, or the word "Factories", or any other word or words of similar import or meaning, on respondents' business stationery or in advertisements; or representing through any other means or device, or in any manner, that they manufacture the fluids sold by them; prohibited, subject to the provision, however, that nothing in the order shall preclude the respondents from representing that the fluids which they sell are manufactured under their supervision, from their ingredients and in accordance with their formulas.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 88 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, L. H. Kellogg Chemical Company et al., Minneapolis, Minn., Docket 6287, July 28, 1955]

In the Matter of L. H. Kellogg Chemical Company, a Corporation, and Leo A. Hodroff, William Hodroff, and Ruth Abry, Individually and as Officers of Said Corporation

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondent corporation, respondents Leo A. and William Hodroff, and respondent Ruth Abry, individually and as officers of respondent corporation, 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 embalming fluids designated "Kelco Scientists Series Fluids"; upon separate affidavits filed by respondent William Hodroff and Ruth Abry, after the filing of their answers, to the effect that respondent William Hodroff had resigned as officer, director, and employee of respondent corporation in February 1951 and had assumed employment with another named corporation, and that Ruth Abry, although Secretary of said corporate respondent, had not participated in the affairs thereof other than calling the annual meetings of shareholders and keeping minutes thereof and keeping minutes of the meetings of the Board of Directors; and upon a stipulation for consent order entered into by respondent corporation and respondent Leo A. Hodroff, individually, following the filing of their answers, which disposed of all the issues in the proceeding, and was duly approved by the Director and Assistant Director of the Bureau of Litigation, and expressly provided that the signing thereof was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

By the terms of said stipulation, the said respondents 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; the answers theretofore filed by respondents were withdrawn and the parties expressly waived 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 respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and respondents 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.

It was further provided that said stipulation, together with the complaint and the affidavits filed in behalf of Ruth Abry and William Hodroff should constitute the entire record in the matter, that the complaint in the matter 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, and it was further stipulated and agreed between counsel for the respondents and counsel supporting the complaint that in view of the information contained in said affidavits submitted concerning the status of William Hodroff and Ruth Abry, individually cited in the complaint, counsel supporting the complaint by said stipulation recommended dismissal of the charges as to said individuals.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; that he had considered such stipulation and the order therein contained and the affidavits filed in the matter; his conclusion that said stipulation provided for an appropriate disposition of the proceeding and his acceptance of said stipulation, 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 the respondents named therein, and that the proceeding was in the interest of the public; and in which he issued order to cease and desist, and order of dismissal as to said William Hodroff and Ruth Abry.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compli-

ance", dated July 28, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That L. H. Kellogg Chemical Company, a corporation, and Leo A. Hodroff, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of their embalming fluids designated as Kelco Scientists Series Fluids or any other embalming fluids of substantially similar composition or possessing substantially similar properties, whether sold under the same or under any other name, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) Through the use of pictorial representations or otherwise, that they own or control a laboratory or laboratories that they do not actually own or control or that they employ scientists which they do not actually employ.

(b) That their line of embalming fluids is the first complete line developed and tested as a series.

(c) That such embalming fluids are the first perfected in cooperation with primary chemical producers.

(d) That such fluids are the first produced as a result of scientific research methods.

(e) That such fluids are the first series of formulations tested in sequence by undertakers and recorded in available case reports.

(f) That the KB–500 contained in their fluids is any number of times more effective than phenol than is actually the fact.

(g) That the KB–500 contained in their fluids maintains its germicidal or bactericidal potency for any period of time that is not in accordance with the facts.

(h) That the Thrombex-Heparin contained in their fluids will stop or prevent coagulation or disperse blood clots.

(i) That Lanomulsion is the first or only oil-emulsion of proven value in embalming fluids.

(j) That their specifications for chemicals are so exacting that only two producers can comply therewith or misrepresent in any manner the quality of the ingredients in their fluids.

(k) That purchasers of their products are afforded savings from the prices charged by their competitors which are not in accordance with the facts.

2. Using the words "Manufacturing Analytical Chemists" or any of them, or the word "Factories," or any other word or words of similar import or meaning, on their business stationery or in advertisements; or representing through any other means or device, or in any manner, that they manufacture the fluids sold by them.

Provided, however, That nothing herein shall preclude the respondents from representing that the fluids which they sell are manufactured under their supervision, from their ingredients and in accordance with their formulas.

It is further ordered, That the complaint be dismissed as to respondents William Hodroff and Ruth Abry.

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

It is ordered, That the respondents L. H. Kellogg Chemical Company, a corporation, and Leo A. Hodroff, individually, 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: July 28, 1955.

By the Commission.

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

[F. R. Doc. 55-7242; Filed, Sept. 7, 1955; 8:46 a. m.]

[Docket 6320]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HARRY KAYE OF HACKENSACK, INC., AND HARRY KAPLAN

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Stock, product or service; § 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; § 13.155 *Prices:* Exaggerated as regular and customary; savings and discounts subsidized; § 13.235 *Source or origin:* Place: *Foreign, in general;* § 13.285 *Value.* 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; § 13.1900 *Source or origin:* Fur Products Labeling Act: *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 sale, advertising, offer for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, 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 artifically colored fur, when such is a fact; (c) the name of the country of origin of imported furs contained in fur products; (2) Represents, directly or by implication: (a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business; (b) that a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold by respondents during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold by respondents; (c) the value of fur products, when such claims and representations were not true in fact; (d) that any of such products were the stock of a business in a state of liquidation, contrary to fact; and (3) Makes pricing claims or representations of the type referred to in "(2)(a)", "(2)(b)", and "(2)(c)" above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations; 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, Harry Kaye of Hackensack, Inc. et al., Hackensack, N. J., Docket 6320, July 27, 1955]

In the Matter of Harry Kaye of Hackensack, Inc., a Corporation, and Harry Kaplan, Individually and as an Officer of Said Corporation

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with violating the Federal Trade Commission Act and the Fur Products Labeling Act through falsely advertising their fur products, and upon an agreement and stipulation between respondents and counsel in support of the complaint, which was submitted to said hearing examiner after the filing by respondents of their answer to the complaint and which provided for entry of a consent order.

By the terms of said agreement and stipulation, respondents admitted all the jurisdictional allegations set forth in the complaint; agreed that the answer theretofore filed in the matter be withdrawn; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with allegations thereof in the complaint; and expressly waived 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 or oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents agreed that the order provided for 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 the order entered in accordance with such stipulation, and it was further stipulated and agreed that such stipulation, together with the complaint, should constitute the entire record in the matter and should be filed with the hearing examiner for his consideration in accordance with § 3.21 of the Commission's rules of practice; that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint; that the complaint in the matter might be used in construing the terms of the order thereinafter entered, which order might be altered, modified, or set aside in the manner provided by the statute for orders of the Commission; and that the stipulation was subject to approval in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice and that the order should have no force and effect until and unless it became the order of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; and concluded on the basis thereof that the proceeding was in the public interest, and that said stipulation constituted an appropriate disposition of the proceeding; and, in accordance with the action contemplated and agreed upon, issued his 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 July 27, 1955, became, on said date, 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 Harry Kaye of Hackensack, Inc., a corporation, and its officers, and Harry Kaplan, individually and as an officer of said corporation, 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 sale, advertising, offer for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has 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 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 a fact.

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

2. Represents, directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

(b) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold by respondents during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold by respondents.

(c) The value of fur products, when such claims and representations were not true in fact.

(d) That any of such products were the stock of a business in a state of liquidation, contrary to fact.

3. Makes pricing claims or representations of the type referred to in paragraph 2 (a), (b) and (c) above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations.

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

It is ordered, That the respondents herein 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: July 27, 1955.

By the Commission.

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

[F. R. Doc. 55-7243; Filed, Sept. 7, 1955; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS; CORRECTION

In Federal Register Document 55-7062, filed August 30, 1955, at page 6371, § 24.123 should be changed to § 24.126.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 55-7237; Filed, Sept. 7, 1955; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 61]

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

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (1) and (8) of paragraph (a), relating to California, are amended to read:

(a) *California:* (1) Secs. 22 and 24, T. 3 S., R. 2 E., MDBM; and that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8-15, in Alameda County.

* * * * *

(8) E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and W. ½ of NE. ¼ Sec. 25,. T. 3 N., R. 6 W., SBBM, in San Bernardino County.

2. Subdivision (ii) of subparagraph (4) of paragraph (d), relating to Burlington County, in New Jersey, is amended to read:

(ii) Mooretown and North Hanover Townships.

3. A new subdivision (v) is added to subparagraph (4) of paragraph (d), relating to Burlington County, in New Jersey, to read:

(v) That part of South Hampton Township lying north of State Route No. 70, east of the Burrs Mill-Buddtown Road, and southwest of the South Hampton Township line.

4. New subdivisions (xix) and (xx) are added to subparagraph (8) of paragraph (d), relating to Gloucester County, in New Jersey, to read:

(xix) Lot No. 7 in Block 417 in Deptford Township, owned and operated by August J. Bitner;

(xx) Lot No. 6 in Block 417 in Deptford Township, owned by Mary F. Tenuto and operated by James Campo.

5. New subdivisions (x) and (xi) are added to subparagraph (11) of paragraph (d), relating to Monmouth County, in New Jersey, to read:

(x) That part of Wall Township lying south of the Farmingdale-Hurly Pond Road, west of State Route No. 34, northwest of the Garden State Parkway, and east of the Wall Township line;

(xi) Lot No. 9 in Block 353 in the Glendora Section of Wall Township.

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

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

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

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23, Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 1st day of September 1955.

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

[F. R. Doc. 55-7241; Filed, Sept. 7, 1955; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

EXTENDING TEMPORARY EFFECTIVENESS OF EXCHANGE DISTRIBUTION PLANS OF AMERICAN STOCK EXCHANGE, MIDWEST STOCK EXCHANGE, NEW YORK STOCK EXCHANGE AND SAN FRANCISCO STOCK EXCHANGE

The Securities and Exchange Commission today announced that it has extended until the close of business on October 31, 1955, the period during which the Exchange Distribution Plans of the American Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange and the San Francisco Stock Exchange shall be effective. These are the same Plans which the Commission previously declared effective for a period expiring on August 31, 1955, as described in Securities Exchange Act Releases Nos. 5141 and 5151. The further extension of these Plans until October 31, 1955, has been made to permit further consideration of a proposal to amend the Plan of the New York Stock Exchange as announced in Securities Exchange Act Release No. 5200.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and § 240.10b-2 (d) (Rule X-10B-2 (d)) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, does hereby declare the Exchange Distribution Plans of the American Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange and the San Francisco Stock Exchange, as now effective, to be effective until the close of business on October 31, 1955, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do the Commission may suspend or terminate the effectiveness of said Plans by sending at least ten days' written notice to the respective Exchange.

The Commission for good cause finds that the notice and public procedure specified in paragraphs 4 (a) and (b) of the Administrative Procedure Act are unnecessary since these Exchange Distribution Plans are the same as those heretofore declared effective for such Exchanges; and the Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that paragraph (d) of § 240.10b-2 and this action have the effect of granting exemption and relieving restriction, and that, therefore, this action may be and is hereby declared effective August 29, 1955.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 29, 1955.

[F. R. Doc. 55-7234; Filed, Sept. 7, 1955; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6143; Regs. 46]

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

In order to conform Regulations 46 (1940 edition) (26 CFR (1939) Part 316) to the Tax Rate Extension Act of 1955 (Public Law 18, 84th Cong.), approved March 30, 1955, such regulations, as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, are amended as follows:

PARAGRAPH 1. Immediately preceding § 316.2 there is inserted the following:

SEC. 7851. *Applicability of Revenue Laws [Internal Revenue Code of 1954].*

(a) *General rules.* Except as otherwise provided in any section of this title—

* * * * *

(4) *Subtitle D.* Subtitle D [incl. chapter 32, relating to manufacturers excise taxes] of this title shall take effect on January 1, 1955. Subtitles B and C of the Internal Revenue Code of 1939 (except chapters * * * 28 * * * of such code) are hereby repealed effective January 1, 1955. * * *

PAR. 2. Section 316.2, as amended by Treasury Decision 6139, approved August 23, 1955, is further amended by adding at the end thereof the following new paragraph (26 CFR 316.2 (k)):

(k) The applicable provisions of the Internal Revenue Code of 1939, as amended, were superseded as of January 1, 1955, by the corresponding provisions of the Internal Revenue Code of 1954. The applicable provisions of the 1954 Code have been amended by the Tax Rate Extension Act of 1955, approved March 30, 1955. The Tax Rate Extension Act of 1955 continues until April 1, 1956, the rates of tax on chassis and bodies for trucks and other automobiles, and parts and accessories therefor, which rates were increased by section 481 (a), (b), and (c) of the Revenue Act of 1951.

PAR. 3. Immediately preceding § 316.51 there is inserted the following:

SEC. 4061. *Imposition of tax [Internal Revenue Code of 1954].*

(a) *Automobiles.* There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

(1) Articles taxable at 8 percent, except that on and after April 1, 1955, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

(2) Articles taxable at 10 percent except that on and after April 1, 1955, the rate shall be 7 percent—

Automobile chassis and bodies other than those taxable under paragraph (1).
Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.
Motorcycles.

A sale of an automobile, trailer, or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

* * * * *

SEC. 3. *One-year extension of certain excise tax rates [Tax Rate Extension Act of 1955, approved March 30, 1955]*—(a) *Extension of rates.* The following provisions of the Internal Revenue Code of 1954 are hereby amended by striking out "April 1, 1955" each place it appears and inserting in lieu thereof "April 1, 1956"—

* * * * *

(2) section 4061 (relating to motor vehicles);

* * * * *

PAR. 4. Paragraphs (a) and (b) of § 316.51, as amended by Treasury Decision 6139, are further amended to read as follows:

(a) Automobile truck chassis and bodies; highway tractors; automobile bus chassis and bodies; automobile truck and bus trailer and semitrailer chassis and bodies:

	Percent
October 1, 1941 to October 31, 1951, inclusive	5
November 1, 1951 to March 31, 1956, inclusive	8
On and after April 1, 1956	5

(b) Other automobile chassis and bodies; other automobile trailer and semitrailer chassis and bodies; motorcycles:

	Percent
October 1, 1941 to October 31, 1951, inclusive	7
November 1, 1951 to March 31, 1956, inclusive	10
On and after April 1, 1956	7

PAR. 5. Immediately preceding § 316.55 there is inserted the following:

SEC. 4061. *Imposition of tax [Internal Revenue Code of 1954].*

* * * * *

(b) *Parts and accessories.* There is hereby imposed upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in subsection (a) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after April 1, 1955, the rate shall be 5 percent.

SEC. 3. *One-year extension of certain excise tax rates [Tax Rate Extension Act of 1955, approved March 30, 1955]*—(a) *Extension of rates.* The following provisions of the Internal Revenue Code of 1954 are hereby amended by striking out "April 1, 1955" each place it appears and inserting in lieu thereof "April 1, 1956"—

* * * * *

(2) section 4061 (relating to motor vehicles);

* * * * *

PAR. 6. Section 316.56, as amended by Treasury Decision 6139, is further amended to read as follows:

§ 316.56 *Rates of Tax.* The tax is payable by the manufacturer on the sale price of the articles listed at the rates specified below:

Automobile parts and accessories:	Percent
October 1, 1941 to October 31, 1951, inclusive	5
November 1, 1951 to March 31, 1956, inclusive	8
On and after April 1, 1956	5

In each case the taxable sale price shall be determined in accordance with the provisions of section 316.8 to 316.15, inclusive.

(68A Stat. 917; 26 U. S. C. 7805)

Because this Treasury decision amends the regulations merely by incorporating the extension in the rates of the manufacturers excise taxes on certain motor vehicles and parts or accessories therefor which was made by the Tax Rate Extension Act of 1955, it is found unnecessary to issue this 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 said act.

This Treasury decision shall be effective on March 30, 1955.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 1, 1955.

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

[F. R. Doc. 55-7259; Filed, Sept. 7, 1955; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6145]

Subchapter A—Income Tax

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Subchapter C—Employment Taxes

PART 36—CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

On May 27, 1955, notice of proposed rule making regarding the regulations under section 176 and section 3121 (l) of the Internal Revenue Code of 1954, as added by Public Law 761, 83d Congress, approved September 1, 1954, was published in the FEDERAL REGISTER (20 F. R. 3738). All comments regarding the proposed regulations having been considered and no change having been found necessary, the regulations as so published are hereby adopted, as set forth below.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 2, 1955.

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

INCOME TAX REGULATIONS

§ 1.176 *Statutory provisions; payments with respect to employees of certain foreign corporations.*

SEC. 176. *Payments with respect to employees of certain foreign corporations.* In the case of a domestic corporation, there shall be allowed as a deduction amounts (to the extent not compensated for) paid or incurred pursuant to an agreement entered into under section 3121 (l) with respect to services performed by United States citizens employed by foreign subsidiary corporations. Any reimbursement of any amount previously allowed as a deduction under this section shall be included in gross income for the taxable year in which received. (Sec. 176 as added by sec. 210, Social Security Amendments 1954)

(68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 3121; 68A Stat. 428, as amended, 68 Stat. 1094; 26 U. S. C. 3121)

PART 36—CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

AUTHORITY: §§ 36.3121 (l)-0 to 36.3121 (l) 10-4 issued under 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 3121, 68A Stat. 428, as amended, 68 Stat. 1094; 26 U. S. C. 3121.

§ 36.3121 (l)-0 *Introduction.* (a) The regulations in this part deal with the circumstances under which a domestic corporation may enter into an agreement with the district director for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121 (l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

(b) Although the obligations incurred under an agreement entered into pursuant to section 3121 (l) of the Internal Revenue Code of 1954, as amended, must be distinguished from the obligations imposed on employers with respect to the taxes under the Federal Insurance Contributions Act, the two are similar in many respects. Accordingly, the regulations in this part are prescribed as a supplement to the regulations (26 CFR (1954), Part 31, Subpart B) relating to the employee tax and the employer tax imposed by the Federal Insurance Contributions Act. The terms used in the regulations in this part have the same meaning, unless otherwise provided, as when used in the regulations relating to the taxes imposed by such act.

(c) The regulations in this part constitute Part 36 of Title 26 of the Code of Federal Regulations. As used in the regulations in this part, the word "Code" means the Internal Revenue Code of 1954, as amended, and the term "Federal Insurance Contributions Act" means chapter 21 of such Code. Each section of the regulations is preceded by the provision of the Code which it interprets. All references to sections of law are references to the Code unless otherwise indicated. The number of each section of the regulations begins with 36 followed by a decimal point (36.). Numbers which do not begin with 36 followed by a decimal point are numbers of sections of law unless otherwise indicated. In identifying sections of regulations, the symbol "§" is used.

§ 36.3121 (l) (1) *Statutory provisions; agreements entered into by domestic corporations with respect to foreign subsidiaries.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries*—(1) *Agreement with respect to certain employees of foreign subsidiaries.* The Secretary or his delegate shall, at the request of any domestic corporation, enter into an agreement (in such form and manner as may be prescribed by the Secretary or his delegate) with any such corporation which desires to have the insurance system established by title II of the Social Security Act extended to service performed outside the United States in the employ of any one or more of its foreign subsidiaries (as defined in paragraph (8)) by all employees who are citizens of the United States, except that the agreement shall not be applicable to any service performed by, or remuneration paid to, an employee if such service or remuneration would be excluded from the term "employment" or "wages", as defined in this section, had the service been performed in the United States. Such agreement may be amended at any time so as to be made applicable, in the same manner and under the same conditions, with respect to any other foreign subsidiary of such domestic corporation. Such agreement shall be applicable with respect to citizens of the United States who, on or after the effective date of the agreement, are employees of and perform services outside the United States for any foreign subsidiary specified in the agreement. Such agreement shall provide—

(A) That the domestic corporation shall pay to the Secretary or his delegate, at such time or times as the Secretary or his delegate may by regulations prescribe, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 (including amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable) with respect to the remuneration which would be wages if the services covered by the agreement constituted employment as defined in this section; and

(B) That the domestic corporation will comply with such regulations relating to payments and reports as the Secretary or his delegate may prescribe to carry out the purposes of this subsection.

(Sec. 3121 (l) (1) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (1)–1 *Agreements entered into by domestic corporations with respect to foreign subsidiaries*—(a) *In general.* (1) Any domestic corporation having one or more foreign subsidiaries may request the district director to enter into an agreement for the purpose of extending the Federal old-age and survivors insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121 (l) (8)–1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121 (l) (5)–1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121 (l), the district director shall, at the request of a domestic corporation, enter into such an agreement on Form 2032 in any case where a Form 2032 is executed, and submitted to the district director, by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

(2) An agreement authorized in section 3121 (l) (1) may not be made applicable to any services performed outside the United States which would not constitute employment, for purposes of the taxes imposed under the Federal Insurance Contributions Act, if the services were performed within the United States. Thus, such an agreement shall have no application with respect to any services performed outside the United States which, if performed within the United States, would be specifically excepted from employment under any of the numbered paragraphs of section 3121 (b), or which, although not so excepted, would be deemed not to be employment by application of section 3121 (c), relating to included and excluded services. Further, an agreement may not be made applicable with respect to any services performed outside the United States which constitute employment, as defined in section 3121 (b). Thus, an agreement may not be made applicable to services for any employer performed by any employee on or in connection with an American vessel or American aircraft when outside the United States, if (i) performed under a contract of service which is entered into within the United States or (ii) during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, because such services constitute employment as defined in section 3121 (b). An agreement may not be made applicable to remuneration which would not constitute wages, as defined in section 3121 (a), even if the services to which such remuneration is attributable had constituted employment.

(3) The terms "corporation", "domestic", and "foreign", as used in the regulations in this part, have the meaning assigned by paragraphs (3), (4), and (5), respectively, of section 7701 (a). Section 7701 (a) (3), (4), and (5) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title [Internal Revenue Code of 1954], where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * *

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation * * * means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation * * * means a corporation * * * which is not domestic.

(b) *Form and contents of agreement.* Form 2032 is the form prescribed for the agreement authorized in section 3121 (l) (1). The agreement shall include provisions substantially as follows:

(1) That the agreement shall apply to all services performed outside the United States by all citizens of the United States who are in the employ of the foreign subsidiary or subsidiaries to which the agreement is made applicable, but only to the extent that the remuneration paid each employee for such services would constitute wages if paid by one employer for services performed in the United States;

(2) That the agreement shall not apply to any services which constitute employment within the meaning of section 3121;

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement;

(4) That the domestic corporation will pay, as required by the regulations in this part, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111, respectively, if the remuneration for the services covered by the agreement constituted wages;

(5) That the domestic corporation will pay, in accordance with written notification and demand therefor to the domestic corporation, amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable if the remuneration for services covered by the agreement constituted wages; and

(6) That the domestic corporation will comply with all provisions of the regulations in this part.

(c) *Execution and filing of Form 2032.* The request of any domestic corporation that the district director enter into an agreement with the corporation on Form 2032 shall be signified by the cor-

poration by executing and filing Form 2032 in triplicate with the district director for the district in which is located the principal place of business in the United States of the domestic corporation. Such form shall be executed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121 (l) (1). The district director will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

§ 36.3121 (l) (1)–2 *Amendment of agreement.* (a) An agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 may be amended so as to be made applicable, in the same manner and under the same conditions, with respect to any one or more of the foreign subsidiaries of the domestic corporation not previously named in the agreement. See paragraph (b) of § 36.3121 (l) (2)–1, relating to the effective period of an amendment of an agreement.

(b) Form 2032 Supplement is the form prescribed for use in amending an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1.

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121 (l) (1)–1 by executing and filing Form 2032 Supplement in triplicate with the district director for the district in which is located the principal place of business in the United States of the domestic corporation.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in paragraph (c) of § 36.3121 (l) (1)–1 in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The district director will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

§ 36.3121 (l) (1)–3 *Effect of agreement*—(a) *Liability for amounts equivalent to tax*—(1) *In general.* A domestic corporation which has entered into an agreement (as provided in § 36.3121 (l) (1)–1, or any amendment thereof (as provided in § 36.3121 (l) (1)–2), incurs liability under the agreement in respect of certain remuneration paid by each foreign subsidiary named in the agreement, or any amendment thereof. Liability is incurred in respect of the remuneration paid to all those employees of the foreign subsidiaries who are citizens of the United States and who perform services outside the United States (other than services which constitute employment) for the foreign subsidiaries. However, liability is incurred only with respect to that portion of such remuneration paid by the foreign subsidiary which is attributable to services performed during the period for which the agreement is in effect with respect to such subsidiary, and then only to the extent that the remuneration would constitute wages if the services to which the remuneration is attributable were performed in the United States. Liability with respect to such remuneration is incurred in an amount equivalent to the sum of the employee and employer taxes which would be imposed by sections 3101 and 3111, respectively, if such remuneration constituted wages. If an individual performs services for more than one of the foreign subsidiaries named in an agreement, including any amendment thereof, such services are regarded as being performed in the employ of a single employer for purposes of determining the amount of the remuneration for such services which would constitute wages if the services were performed in the United States. See § 36.3121 (l) (9)–1, relating to the treatment of a domestic corporation as a separate entity in its capacity as a party to an agreement.

(2) *Examples.* The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). P, a domestic corporation, has entered into an agreement as provided in § 36.3121 (l) (1)–1, effective with respect to services performed on and after January 1, 1955. Three foreign subsidiaries, S–1, S–2, and S–3 are named in the agreement. A, a citizen of the United States, is employed during 1955 by S–1, S–2, and S–3, for the performance outside the United States of services covered by the agreement. In 1955 A is paid remuneration of $2,500 for such services by each of the foreign subsidiaries. The circumstances are such that the entire $7,500 would constitute wages if the services had been performed in the United States. However, only $4,200 of such remuneration would constitute wages if the services had been performed in the United States for a single employer, and it is with respect to this amount only that P incurs liability under its agreement.

Example (2). On August 1, 1955, P, the domestic corporation in the preceding example, amends its agreement to include therein its foreign subsidiary S–4. The amendment is in effect with respect to S–4 for the period beginning with October 1, 1955. B, a citizen of the United States, is employed by S–4 throughout 1955 for the performance of services outside the United States. B is paid remuneration of $500 in each month of 1955 for these services. The circumstances are such that the first $4,200 of such remuneration would constitute wages if the services had been performed in the United States, and, except for the $4,200 limitation, the remainder of such remuneration would constitute wages if the services had been so performed. P incurs no liability with respect to remuneration paid B for services performed for S–4 prior to October 1, 1955. However, P incurs liability under its agreement with respect to the $1,500 paid B in October, November, and December 1955, for services performed in these months. Since the remuneration paid to B for services performed during the first nine months of 1955 is not covered by the agreement, such remuneration is not taken into account in computing the $4,200 limitation or the liability under the agreement.

Example (3). Assume the same facts as in example (2) except that B's services for S–4 during December 1955 are performed in connection with the production or harvesting of crude gum (oleoresin) and that such services if performed within the United States would be excepted from employment. See section 3121 (b) (1) (A). Accordingly, P incurs no liability under the agreement with respect to the $500 paid in December 1955 for such services.

(3) *Determination of liability.* The amount of the liability referred to in subparagraph (1) of this paragraph incurred by a domestic corporation for any period shall be determined in the same manner as liability for the employee tax and for the employer tax imposed by the Federal Insurance Contributions Act is determined, pursuant to regulations relating to the taxes under such act as in effect for the same period, with respect to wages paid by an employer to an employee.

(b) *Liability for amounts equivalent to interest or penalties.* A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 also incurs liability under the agreement for amounts equivalent to the amount of interest, additions to the taxes, additional amounts, and penalties which would be applicable if the remuneration for services covered by the agreement constituted wages.

(c) *Deductions from employees' remuneration.* There is no obligation to deduct, or cause to be deducted, from the remuneration of any employee of a foreign subsidiary any part of the amount due from a domestic corporation under its agreement. Whether such deduction shall be made is a matter for settlement between the employee and the domestic corporation or such other person as may be concerned.

(d) *Cross reference.* For other obligations of a domestic corporation under an agreement, see § 36.3121 (l) (10)–1.

§ 36.3121 (l) (2) *Statutory provisions; effective period of agreement.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(2) *Effective period of agreement.* An agreement entered into pursuant to paragraph (1) shall be in effect for the period beginning with the first day of the calendar quarter in which such agreement is entered into or the first day of the succeeding calendar quarter, as may be specified in the agreement, but in no case prior to January 1, 1955; except that in case such agreement is amended to include the services performed for any other subsidiary and such amendment is executed after the first month following the first calendar quarter for which the agreement is in effect, the agreement shall be in effect with respect to service performed for such other subsidiary only

after the calendar quarter in which such amendment is executed.

(Sec. 3121 (l) (2) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (2)–1 *Effective period of agreement*—(a) *In general.* An agreement entered into as provided in § 36.3121 (l) (1)–1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director.

§ 36.3121 (l) (3) *Statutory provisions; termination of period by a domestic corporation.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(3) *Termination of period by a domestic corporation.* The period for which an agreement entered into pursuant to paragraph (1) of this subsection is effective may be terminated with respect to any one or more of its foreign subsidiaries by the domestic corporation, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the agreement has been in effect for a period of not less than eight years. The notice of termination may be revoked by the domestic corporation by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner as may be prescribed by regulations. Notwithstanding any other provision of this subsection, the period for which any such agreement is effective with respect to any foreign corporation shall terminate at the end of any calendar quarter in which the foreign corporation, at any time in such quarter, ceases to be a foreign subsidiary as defined in paragraph (8).

(Sec. 3121 (l) (3) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (3)–1 *Termination of agreement by domestic corporation or by reason of change in stock ownership*—(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121 (l) (1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (to the district director for the district in which is located the principal place of business in the United States of the domestic corporation) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided,* That, at the time of the receipt of such notice by the district director, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the district director with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of termination. The district director will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the district director with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The district director will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

(b) *Termination by reason of change in stock ownership.* (1) The period for which an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is in effect with respect to a foreign corporation is automatically terminated at the end of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. See § 36.3121 (l) (8)–1, relating to definition of foreign subsidiary.

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 shall furnish to the district director for the district in which is located its principal place of business in the United States written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the district director with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The district director will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

§ 36.3121 (l) (4) *Statutory provisions; termination of period by Secretary.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(4) *Termination of period by Secretary.* If the Secretary or his delegate finds that any domestic corporation which entered into an agreement pursuant to this subsection has failed to comply substantially with the terms of such agreement, the Secretary or his delegate shall give such domestic corporation not less than sixty days' advance notice in writing that the period covered by such agreement will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Secretary or his delegate by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the domestic corporation. No notice of termination or of revocation thereof shall be given under this paragraph to a domestic corporation without the prior concurrence of the Secretary of Health, Education, and Welfare.

(Sec. 3121 (l) (4) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (4)–1 *Termination of agreement by Commissioner*—(a) *Notice of termination.* The period for which an agreement entered into with a domestic corporation as provided in § 36.3121 (l)

(1)–1 is in effect may be terminated by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, upon a finding by the Commissioner that the domestic corporation has failed to comply substantially with the terms of the agreement. The Commissioner shall give the corporation not less than 60 days' advance notice in writing that the period for which the agreement is in effect will terminate at the end of the calendar quarter specified in the notice of termination.

(b) *Revocation of notice of termination.* A notice of termination given to a domestic corporation by the Commissioner may be revoked by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, by giving written notice of revocation to the corporation prior to the close of the calendar quarter specified in the notice of termination.

§ 36.3121 (l) (5) *Statutory provisions; no renewal of agreement.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(5) *No renewal of agreement.* If any agreement entered into pursuant to paragraph (1) of this subsection is terminated in its entirety (A) by a notice of termination filed by the domestic corporation pursuant to paragraph (3), or (B) by a notice of termination given by the Secretary or his delegate pursuant to paragraph (4), the domestic corporation may not again enter into an agreement pursuant to paragraph (1). If any such agreement is terminated with respect to any foreign subsidiary, such agreement may not thereafter be amended so as again to make it applicable with respect to such subsidiary.

(Sec. 3121 (l) (5) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (5)–1 *Effect of termination*—(a) *Termination of entire agreement.* (1) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the domestic corporation, pursuant to paragraph (a) of § 36.3121 (l) (3)–1, with respect to all foreign subsidiaries named in the agreement, including any amendment thereof, an agreement may not again be entered into by the domestic corporation under the provisions of section 3121 (l) (1).

(2) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the Commissioner, pursuant to paragraph (a) of § 36.3121 (l) (4)–1, an agreement may not again be entered into by the domestic corporation under the provisions of section 3121 (l) (1).

(3) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated automatically by reason of a change in stock ownership (see paragraph (b) of § 36.3121 (l) (3)–1) with respect to all foreign corporations named in the agreement, including any amendment thereof, a new agreement may be entered into by the domestic corporation, as provided in § 36.3121 (l) (1)–1, with respect to any foreign corporation which is a foreign subsidiary of the domestic corporation.

(b) *Partial termination of agreement.* (1) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the domestic corporation, pursuant to paragraph (a) of § 36.3121 (l) (3)–1, with respect to one or more foreign subsidiaries named in the agreement, including any amendment thereof, the period for which the agreement is in effect will continue with respect to any other foreign subsidiary or subsidiaries named in the agreement (or amendment). However, the agreement may not thereafter be amended to include any foreign subsidiary with respect to which the effective period of the agreement has been terminated.

(2) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated automatically by reason of a change in stock ownership (see paragraph (b) of § 36.3121 (l) (3)–1) with respect to a foreign corporation which has ceased to be a foreign subsidiary of the domestic corporation, but the period for which the agreement is in effect continues with respect to one or more other foreign subsidiaries, the agreement may not thereafter be amended to include such foreign corporation even though the foreign corporation may again become a foreign subsidiary of the domestic corporation.

§ 36.3121 (l) (6) *Statutory provisions; deposits in trust fund.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(6) *Deposits in trust fund.* For purposes of section 201 of the Social Security Act, relating to appropriations to the Federal Old-Age and Survivors Insurance Trust Fund, such remuneration—

(A) Paid for services covered by an agreement entered into pursuant to paragraph (1) as would be wages if the services constituted employment, and

(B) As is reported to the Secretary or his delegate pursuant to the provisions of such agreement or of the regulations issued under this subsection,

shall be considered wages subject to the taxes imposed by this chapter [chapter 21, I. R. C. 1954].

(Sec. 3121 (l) (6) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (7) *Statutory provisions; overpayments and underpayments.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(7) *Overpayments and underpayments.* (A) If more or less than the correct amount due under an agreement entered into pursuant to this subsection is paid with respect to any payment of remuneration, proper adjustments with respect to the amounts due under such agreement shall be made, without interest, in such manner and at such times as may be required by regulations prescribed by the Secretary or his delegate.

(B) If an overpayment cannot be adjusted under subparagraph (A), the amount thereof shall be paid by the Secretary or his delegate, through the Fiscal Service of the Treasury Department, but only if a claim for such overpayment is filed with the Secretary or his delegate within two years from the time such overpayment was made.

(Sec. 3121 (l) (7) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (7)–1 *Overpayments and underpayments*—(a) *Adjustments*—(1) *In general.* Errors in the payment of amounts for which liability equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* If a domestic corporation pays more than the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation may correct the error, subject to the requirements and under the conditions stated in this paragraph, by deducting the amount of the overpayment from the amount of liability reported on a return filed by the domestic corporation, except that—

(i) A correction may not be made in respect of any part of an overpayment which was collected from an individual by reason of the agreement unless the domestic corporation (*a*) has repaid the amount so collected to the individual, has secured the written receipt of the individual showing the date and amount of the repayment, and retains such receipt as a part of its records, or (*b*) has reimbursed the individual by reducing the amounts which otherwise should have been deducted from his remuneration by reason of the agreement; and

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413 (c)–1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b) (2) (iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b) (2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable*—(1) *Underpayments.* If a domestic corporation fails to report all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, and such underpayment is not reported as an adjustment within the time prescribed by paragraph (a) (2) of this section, the amount of such underpayment shall be reported on the domestic corporation's next return, or shall be reported immediately on a supplemental return for the return period in which such payment of remuneration was made. The reporting of an underpayment under this subparagraph does not constitute an adjustment without interest.

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid to the district director and the amount of the overpayment is not adjusted under paragraph (a) (3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

(ii) Any claim filed under this subparagraph shall be plainly marked "Claim under section 3121 (l)."

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment to the district director of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

(c) *Deductions from employees' remuneration.* If a domestic corporation deducts, or causes to be deducted, from the remuneration of an individual for services covered by the agreement amounts which are more or less than the employee tax which would be deductible therefrom if such remuneration constituted wages, any repayment to the individual (except to the extent otherwise provided in this section), or further collection from the individual, in respect of such deduction is a matter for settlement between the individual and the domestic corporation or such other person as may be concerned.

§ 36.3121 (l) (8) *Statutory provisions; definition of foreign subsidiary.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(8) *Definition of foreign subsidiary.* For purposes of this subsection * * * a foreign subsidiary of a domestic corporation is—

(A) A foreign corporation more than 50 percent of the voting stock of which is owned by such domestic corporation; or

(B) A foreign corporation more than 50 percent of the voting stock of which is owned by the foreign corporation described in subparagraph (A).

(Sec. 3121 (l) (8) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (8)–1 *Definition of foreign subsidiary.* (a) A foreign corporation is a foreign subsidiary of a domestic corporation, within the meaning of the regulations in this part, if—

(1) More than 50 percent of the voting stock of the foreign corporation is owned by the domestic corporation; or

(2) More than 50 percent of the voting stock of the foreign corporation is owned by a second foreign corporation and more than 50 percent of the voting stock of the second foreign corporation is owned by the domestic corporation.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). P, a domestic corporation, owns 51 percent of the voting stock of S–1, a foreign corporation. S–1 owns 51 percent of the voting stock of S–2, a foreign corporation. S–2 owns 51 percent of the voting stock of S–3, a foreign corporation. S–1 and S–2 are foreign subsidiaries of P for purposes of the regulations in this part. Since neither P nor S–1 owns more than 50 percent of the voting stock of S–3, S–3 is not a foreign subsidiary of P within the meaning of these regulations.

Example (2). Assume the same facts as those stated in example (1) except that S–1 transfers to P one-half of its ownership of the voting stock of S–2, P owns no other voting stock of S–2. Accordingly, after the transfer, P and S–1 together own more than 50 percent of the voting stock of S–2, but neither P nor S–1 alone owns more than 50 percent of such stock. S–2 ceases to be a foreign subsidiary of P when such transfer is effected.

(c) The term "stock", as used in the regulations in this part, has the meaning assigned by paragraph (7) of section 7701 (a). Section 7701 (a) (7) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title [Internal Revenue Code of 1954], where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * *

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

(d) Ownership of the voting stock of a foreign corporation which is a foreign subsidiary of a domestic corporation may be transferred from the domestic corporation to another foreign subsidiary of the domestic corporation, from one foreign subsidiary of the domestic corporation to another, or from a foreign subsidiary of the domestic corporation to the domestic corporation itself without affecting the status of the foreign corporation as a foreign subsidiary of the domestic corporation, provided that more than 50 percent of the voting stock of such foreign corporation is at all times owned either (1) by the domestic corporation, or (2) by a foreign corporation more than 50 percent of the voting stock of which is owned by the domestic corporation.

§ 36.3121 (l) (9) *Statutory provisions; domestic corporation as separate entity.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(9) *Domestic corporation as separate entity.* Each domestic corporation which enters into an agreement pursuant to paragraph (1) of this subsection shall, for purposes of this subsection and section 6413 (c) (2) (C), relating to special refunds in the case of employees of certain foreign corporations, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as a person employing individuals on its own account.

(Sec. 3121 (l) (9) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (9)–1 *Domestic corporation as separate entity.* A domestic corporation which enters into an agreement

as provided in § 36.3121 (l) (1)–1 shall, for purposes of the regulations in this part and for purposes of section 6413 (c) (2) (C), relating to special credits or refunds, be considered an employer in its capacity as a party to such agreement separate and apart from its identity as an employer incurring liability for the employee tax and employer tax on the wages of its own employees. Thus, if a citizen of the United States performs services in employment for the domestic corporation and at any time within the same calendar year performs services covered by the agreement as an employee of one or more foreign subsidiaries named therein, the limitation on wages provided in section 3121 (a) (1) has application separately as to the wages for employment performed in the employ of the domestic corporation and as to the remuneration for services covered by the agreement performed in the employ of such foreign subsidiary or subsidiaries. All services covered by the agreement whether performed in the employ of one or more than one such foreign subsidiary are regarded for purposes of the wage limitation as having been performed in the employ of the domestic corporation in its separate capacity as a party to the agreement. Similarly, any remuneration for such services which, if the services were performed in the United States, would be excluded from wages unless a certain amount of such remuneration is paid by a single employer within a specified period (for example, remuneration for agricultural labor) is regarded, for purposes of determining whether the domestic corporation incurs liability under its agreement with respect to such remuneration, as having been paid by the domestic corporation in its separate capacity as a party to the agreement. All remuneration received by an employee for services covered by the agreement is deemed, for purposes of the special credit or refund provisions contained in section 6413 (c), to have been received from the domestic corporation as an employer in its separate capacity as a party to the agreement.

§ 36.3121 (l) (10) *Statutory provisions; regulations.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(10) *Regulations.* Regulations of the Secretary or his delegate to carry out the purposes of this subsection shall be designed to make the requirements imposed on domestic corporations with respect to services covered by an agreement entered into pursuant to this subsection the same, so far as practicable, as those imposed upon employers pursuant to this title [Internal Revenue Code of 1954] with respect to the taxes imposed by this chapter [chapter 21, I. R. C. 1954].

(Sec. 3121 (l) (10) as added by sec. 209, Social Security Amendments, 1954)

§ 36.3121 (l) (10)–1 *Requirements in respect of liability under agreement.* To the extent not inconsistent with, or otherwise provided in, the regulations in this part, the requirements and duties (relating to identification number, account numbers, wage information statements to employees, record keeping, etc.) imposed on an employer for any period with respect to the taxes imposed by the Federal Insurance Contributions Act are hereby made applicable to a domestic corporation with respect to its obligations and liabilities, for the same period, under an agreement entered into as provided in § 36.3121 (l) (1)–1.

§ 36.3121 (l) (10)–2 *Identification*—(a) *Domestic corporation.* A domestic corporation which has secured, or is required to secure, an identification number as an employer having in its employ one or more individuals in employment for wages is not required to secure an identification number under the regulations in this part.

(b) *Employees.* Every employee performing services covered by an agreement shall have the same duties in respect of an account number as would be the case if the employee were performing services in employment for the domestic corporation.

§ 36.3121 (l) (10)–3 *Returns.* (a) The forms prescribed for use in making returns of the taxes imposed by the Federal Insurance Contributions Act (except any forms particularly prescribed for use by household employers or by employers filing returns in Puerto Rico or the Virgin Islands) shall be used by a domestic corporation in making returns of its liability under an agreement entered into as provided in § 36.3121 (l) (1)–1. Returns of such liability shall be made separate and apart from any returns required of the domestic corporation in respect of the taxes imposed by the Federal Insurance Contributions Act. The domestic corporation shall plainly mark "3121 (l) Agreement" at the top of each return, each detachable schedule thereof, and each paper or document constituting a part of the return, filed by the domestic corporation pursuant to the regulations in this part. Returns required under the regulations in this part shall be made by the domestic corporation as if all services covered by the agreement, whether performed in the employ of one or more than one foreign subsidiary, were performed in the employ of the domestic corporation as an employer in its separate capacity as a party to the agreement.

(b) Each return required under the regulations in this part must be filed on or before the last day of the month following the period for which the return is made.

§ 36.3121 (l) (10)–4 *Payment of amounts equivalent to tax.* A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 is not required to make deposits with a Federal Reserve bank or authorized commercial bank of any amount for which liability is incurred under its agreement.

[F. R. Doc. 55–7275; Filed, Sept. 7, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiaton Board Regulations Under the 1951 Act

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

TIME FOR FILING STANDARD COMMERCIAL SERVICE REPORTS UNDER THE RENEGOTIATION ACT OF 1951, AS AMENDED [1]

Every person having a fiscal year which ended in 1954 shall be entitled to file a Standard Commercial Service Report for such fiscal year at any time before October 1, 1955, provided that the financial statement for such fiscal year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951, as amended, shall have been filed before, or is filed with, such report.

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

Dated: September 2, 1955.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55–7262; Filed, Sept. 7, 1955; 8:49 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

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

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of expected good salmon runs in certain areas of Alaska, it has been determined that additional fishing time can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Sections 108.3a, 108.3b, 108.3c, 108.4, and 108.5a are amended in text by changing "September 10" to "September 8, 1955."

2. Section 122.9 is amended in paragraph (c) by changing the period to a comma and adding the following "nor to trolling."

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

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

ARNIE J. SUOMELA,
Acting Director.

SEPTEMBER 6, 1955.

[F. R. Doc. 55–7316; Filed, Sept. 7, 1955; 9:04 a. m.]

[1] This affects § 1467.4 (d).

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix C—Public Land Orders

[55619]

[Public Land Order 1115]

WYOMING

PARTIALLY REVOKING EXECUTIVE ORDER OF DECEMBER 5, 1913, CREATING PUBLIC WATER RESERVE NO. 12, WYOMING NO. 3, AND EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107; CORRECTION

SEPTEMBER 1, 1955.

The land description in paragraph 1 of Federal Register Document 55-3056 appearing on page 2464 of the issue for April 14, 1955, so far as such description relates to lands in Section 33, T. 40 N., R. 72 W., should read as follows:

Sec. 33, N½S½.

DEPUE FALCK,
Acting Director.

[F. R. Doc. 55-7231; Filed, Sept. 7, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11436; FCC 55-869]

[Rules Amdt. 7-1]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

STATION IDENTIFICATION

In the matter of amendment of Part 7 of the Commission's Rules to specify the procedure for identification of limited coast stations and marine utility stations utilizing radiotelephony.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of Section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on July 6, 1955 (20 F. R. 4777), and that the period provided for the filing of comments has now expired; and

It further appearing, that the American Merchant Marine Institute, Inc. filed comments in support of the proposal and no comments were received in opposition; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in Sections 303 (o) (p) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective October 10, 1955, Part 7 of the Commission's Rules is amended as set forth below.

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

Released: September 1, 1955.

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

A. Part 7 is amended as follows:

1. At the end of Subpart J, add a new § 7.372 as follows:

§ 7.372 *Station identification.* (a) All radiotelephone emissions of a limited coast station or a marine utility station shall be clearly identified by voice transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. Identification as herein prescribed shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose;

(3) At intervals not exceeding fifteen minutes whenever transmissions or communications are sustained for a period exceeding fifteen minutes.

[F. R. Doc. 55-7266; Filed, Sept. 7, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 130]

ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT; NEW DRUGS

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 51 Stat. 1052, 1055; 21 U. S. C. 355, 371) and the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER, on the proposed regulations set forth below:

1. It is proposed that §§ 1.109 to 1.114, inclusive, of Part I—Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act, be repealed.

2. It is proposed that Part 130 be redesignated as "Part 130—New Drugs"; that § 130.1 be renumbered as: "Subpart B—Drugs Exempted From Prescription-Dispensing Requirements, § 130.100 *Exemption for certain drugs limited by new-drug applications to prescription sale.*"; that Subpart A, reading as follows be added to Part 130.

PART 130—NEW DRUGS

SUBPART A—PROCEDURAL AND INTERPRETIVE REGULATIONS

Sec.
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AUTHORITY: §§ 130.1 to 130.31 issued under secs. 505 and 701, 52 Stat. 1052, 1053, 1055; 21 U. S. C. 355, 371.

§ 130.1 *Definitions and interpretations.* (a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U. S. C. 301-392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) "New Drug Branch" means the unit established within the Food and Drug Administration charged with the administration of section 505 of the act relating to new drugs.

(f) The newness of a drug may arise by reason (among other reasons) of:

(1) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component.

(2) The newness for drug use of a combination of two or more substances, none of which is a new drug.

(3) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug.

(4) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body.

(5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(g) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 130.2 *Biologics; products subject to license control.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U. S. C. 201 et seq.) or under the animal-virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

§ 130.3 *New drugs for investigational use; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section, a shipment or other delivery of a new drug shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery in made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce obtains, prior to the introduction or delivery, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(4) Such person retains in his files the statement referred to in subparagraph (3) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery, until 3 years after the introduction or delivery for introduction of such shipment into interstate commerce. Upon the request of any officer or employee of the Department at any reasonable hour, he makes the records referred to in this subparagraph and in subparagraph (3) of this paragraph available for inspection, and upon written request he submits such records to the New Drug Branch for examination.

(b) A shipment or other delivery of a new drug that is being imported or offered for import into the United States shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drugs solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert outside such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer retains in his files the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any) of each such shipment and delivery and the disposition thereof, until 3 years after disposition by such importer of the lot of such drug to which the statements and records relate. Upon the request of any officer or employee of the Department at any reasonable hour, he makes the records referred to in this subparagraph and in subparagraph (4) of this paragraph available for inspection, and upon written request he submits such records to the New Drug Branch for examination.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of that paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

§ 130.4 *Applications.* (a) Applications to be filed under the provisions of section 505 (b) of the act shall be submitted in duplicate to the New Drug Branch. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part.

(b) Applications shall be submitted in the following form:

Form FD-356

Department of Health, Education, and Welfare
Food and Drug Administration

ORIGINAL ☐ OR SUPPLEMENTAL ☐ APPLICATION

Name of applicant_____

Address_____

Date_____

DO NOT USE THIS SPACE

NDA No._____

Received _____

Filed _____

Applicant notified_____

Name of new drug_____

(If this is a supplemental application see Item (8))

To the
New Drug Branch
Food and Drug Administration
Department of Health, Education, and Welfare
Washington 25, D. C.
Dear Sir:

The undersigned, ----------, submits this application with respect to a new drug pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act. Attached hereto, in duplicate, and constituting a part of this application are the following:

(1) Full reports of all investigations that have been made to show whether or not the drug is safe for use.

(These reports should include detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth. Reports of all clinical tests by experts, qualified by scientific training and experience to evaluate the safety of drugs, should be attached and should include detailed information pertaining to each person treated, including age, sex, conditions treated, dosage, frequency of administration, duration of administration of the drug, results of clinical and laboratory examinations made, and a full statement of any adverse effects and therapeutic results observed. The submitted reports purport to be complete and to be all the information available to the applicant, relating to the safety or toxicity of the drug, unless the application explains any omissions that have been made. The complete composition and method of manufacture of the drug used in each experiment should be shown if they differ in any way from the description in items (2), (3), and (4) of the application.)

(2) A full list of the articles used as components of the drug.

(This list should include all substances used in the synthesis, extraction, or other method of preparation of the drug, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition.)

(3) A full statement of the composition of the drug.

(This statement should set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed; as, for example, amount per tablet or per milliliter, in addition to the batch formula. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown.)

(4) (a) A full description of the methods used in the manufacture, processing, and packing of the drug.

(Included in this description should be full information on the following:)

(i) The methods used in the synthesis, extraction, isolation, or purification of any new drug substance in sufficient detail, including quantities used, times, temperature, pH, solvents, etc., to determine the characteristics of the substance and permit evaluation of the adequacy of the proposed methods, controls, and specifications.

(ii) The methods used in processing and packing, including labeling, each proposed dosage form of the new drug.

(iii) If the applicant does not himself perform all the manufacturing, processing, and packing operations for any new drug substance or the new drug, his statement identifying each person who will perform a part of such operations and designating the part and a signed statement from each such person, fully describing the methods he uses.

(b) A full description of the facilities and controls used for the manufacture, processing, and packing of the drug.

(Included in this description should be full information on the following in sufficient detail to permit evaluation of the adequacy of the described methods, facilities, and controls to preserve the identity, strength, quality, and purity of the drug.)

(i) A description of the physical facilities including plant and equipment used in manufacturing, processing, packing, and control operations.

(ii) If the applicant does not himself perform all the manufacturing, processing, packing, and control operations, his statement identifying each person who will perform a part of such operations and designating the part; and a signed statement from each such person fully describing the facilities and controls he uses in his part of the operations.

(iii) Precautions to insure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance of each lot of raw material.

(iv) Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

(v) Method of preparation of formula card, and manner in which it is used.

(vi) Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

(vii) Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and at what stage and by whom it is done.

(viii) Precautions to check the total number of finished packages produced from a batch of the drug with the theoretical yield.

(ix) Precautions to insure that the proper labels are placed on the drug for a particular lot, including provisions for label storage and inventory control.

(x) The analytical controls used during the various stages of the manufacturing, processing, and packing of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. If the article is one which is represented to be sterile, the same information should be given for sterility controls. Include the standards required for acceptance of each lot of the finished drug.

(xi) An explanation of the exact significance of any control numbers used in the manufacturing, processing, and packing of the drug, including any code numbers that may appear on the label of the finished article. State whether or not any of the numbers appear on invoices and describe any other methods used to permit determination of the distribution of any batch if its recall is required.

(xii) A complete description of and the data derived from studies of the stability of the drug, and a proposal for an expiration date to be borne on the label, unless the data establish that an expiration date is not required.

(xiii) Additional procedures employed which are designed to prevent contamination and otherwise insure proper control of the product.

(5) Three finished market packages of the drug, and other samples of the drug or its components on request.

(When finished market packages of the drug are not available to submit with the application, state that they will be submitted as soon as available. In case the drug is available only in limited quantity, state the extent to which samples of the drug and its components will be available on request.)

(6) Five copies of each label and other labeling to be used for the drug.

(a) Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package. The labeling on or within the market package should contain a statement of all the conditions under which the drug is to be used, except that if the article is limited to use under the professional supervision of a practitioner licensed by law to administer the drug, such statement may in some cases appear in a brochure or other printed matter, specifically identified on the label, that will be supplied to such practitioners. Full information for use of the drug by practitioners should be a part of the market package of injections among other drugs.

(b) Typewritten or other draft copies of proposed labeling may be accepted for preliminary consideration of an application provided a statement is made that final printed labeling identical in content to the draft copy will be submitted to complete the application as soon as available and prior to the marketing of the drug.

(7) The drug is (or is not) limited by this application to use under the professional supervision of a practitioner licensed by law to administer it.

(State whether or not the drug is to be limited to prescription use and summarize the reasons for the proposed pattern of distribution.)

(8) If this is a supplemental application, full information on each proposed change concerning any statement made in the effective application.

(After an application has become effective, a supplemental application should be filed setting forth any proposed change in the conditions under which the drug is to be used, in the labeling thereof, in any circumstance relating to its production, or in any other information contained in the effective application. The supplemental application may omit statements made in the effective application concerning which no change is proposed.)

(9) It is understood that all statements in this application regarding the components, composition, manufacturing methods, facilities, controls, and labeling constitute a commitment on the part of the applicant that each batch of the article will be produced as described in those statements unless and until an effective supplement to the application provides for a change.

Very truly yours,

---------- (Applicant)

Per ----------

---------- (Indicate authority)

This application must be signed by the applicant or by his attorney or agent, or, if a corporation, by an authorized official.

The data specified under the several numbered headings should be on *separate sheets or sets of sheets, suitably identified.* The sample of the drug, if sent under separate cover, should be properly identified on the outside of the shipping package.

The applicant will be notified of the date on which his application is filed. An incomplete application will not be filed but the applicant will be notified in what respect his application is incomplete.

ALL APPLICATIONS SHOULD BE SUBMITTED IN DUPLICATE—SINGLE COPIES WILL NOT BE ACCEPTED FOR FILING

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§ 130.5 *Reasons for refusing to file applications.* (a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505 (b) of the act

if it does not contain complete and accurate English translations of any part in a foreign language, if only one copy is submitted, or if it is incomplete on its face, in that:

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act.

(2) It does not state the conditions under which the drug is to be used.

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly nor by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions.

The New Drug Branch will notify the applicant promptly of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b) of the act shall specify such clause. Otherwise, the date on which an application is received will be considered to be the date on which such application is filed, and the New Drug Branch will notify the applicant of such date.

(b) If an applicant disputes the finding of the New Drug Branch that his application is incomplete, he shall so notify the New Drug Branch within 10 days after receipt of the notice of nonfiling. In such case, the application shall be considered filed as of the original date of receipt, over the protest of the New Drug Branch, with the effective date of such application postponed for not more than 180 days after the filing thereof.

(c) If within 180 days the Commissioner finds that the application is incomplete or that other facts exist which require him to issue an order refusing to allow the application to become effective, he shall issue a notice to the applicant as provided in § 130.14. Subsequent to such notice, the procedure followed shall be in accordance with §§ 130.14 to 130.26, inclusive.

§ 130.6 *Initial study of applications.* After the New Drug Branch has completed its initial study of the application, it will inform the applicant by letter of any apparent deficiencies in the data submitted or of the need for any additional data to facilitate consideration of the application. The New Drug Branch may suggest withdrawal of an application when it finds that additional evidence is required to support a finding that the drug is safe or that the methods, facilities, and controls used in manufacturing, processing, and packing the drug are adequate.

§ 130.7 *Amended applications.* The applicant may file an amendment to an application that has been filed and is pending, but in such case the unamended application shall be considered as having been withdrawn and the amended application shall be considered as having been filed on the date on which the amendment is received by the New Drug Branch. The New Drug Branch will notify the applicant of such date.

§ 130.8 *Withdrawal of applications without prejudice.* The applicant may at any time withdraw his application upon notification to the New Drug Branch. Such withdrawal may be made without prejudice to a future filing. Upon refiling, the time limitation will begin to run from the date of refiling.

§ 130.9 *Supplemental applications.* After an application has become effective with respect to a drug, the applicant may file a supplemental application with respect thereto, setting forth any proposed changes in the conditions under which such drug is to be used, in the labeling thereof, in its composition, in any circumstance relating to the methods of production or control, or in any other information contained in the effective application. Such supplemental application may omit statements made in the effective application concerning which no change is proposed. If a person holding an effective new-drug application makes a change such as described in this section and fails to file a supplemental application describing the change before it is made, the representations in the effective application become false, and the application may be suspended under § 130.27.

§ 130.10 *Notification to applicant of effectiveness of application.* If the Commissioner determines, before the sixtieth day after the filing of an application (or before the one hundred and eightieth day after filing if he has postponed the effective date), that he has no cause to issue an order under section 505 (d) of the act refusing to permit the application to become effective, the New Drug Branch shall so notify the applicant in writing and the application shall become effective on the date of the notification.

§ 130.11 *Postponing the effective date.* If the New Drug Branch determines, before the sixtieth day after the filing of the application, that more time is needed for study and investigation of the application, the Commissioner shall so notify the applicant and inform him that the effective date of the application has been postponed for not more than 180 days from the filing thereof.

§ 130.12 *Refusal to permit the application to become effective.* If the Commissioner determines upon the basis of the application, or upon the basis of other information before him with respect to the new drug, that:

(a) The investigations, reports of which are required to be submitted pursuant to section 505 (b) of the act, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

(b) The results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or

(d) Upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions,

he will, prior to the effective date of the application, notify the applicant that he proposes to issue an order refusing to permit the application to become effective, as provided in § 130.14.

§ 130.13 *Insufficient information in application.* (a) The information contained in an application may be insufficient for the Commissioner to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502 (f) (1) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(1) The specimen labeling proposed for use on or within the market package of the drug fails to incorporate directly or by reference a specifically identified brochure or other printed matter containing information adequate for the use of such drug by practitioners licensed by law to administer the drug.

(2) Such label fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent on request to practitioners licensed by law to administer such drug.

(3) The application fails to contain copies of such brochure or printed matter.

(4) The application fails to show that such brochure or printed matter is readily available to practitioners licensed by law to administer the drug; or if not, that is it to be made so when the application becomes effective.

§ 130.14 *Contents of notice of hearing.* The notice of hearing to the applicant that the Commissioner proposes to refuse to permit the application to become effective or to suspend an effective new-drug application will specify the grounds upon which he proposes to issue his order. The notice will contain the name of the hearing examiner designated to conduct the hearing, and will specify the time and place at which the hearing will be held. The notice of hearing will specify a date, ordinarily not less than 10 days after issuance of the notice, by which the respondent will be required to file a written appearance electing whether:

(a) To avail himself of the opportunity for a hearing at the time and place specified in the notice of hearing; or

(b) Not to avail himself of the opportunity for a hearing.

The hearing will not be public unless the respondent specifies in his appearance that he desires a public hearing, in which event the hearing will be public.

§ 130.15 *Failure to file an appearance.* If the respondent fails to file a written appearance in answer to the notice of hearing, his failure will be construed as an election not to avail himself of the opportunity for the hearing, and the Commissioner, without further notice, may enter a final order.

§ 130.16 *Appearance of respondent.* If the respondent elects to avail himself of the opportunity for the hearing, he may appear in person or by counsel. If the respondent desires to be heard through counsel, the counsel will file with the hearing examiner a written appearance.

§ 130.17 *Hearing examiner.* The hearing will be conducted by a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U. S. C. 1002 et seq.) and designated in the notice for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings will be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The hearing examiner will have the power to administer oaths and affirmations, to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but will not have the power to decide any motion that involves final determination of the merits of the proceeding.

§ 130.18 *Prehearing and other conferences.* The hearing examiner, on his own motion or on the motion of the applicant or the New Drug Branch, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admissions of facts, and documents.

(c) The limitation of the number of expert witnesses.

(d) The scheduling of witnesses to be called.

(e) The advance submission of all documentary evidence.

(f) Such other matters as may aid in the disposition of the proceeding.

The hearing examiner will make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order will control the subsequent course of the proceeding unless modified for good cause by subsequent order. The hearing examiner may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening the hearing.

§ 130.19 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shal be submitted to the hearing examiner and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The hearing examiner after consultation with the parties at a conference called in accordance with § 130.18 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the hearing examiner upon notice to the other parties within the time specified by the hearing examiner in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 130.20 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 130.21 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the hearing examiner may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The hearing examiner shall admit only evidence that is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the hearing examiner. A ruling on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 130.22 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the hearing examiner of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7 (c) of the Administrative Procedure Act (5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the hearing examiner shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the hearing examiner. Where the testimony of a witness refers to a statute, or to a report or document, the hearing examiner shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence or shall be incorporated in the record by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the hearing examiner.

§ 130.23 *Oral and written arguments.* (a) Unless the hearing examiner shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The hearing examiner shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 130.24 *Tentative order.* The hearing examiner, within a reasonable time, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent and the New Drug Branch, or sent to them by registered mail. If no exceptions are taken to the tentative order within 20 days or such other time specified in such order, that order shall become final.

§ 130.25 *Exceptions to the tentative order.* Within 20 days or such other time specified in the tentative order, the respondent or the New Drug Branch may transmit exceptions to the hearing examiner, together with any briefs or argument in support thereof. If exception is taken to any tentative findings of fact, reference must be made to the pages or parts of the record relied upon, and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument.

§ 130.26 *Issuance of final order.* Within a reasonable time after the filing of exceptions, or after oral argument (if such argument is requested), the Commissioner shall issue the final order in the proceeding. The order will include the findings of fact upon which it is based.

§ 130.27 *Suspension of effective application.* If the Commissioner has reason to believe (a) that clinical ex-

perience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that a drug for which an application is effective is not safe for use under the conditions of use upon the basis of which the application became effective, or (b) that the application contains any untrue statement of a material fact, he shall so notify the person holding the effective new-drug application and afford an opportunity for a hearing. The notice and hearing will conform to the provisions of §§ 130.14 to 130.27, inclusive.

§ 130.28 *Revocation of order refusing to permit application to become effective or suspending effective applications.* The Commissioner, upon his own initiative or upon request of an applicant stating reasonable grounds therefor, may, if he finds that the facts so require, issue an order allowing an application to become effective which has been refused or suspended.

§ 130.29 *Service of notices and orders.* All notices and orders pertaining to new-drug applications shall be served:

(a) In person by any officer or employee of the Department designated by the Commissioner; or

(b) By mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Department.

§ 130.30 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are:

(a) Differences in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Articles used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities or controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application;

(5) Labeling from the specimens contained in the application; or

(b) Omission in whole or in part of any information obtained from investigations made by the applicant or submitted to him by any investigator, relating to the safety of the drug, unless such omission and the reason for it are disclosed in the application.

§ 130.31 *Judicial review.* The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner.

Dated: August 31, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7238; Filed, Sept. 7, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

REGISTRATION STATEMENT UNDER SECURITIES ACT OF 1933

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Form S-12,[1] a new registration form under the Securities Act of 1933 for American Depositary Receipts issued against outstanding foreign securities.

The purpose of Form S-12 is to provide a simple procedure for the registration of such receipts where the issuer is the entity resulting from the agreement pursuant to which the receipts are issued, or a corporation or trust organized to act only as a conduit in connection with the deposit of the underlying securities and there is no person who performs the acts and assumes the duties of depositor or manager. The form proposes that the prospectus, which consists of only four items might be embodied in the receipts.

It is not proposed to repeal Form C-3 (17 CFR 239.5) at this time, which form will remain available for the offering of American certificates against foreign issues where there is a depositor, sponsor or manager under the arrangement.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, 425 Second Street, Northwest, Washington 25, D. C., on or before September 30, 1955. Except in cases where it is requested that such communications be kept confidential, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 29, 1955.

[F. R. Doc. 55-7233; Filed, Sept. 7, 1955; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket 7132]

INTERNATIONAL FREIGHT FORWARDER INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of the renewal of Part 297 of the Economic Regulations and an investigation of indirect overseas and foreign air transportation of property.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 20, 1955, at 10:00 a. m., e. d. s. t., in Room 5132, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., September 1, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-7276; Filed, Sept. 7, 1955; 8:52 a. m.]

[Docket 7006]

UNITED STATES OVERSEAS AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned for September 13, 1955, is postponed to October 3, 1955, 10:00 a. m. (Local Time) in Room 5855, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 1, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-7277; Filed, Sept. 7, 1955; 8:52 a. m.]

[1] Filed as part of original document.

DEPARTMENT OF STATE

[Public Notice 142]

ADMINISTRATOR OF BUREAU OF SECURITY, CONSULAR AFFAIRS AND PERSONNEL

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION AND ENFORCEMENT OF IMMIGRATION AND NATIONALITY LAWS RELATING TO POWERS, DUTIES, AND FUNCTIONS OF DIPLOMATIC AND CONSULAR OFFICERS

By virtue of the authority vested in me by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), paragraph numbered (2) of Delegation of Authority #74 (Public Notice 132) (18 F. R. 7898) relating to the administration and enforcement of the immigration and nationality laws so far as concerns the powers, duties, and functions of diplomatic and consular officers, is hereby amended to read as follows:

(2) There are hereby excluded from the authority delegated under paragraph (1) of this order: (a) The powers, duties, and functions conferred upon consular officers relating to the granting or refusal of visas; and (b) the powers, duties, and functions conferred upon the Secretary of State by delegation from the President of the United States.

Dated: August 31, 1955.

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-7261; Filed, Sept. 7, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 16]

ASSOCIATE COMMISSIONER ET AL.

REDELEGATIONS OF AUTHORITY

Section 2 (a) of Order No. 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; and 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 5442), is amended to read as follows:

SEC. 2 *Authority of Central Office Personnel.* (a) The Associate Commissioner, Assistant Commissioners, Assistants to the Commissioner, and those persons authorized to act in their stead during their absence from their respective offices, may severally exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. These officials may, in specific individual cases, redelegate such authority to other employees.

GLENN L. EMMONS,
Commissioner.

AUGUST 30, 1955.

[F. R. Doc. 55-7230; Filed, Sept. 7, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11227; FCC 55M-760]

MUNICIPAL BROADCASTING SYSTEM (WNYC)

ORDER CONTINUING HEARING

In re application of City of New York, Municipal Broadcasting System (WNYC), New York, New York, Docket No. 11227, File No. BSSA-266; for special service authorization to operate additional hours from 6:00 A. M. (EST) to sunrise New York City and from sunset Minneapolis, Minnesota to 10:00 P. M. (EST).

The Hearing Examiner having under consideration a petition filed jointly on September 1, 1955, by City of New York Municipal Broadcasting System (WNYC) and Midwest Radio-Television, Inc. (WCCO), requesting that the hearing in the above-entitled proceeding presently scheduled for September 7, 1955, be continued until October 18, 1955;

It appearing, that public interest requires an early consideration of such petition and good cause has been shown for the grant thereof;

It is ordered, This 1st day of September 1955, that the petition be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to October 18, 1955, at 10 o'clock a. m., in Washington, D. C.

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

[F. R. Doc. 55-7267; Filed, Sept. 7, 1955; 8:50 a. m.]

[Docket No. 11394; FCC 55-908]

IREDELL BROADCASTING CO. (WDBM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Walter A. Duke, d/b as Iredell Broadcasting Company (WDBM), Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August, 1955;

The Commission having under consideration the oral argument held in the above-entitled proceeding on June 7, 1955, on the so-called "economic injury" issues involved in this proceeding; the brief in support of the request to designate issues for evidentiary hearing filed June 22, 1955, by Statesville Broadcasting Company, the protestant; and the brief in opposition to designation for evidentiary hearing filed June 22, 1955, by Walter A. Duke d/b as Iredell Broadcasting Company, the applicant;

It appearing, that our disposition of this matter is governed by our action taken in the Radio Tifton (Docket No. 11271, FCC 55-725, Mimeo 20784) and American Southern Broadcasters (Docket No. 11262, FCC 55-726, Mimeo 20786) cases and that for the reasons set out in the former case, an evidentiary hearing on the "economic issues" is appropriate;

It is ordered, That the evidentiary hearing in this proceeding shall be held in Washington, D. C., at a time to be specified by later order, on the following issues (the "economic injury" issues and the financial issues discussed in paragraphs 6-9, inclusive of the Commission's Memorandum Opinion and Order of May 18, 1955 (FCC 55-586, Mimeo 19606)):

1. To determine whether the Statesville market area will provide sufficient revenue to the proposed station to enable it to adequately operate in the public interest.

2. To determine whether, because of the lack of advertising potential in the Statesville market, competition between the existing station and the proposed station may force one or both to fail for lack of financial support, with the result that the public of Statesville will be without a local radio outlet.

3. To determine whether the competition of a second station, which will operate daytime only, may force the existing full-time station to fail, thus depriving the public of Statesville of its only nighttime radio outlet.

4. To determine whether the advertising potential of the Statesville market is so inadequate that the operation of a second station may cause either or both stations to render an inadequate service to the people of Statesville.

5. To determine whether the applicant can build the proposed station for the sum of $13,400.

6. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof on each of the above issues are placed upon Statesville Broadcasting Company.

Released: September 2, 1955.

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

[F. R. Doc. 55-7268; Filed, Sept. 7, 1955; 8:50 a. m.]

[Docket Nos. 11482, 11483; FCC 55-864]

AMERICAN COLONIAL BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of American Colonial Broadcasting Corporation, Caguas, Puerto Rico, Docket No. 11482, File No. BPCT-1980; Supreme Broadcasting Company, Inc., Caguas, Puerto Rico, Docket No. 11483, File No. BPCT-1991; for construction permits for new Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Caguas, Puerto Rico; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that American Colonial Broadcasting Corporation is legally, financially, technically and otherwise qualified to construct, own and operate a television broadcast station; that Supreme Broadcasting Co., Inc., is technically qualified to construct, own and operate a television broadcast station except as to the matter referred to in issue (3) below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 31st day of October 1955 in Washington, D. C., upon the following issues:

(1) To determine whether Supreme Broadcasting Company, Inc., a Louisiana corporation, is authorized to construct,

own and operate a television broadcast station in Puerto Rico.

(2) To determine the financial qualifications of Supreme Broadcasting Company, Inc., to construct, own and operate the proposed television broadcast station.

(3) To determine the correct geographical coordinates of the proposed antenna site of Supreme Broadcasting Company, Inc., and whether the profile graphs submitted with its application are in compliance with Section 3.684 (d) of the Commission's Rules.

(4) To determine whether a grant to Supreme Broadcasting Company, Inc., of authority to maintain a main studio outside Caguas would be consistent with the provisions of Section 3.613 of the Commission's Rules.

(5) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in their applications will be effectuated.

Released: September 2, 1955.

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

[F. R. Doc. 55-7269; Filed, Sept. 7, 1955; 8:50 a. m.]

[Docket Nos. 11484, 11485; FCC 55-865]

JANE F. MOONEY ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Jane F. Mooney, B. H. Mooney, Jr., and J. F. Mann, Co-Executors of the Estate of B. H. Mooney, Deceased, (Transferor) and Burgett H. Mooney, Jr. (Transferee), Docket No. 11484, File No. BTC-1954; for consent to transfer of control of News Publishing Company, licensee of Station WLAQ, Rome, Georgia. In re application of News Publishing Company, Docket No. 11485, File No. BR-1512; for renewal of license of Station WLAQ, Rome, Georgia.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the above-entitled applications for transfer of control of News Publishing Company, licensee of WLAQ and for renewal of license of WLAQ, Rome, Georgia; and

It appearing, that the Commission on May 11, 1955, forwarded a notice to licensee apprising it, pursuant to section 309 (b) of the Communications Act, of the facts then in the Commission's possession relative to the question of a possible unauthorized transfer of control of licensee, in violation of Section 310 (b) of the Communications Act of 1934, as amended, failure to submit and tardy submission of Annual Ownership Reports and Financial Reports required by Sections 1.343 and 1.341 of the Commission's Rules and Regulations; and failure to timely submit application for renewal of license as required by Section 1.320 of the rules; and

It further appearing, that licensee filed a reply to the aforementioned notice on June 13, 1955; and

It further appearing, that on the basis of the facts contained in the aforementioned correspondence and other information contained in the Commission's files, that the Commission cannot conclude at this time that grant of the above-entitled applications would serve the public interest, convenience, and necessity;

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

1. To determine whether control of the News Publishing Company, licensee of Station WLAQ, has been transferred, directly or indirectly, without the consent of the Commission, in contravention of the Communications Act of 1934, as amended, and, more particularly, section 310 (b) thereof.

2. To determine whether the licensee has timely submitted Annual Financial Reports (FCC Form No. 324), Ownership Reports (FCC Form No. 323), and other reports and forms, as required by the Commission's Rules and Regulations.

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

Released: September 2, 1955.

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

[F. R. Doc. 55-7270; Filed, Sept. 7, 1955; 8:51 a. m.]

[Docket No. 11489; FCC 55-885]

ALASKA PACIFIC SALMON CO. ET AL.

ORDER TO SHOW CAUSE

In the matter of modification of licenses of certain coast stations in Alaska by the deletion of the frequencies 5137.5, 5167.5 and 5207.5 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the matter of bringing into use certain frequency bands pursuant to the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951); and

It appearing, that in the Commission's proceedings in Docket No. 11247, the licenses of all coast stations in Alaska authorized to operate on the frequencies 5137.5, 5167.5, and 5207.5 kc were modified effective September 15, 1955, so as to delete the above frequencies except for the stations shown in the Appendix attached hereto, which, through inadvertency, were not listed in the Show Cause Order and finalization thereof in the foregoing proceedings; and

It further appearing, that Part 14 of the Commission's Rules was amended, effective June 20, 1955, and these frequencies were deleted from availability for assignment to coast stations effective September 15, 1955; and

It further appearing, that the frequencies in question are in a band allocated internationally to the fixed service and are being cleared of all out-of-band operations;

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, those licensees listed in the attached Appendix are directed to show cause, by October 7, 1955, why their licenses for the stations included in the Appendix should not be modified effective November 1, 1955, so as to delete the frequencies indicated.

It is further ordered, That the Secretary send a copy of this Order by Registered Air-Mail Return Receipt Requested to each of the licensees shown in the attached Appendix.

Released: September 2, 1955.

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

APPENDIX

The frequencies indicated would be deleted from the licenses of each of the Coast Stations shown below, effective November 1, 1955.

Frequency (kilocycles)	Licensee	Station location	Call sign
5137.5	Alaska Pacific Salmon Co	Pederson Point, Alaska	KWA 62
5167.5	Pacific American Fisheries, Inc	Swedania Trap, Alaska	KWY 21
5167.5	Alaska Packers Association	South Naknek, Alaska	KWC 20
5167.5	Alaska Pacific Salmon Co	Pederson Point, Alaska	KWA 62
5207.5	Alaska Aeronautics and Communications Commission.	Temporary locations in Alaska	KWB 82
5207.5	Alaska Packers Association	South Naknek, Alaska	KWC 20
5207.5	Alaska Pacific Salmon Co	Pederson Point, Alaska	KWA 62

[F. R. Doc. 55-7271; Filed, Sept. 7, 1955; 8:51 a. m.]

[Docket No. 11490; FCC 55-886]

ALASKA PACKERS ASSN. ET AL.

ORDER TO SHOW CAUSE

In the matter of modification of licenses of certain coast stations authorized to operate in Alaska on the frequency 3092.5 kc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the matter of bringing into use certain frequency bands pursuant to the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951); and

It appearing, that in the Commission's proceedings in Docket No. 11247, the licenses of all coast stations in Alaska authorized to operate on the frequency 3092.5 kc were modified effective June 1, 1955, so as to delete this frequency except for the stations shown in the appendix attached hereto, which, through inadvertency were not listed in the Show Cause Order and finalization thereof in the foregoing proceeding; and

It further appearing, that Part 14 of the Commission's rules was amended; effective June 20, 1955, and, among other matters, the frequency 3092.5 kc was deleted from availability for assignment to coast stations; and

It further appearing, that any operation on the frequency 3092.5 kc by the stations shown in the attached appendix may cause harmful interference to the aeronautical mobile service and thus jeopardize the safety of life and property and, for this reason, the usual thirty-day notice should be dispensed with;

It is ordered, That pursuant to Section 316 of the Communications Act of 1934, as amended, those licensees listed in the attached Appendix are directed to show cause, by September 15, 1955, why their licenses for the stations included in the Appendix should not be modified so as to delete the frequency 3092.5 kc, effective September 22, 1955.

It is further ordered, That, the Secretary send a copy of this Order by Registered Air-Mail—Return Receipt Requested to each of the licensees shown in the attached Appendix.

Released: September 2, 1955.

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

APPENDIX

The frequency 3092.5 kc would be deleted from the licenses of each of the coast stations shown below, effective September 22, 1955.

Licensee	Transmitter location	Call sign
Alaska Packers Association.	S. Naknek, Alaska..	KWC20
Pacific American Fisheries, Inc.	Bristol Bay, Alaska.	KWK21
Alaska Aeronautics and Communications Commission.	Temporary locations in Alaska.	KWJ21
George J. Miscovich..	Discovery, Alaska..	KWK62

[F. R. Doc. 55-7272; Filed, Sept. 7, 1955; 8:51 a. m.]

[Docket No. 11492; FCC 55-891]

CITIZENS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford, d/b as Citizens Broadcasting Company Terre Haute, Indiana, Docket No. 11492, File No. BP-9195; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August, 1955;

The Commission having under consideration the above-entitled application of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford, and Eleanor J. Ford, d/b as Citizens Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1350 kilocycles with a power of 500 watts, daytime only, at Terre Haute, Indiana;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the station as proposed, but that the application may involve interference to Station WIOU, Kokomo, Indiana (1350 kc, 1 kw, DA-2, Unl.); and

It further appearing, that pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 23, 1955 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a timely reply was filed by the applicant on May 27, 1955, and that in an amendment filed on August 1, 1955 field intensity measurements were submitted purporting to show that no interference would result to Station WIOU, but that the measurements were made for a distance of only 28 miles on one radial and are insufficient to prove that the said interference would not result to Station WIOU; and

It further appearing, that in a letter dated June 17, 1955, Station WIOU requested that the subject application be designated for hearing because of the above-mentioned interference; and

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

It is ordered, That, pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the subject proposed operation would involve objectionable interference with station WIOU, Kokomo, Indiana, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in light of the evidence adduced pursuant to the foregoing issues if a grant of the subject application would serve the public interest.

It is further ordered, That the North Central Indiana Broadcasting Corporation, licensee of Station WIOU, Kokomo, Indiana, is made a party to the hearing.

Released: September 2, 1955.

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

[F. R. Doc. 55-7273; Filed, Sept. 7, 1955; 8:51 a. m.]

[Docket Nos. 11493, 11494; FCC 55-892]

RADIO BROADCASTING SERVICE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service, Tyler, Texas, Docket No. 11493, File No. BP-9761; Dana W. Adams, Tyler, Texas, Docket No. 11494, File No. BP-9841; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of August 1955;

The Commission having under consideration the above-entitled applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service; and Dana W. Adams, each for a construction permit for a new standard broadcast station to operate on 1330 kilocycles, daytime only, at Tyler, Texas, with a power of 1 kilowatt and 500 watts, respectively; and

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues below, to operate its proposed station, but that both stations as proposed would result in mutually destructive interference and that the application of Radio Broadcasting Service may involve interference to Stations KAND, Corsicana, Texas (1340 kc, 250 w, Unl.) and KSWA, Graham, Texas (1330 kc, 500 w, day); and may not provide adequate coverage of the city sought to be served in accordance with the Commission's Standards of Good Engineering Practice; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated June 6, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that in a letter dated April 11, 1955, Station KAND opposed a grant of the application of Radio Broadcasting Service on the grounds of the above-described interference; and

It further appearing, that the Commission, after consideration of these

letters, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Radio Broadcasting Service would involve objectionable interference with Stations KAND, Corsicana, Texas; and KSWA, Graham, Texas, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the station proposed by Radio Broadcasting Service would be in compliance with the Commission's Rules and Standards of Good Engineering Practice with particular reference to providing adequate coverage of the city sought to be served.

4. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That Alto, Inc. and Southwestair, Inc., licensees of Stations KAND and KSWA, respectively, are made parties to the proceeding.

Released: September 2, 1955.

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

[F. R. Doc. 55-7274; Filed, Sept. 7, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8884]

OLIN GAS TRANSMISSION CORP. AND HOPE PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 31, 1955.

Take notice that on May 11, 1955, Olin Gas Transmission Corporation (Olin) and Hope Producing Company (Hope), both Delaware corporations with their principal places of business at Monroe, Louisiana, filed a joint application, pursuant to Section 7 (b) of the Natural Gas Act, for permission and approval to abandon certain facilities and the sale of natural gas, subject to the jurisdiction of the Commission.

Olin and Hope seek approval of abandonment of the sale of natural gas to Southern Natural Gas Company and of the facilities used to make such sale. The Joint Applicants request authority to abandon such service on October 31, 1955. The application is on file with the Commission and open for public inspection.

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 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene 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.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7232; Filed, Sept. 7, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 76]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 2, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 524 Sub 4, filed August 26, 1955, SERVICE TRANSPORT COMPANY, A CORPORATION, 1601—21st Street, Racine, Wis. Applicant's attorney: Eugene L. Cohn, 1 North LaSalle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except articles of unusual value and except commodities requiring special equipment, serving Kansasville, Wis., as an off-route point in connection with authorized regular-route operations between Racine, Wis., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 906 Sub 42, filed August 22, 1955, CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving junction U. S. Highway 40 and Missouri Highway 13 as an intermediate point in connection with regular route operations between Higginsville, Mo., and East St. Louis, Ill., over Missouri Highway 13 and U. S. Highway 40.

NOTE: Applicant states that the purpose of this application is to avoid 6½ miles of travel from junction U. S. Highway 40 and Missouri Highway 13 to the common point of Higginsville, which is now required under applicant's certificate. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Texas, and Wisconsin.

No. MC 1441 Sub 12, filed August 19, 1955, MERRILL MOTOR LINE, INC., 2520 N. E. 35th Street, Fort Worth, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission, from Fort Worth, Tex., to Austin, Belton, Bonham, Cameron, Commerce, Cooper, Denison, Denton, Fairfield, Gainesville, Greenville, Groesbeck, Hillsboro, Jacksonville, Lott, McKinney, Marlin, Mart, Mexia, Palestine, Paris, Sherman, Sulphur Springs, Teague, Temple, Waco and Waxahachie, Tex. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 2962 Sub 13, filed August 22, 1955, A. & H. TRUCK LINE, 1277 Maxwell Ave., Evansville, Ind. Applicant's attorney: Leon S. Powell, 520 Illinois Bldg., 17 West Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Bedford and Washington, Ind., over U. S. Highway 50, serving no intermediate points but serving the off-route point of the United States Gypsum Company, Martin County, Ind., near Shoals, Ind., and serving Washington, Ind., for the purpose of joinder only. The above authority is to be used in connection with and as an extension of applicant's authorized routes. Applicant is authorized to conduct operations in Tennessee, Kentucky, Ohio, Indiana, Illinois, and Missouri.

No. MC 20672 Sub 5, filed August 25, 1955, WEBBER CARTAGE LINE, INC., 26 South Sheridan Road, Waukegan, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Iron articles* and *steel articles* which because of size or weight require transportation by pole trailers, between Chicago, Ill., and Milwaukee, Wis., (1) from Chicago over U. S. Highway 41 to Milwaukee, and return over the same route, (2) from Chicago over Illinois Highway 42 to the Illinois-Wisconsin State Line, thence over Wisconsin Highway 42 to Milwaukee, and return over the same route, (3) from Chicago over Illinois Highway 42A to junction U. S. Highway 41, thence over U. S. Highway 41 to Milwaukee, and return over the same route, serving all intermediate points on the above-specified routes, and off-route points in Cook and Lake Counties, Ill., and those in Milwaukee County, Wis., (4) between Chicago and junction of Eden's Expressway and U. S. Highway 41, from Chicago over Eden's Expressway to junction U. S. Highway 41, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Chicago, Ill., and Milwaukee, Wis. The above-specified routes are authorized to applicant in the transportation of general commodities, with exceptions.

NOTE: Applicant states the proposed transportation is for the removal of one of the exceptions to its general commodities authority.

No. MC 28067 Sub 8, filed August 25, 1955, WILLIAMS MOTOR TRANSFER, INC., 18 West Street, Barre, Vt. Applicant's representative: Oliver C. Peterson, 795 Elm St., Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, from St. Johnsbury, Hardwick, South Ryegate, Waterbury, Northfield, Barre, Groton, Montpelier, and Riverton, Conn., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Virginia, and the District of Columbia. Applicant is authorized to conduct regular route operations in New York, Pennsylvania, and Vermont, and irregular route operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: The irregular route operations now being applied for are to be substituted in lieu of regular route operations presently being performed under a certain portion of outstanding authority from this Commission in Certificate No. MC 28067, dated August 27, 1953, and if and when instantly applied for irregular route authority is granted said present outstanding Certificate No. MC 28067 will or should be amended to reflect deletion of the regular route authority contained therein.

No. MC 32838 Sub 3, filed November 26, 1954, WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 308 E. Main St., California, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and Tipton, Mo., from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U. S. Highway 50 to Tipton, Mo., and return over the same routes, serving Moniteau County, Mo., as an off-route point.

NOTE: Applicant states that if and when the authority herein applied for is granted he will request cancellation of that portion of his present Certificate No. MC 32838, issued March 8, 1944, reading: General commodities (exceptions as specified above), between Centertown, Prairie Home and points in Marion Township, Mo., and those in Moniteau County, Mo., on the one hand, and, on the other, points in Wyandotte County, Kans., over irregular routes.

No. MC 35628 Sub 194, filed August 22, 1955, INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville St., S. W., Grand Rapids, Mich. Applicant's attorney: George S. Norcross, Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the United States Gypsum Company, located approximately five miles east of Shoals, Ind., and one and one-half miles south of U. S. Highway 50, as an off-route point in connection with applicant's authorized operations to and from Shoals, Ind. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

No. MC 43038 Sub 397, filed August 8, 1955, COMMERCIAL CARRIERS, INC., 3399 E. McNichols Road, Detroit 12, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from Evansville, Ind., to points in Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and the District of Columbia.

No. MC 45158 Sub 14, filed August 25, 1955, KILLION MOTOR EXPRESS, INC., 1417 Magazine Street, Louisville, Ky. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the plant of United States Gypsum Company near Shoals, Martin County, Ind., as an off-route point in connection with applicant's regular route operations between Louisville, Ky., and St. Louis, Mo., over U. S. Highway 150. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Tennessee.

No. MC 49368 Sub 74, filed August 30, 1955, COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 34, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Trucks, truck tractors, Truck chassis, bus chassis*, and *tractor chassis*, and *parts and accessories therefor*, moving in the same shipment with the vehicles to be transported, (a) in initial movements, in truckaway and driveaway service, from the site of the plants of the General Motors Corporation located at Willow Run, Washtenaw County, Mich., to points in the United States, and (b) in secondary movements, in truckaway and driveaway service, from points in the United States to the site of the plants of the General Motors Corporation located at Willow Run, Washtenaw County, Mich. Applicant is authorized to conduct oper-

ations in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

No. MC 55883 Sub 4, filed August 22, 1955, SIMON NEWLIN, doing business as NEWLIN'S TRANSFER, 34 Rice St., P. O. Box 183, Berryville, Va. Applicant's attorney: Peter J. Decker, 917 Grand Ave., Cumberland, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed meal*, from points in North Carolina and South Carolina to points in Virginia. Applicant is authorized to conduct operations from certain North Carolina, South Carolina, and Georgia points to certain Virginia points.

No. MC 64932 Sub 192, filed August 22, 1955, ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Avenue, Chicago, Ill. Applicant's attorney, Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in McHenry County, Ill., to points in Minnesota, Wisconsin, Indiana, Ohio, Michigan, Missouri, Kentucky, and Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 71789 Sub 4, filed August 19, 1955, SAM J. QUIMBY, JR., Mount Zion Road, Marlboro, New York. Applicant's attorney: John L. Brady, Jr., 75 State Street, Albany 7, New York. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen and processed fruits*, from Milton, Highland and Marlboro, N. Y., to New York, N. Y. *Empty containers or other such incidental facilities* (not specified), in this application on return movement. Applicant is authorized to conduct operations in New York, Massachusetts, Pennsylvania, and New Jersey.

No. MC 77135 Sub 10, filed August 10, 1955, PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals, acids* and *fertilizers*, in bulk, in tank vehicles, (1) between points in California, and (2) between points in California, on the one hand, and, on the other, points in Oregon, Washington, Nevada, and Utah.

No. MC 87786 Sub 2, filed August 16, 1955, LIGHTNING LOCAL EXPRESS COMPANY, a corporation, 2701 Railroad Street, Pittsburgh 22, Pa. Applicant's attorney: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Pittsburgh, Pa., and Washington, Pa., from Pittsburgh over U. S. Highway 19 to Washington, and return over the same route, serving all intermediate points, and the off-route points of Hendersonville, Canonsburg, Houston and Meadow Lands, Pa. Applicant is authorized to conduct operations in Pennsylvania. This application is directly related to proceedings in MC–F 6047 and MC–F 6048.

NOTE: In statement as to the purpose of this application, applicant states it is authorized to serve Washington, Hendersonville, Canonsburg, Houston and Meadow Lands, Pa., to and from Pittsburgh, Pa., over irregular routes, and in connection with a concurrently filed application for approval to merge with Beaver Valley Motor Service Company and purchase of the operating rights and properties of Frank W. Salvatora, Joseph L. Salvatora and L. B. Salvatora, doing business as Penn-Wheeling Motor Freight, all three companies being under common control, it desires to simplify and clarify its consolidated operating authority; that Penn-Wheeling under Certificate No. MC 82192 holds, interalia, authority to transport general commodities, with the usual exceptions, between Pittsburgh, and Washington, Pa., serving no intermediate points, in connection with a route between Pittsburgh, Pa., and Wheeling, W. Va.

No. MC 95922 Sub 9, filed August 25, 1955, JAMES F. LEE, doing business as LEE TRANSPORT, 707 East Fourth St., Muscatine, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Malt beverages*, from Omaha, Nebr., to Muscatine, Iowa, and *empty malt beverage containers or other such incidental facilities* (not specified) in this application, on return, and (2) *Animal feed, poultry feed*, and *feed ingredients*, from Omaha and La Platte, Nebr., to Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

No. MC 96489 Sub 18, filed August 25, 1955, BOWEN TRUCKING, INC., Holley, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, from Sandusky, Ohio, to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Orleans, Niagara and Wyoming Counties, N. Y.; and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Maryland, New Jersey and New York.

No. MC 103880 Sub 146, filed June 28, 1955, (Amended), published July 27, 1955 on page 5370, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum products, petroleum lubricants, chemicals*, and *industrial soaps* and *industrial cleaners*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Kentucky, Ohio, Illinois, and Michigan; (2) *Petroleum oil bases*, in bulk, in tank vehicles, from Reading, Ohio to Indianapolis, Ind.; (3) *Cutting oil* and *parting compounds*, (used in the manufacture of soap), in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana; and (4) *Petroleum products, sea animal oil products, animal road-building and sprinkling compounds*, in bulk, in tank vehicles, from Reading, Ohio to points in Indiana, Michigan, Illinois, Kentucky, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 103880 Sub 150, filed July 7, 1955, (Amended), published July 20, 1955 on page 5214, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lima and Toledo, Ohio to points in Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 104210 Sub 60, filed July 18, 1955, THE TRANSPORT COMPANY, INC., 2728 Agnes Street, Corpus Christi, Tex. Applicant's attorney: John E. Lyle, Wilson Tower, Corpus Christi, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in that part of Texas bounded by a line beginning at Port Arthur, Tex., and extending along Texas Highway 87 to junction U. S. Highway 90, thence along U. S. Highway 90 to junction Texas Highway 62, thence along Texas Highway 62 to junction Texas Highway 253, thence along Texas Highway 253 to junction U. S. Highway 96, thence along U. S. Highway 96 to junction Texas Highway 327, thence along Texas Highway 327 to junction U. S. Highway 69, thence along U. S. Highway 69 to junction Texas Highway 326, thence along Texas Highway 326 to junction Texas Highway 365, thence along Texas Highway 365 to junction U. S. Highway 96, and thence along U. S. Highway 96 to Port Arthur, Tex., to points in Lea County, N. Mex., including points on the indicated portions of the highway specified. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

No. MC 105265 Sub 29 (amended), filed August 1, 1955, DENVER-AMARILLO EXPRESS, a corporation, 200

North Fillmore, Amarillo, Tex. Applicant's attorney: Sterling E. Kinney, Suite 630 Amarillo Building, Amarillo, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Amarillo, Tex., and Channing, Tex., over an unnumbered highway from Amarillo to junction Texas Highway 51, thence over Texas Highway 51 to Channing, and return over the same route, serving the intermediate points of Cliffside, Ady, Tascosa, and Boys Ranch, Tex., and the off-route point of the plant of Western Aggregates, Inc., located on Texas Highway 51 just south of its junction with above-mentioned unnumbered highway. Applicant is authorized to conduct operations in Colorado, New Mexico, Oklahoma, and Texas.

No. MC 107544 Sub 28, filed August 12, 1955, LEMMON TRANSPORT COMPANY, INCORPORATED, P. O. Box 387, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Knoxville, Tenn., to (a) points in that part of Kentucky bounded by a line beginning at the Tennessee-Kentucky State line, near Jellico, Tenn., and extending along U. S. Highway 25–W to junction U. S. Highway 25, thence north along U. S. Highway 25 to and including Lexington, Ky., thence east along U. S. Highway 60 to the Kentucky-West Virginia State line, thence South along the Kentucky-West Virginia State line to the Virginia State line, thence south along the Virginia-Kentucky State line to the Virginia-Kentucky-Tennessee State lines, thence west along the Kentucky-Tennessee State line to point of beginning, including points on the indicated portions of the highways specified; (b) points in that part of Virginia beginning at the Tennessee - Kentucky - Virginia State Lines, and extending north along the Kentucky-Virginia State line to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U. S. Highway 11, thence along U. S. Highway 11 to junction U. S. Highway 460, thence along U. S. Highway 460 to junction combined U. S. Highways 11 and 460, thence east along combined U. S. Highways 11 and 460 to and including Roanoke, Va., thence south along U. S. Highway 220 to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line and the Virginia-Tennessee State line to point of beginning, including points on the indicated portions of the highways specified; and (c) points in that part of North Carolina beginning at the North Carolina-Georgia-Tennessee State lines and extending north along the North Carolina-Tennessee State line to the North Carolina-Tennessee-Virginia State lines, thence east along the Virginia-North Carolina State line to junction U. S. Highway 220, thence south along U. S. Highway 220 to and including Greensboro, N. C., thence south along U. S. Highway 29 to Charlotte, N. C., thence south along U. S. Highway 21 to the North Carolina-South Carolina State line, thence west along the North Carolina-South Carolina State line to the Georgia-South Carolina-North Carolina State lines, thence west along the North Carolina-Georgia State line to point of beginning, including points on the indicated portions of the highways specified; and (2) *petroleum, petroleum naptha, gasoline, kerosene, fuel oil*, and *lubricating oil*, in bulk, in tank vehicles, (a) from Charleston, W. Va., to points in Alleghany, Bath, Bland, Buchanan, Craig, Dickenson, Giles, Highland, Lee, Montgomery, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., and (b) from Boomer, W. Va., to points in Alleghany, Bath, Bland, Craig, Dickenson, Giles, Highland, Lee, Montgomery, Pulaski, Roanoke, Scott, Smyth, Washington, Wise, and Blythe Counties, Va. Applicant is authorized to conduct operations in North Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant has contract carrier, irregular route authority in MC 113959 dated July 2, 1954.

No. MC 109431 Sub 6, filed August 9, 1955, FRANK C. KLEIN & CO., INC., 3600 East 46th Ave., Denver 16, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Road oil* and *residual fuel oil*, in bulk, in tank vehicles, between points in Colorado, and (2) *equilibrium catalytic cracking catalyst*, in bulk, in tank vehicles, from points in Kansas, Oklahoma, and Texas, to points in Colorado and Wyoming. Applicant is authorized to conduct operations in Wyoming, Colorado, and Kansas.

No. MC 109431 Sub 7, filed August 22, 1955, FRANK C. KLEIN & CO., INC., 3600 East 46th Ave., Denver 16, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road oil* and *residual fuel oil*, in bulk, in tank vehicles, from points in Colorado and Wyoming to points in Nebraska.

No. MC 109650 Sub 7, filed August 4, 1955, JOSEPH KUST, doing business as KUST TRUCKING OF COLEMAN, WISCONSIN, Coleman, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commercial furniture* and *commercial fixtures*, uncrated, from Coleman, Wis., to points in Arkansas, Colorado, Indiana, Kansas, Kentucky, Missouri, Montana, Nebraska, Ohio, Oklahoma, Texas, Utah, West Virginia, and Wyoming. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

No. MC 111434 Sub 9, filed August 20, 1955, VERL HAMILTON, Cortez, Colo. Applicant's attorney: Julian P. Hancock, 17 West Main St., Cortez, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Rico, Colo., to Monticello, Utah. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Utah and Colorado.

No. MC 111434 Sub 10, filed August 23, 1955, VERL HAMILTON, Cortez, Colo. Applicant's attorney: Julian P. Hancock, 17 West Main St., Cortez, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Rico, Colo., to Shiprock, N. Mex., and to uranium and vanadium reduction plants in San Juan County, N. Mex. Applicant is authorized to conduct operations in Utah and Colorado.

No. MC 111758 Sub 18, filed August 24, 1955, LIQUID CARRIERS, INC., P. O. Box 241, Bay Minette, Ala. Applicant's attorney: Harry C. Ames, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, South Carolina and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, and Texas.

No. MC 112205 Sub 3, filed August 25, 1955, LEO G. BEST, doing business as BEST'S TRANSFER, Whiteville, N. C. Applicant's attorney: B. T. Henderson, II, Insurance Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular irregular routes, transporting: *Roofing* and *roofing materials*, from Barber, N. J., to points in Columbus County, N. C.

No. MC 112317 Sub 14, filed August 22, 1955, J. A. THROCKMORTON, doing business as ARCHIE'S MOTOR FREIGHT, 316 E. Sixth St., Richmond, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper* and *paper products*, from West Point, Va., to Pittsburgh, Pa., and Oakmont, Pa. Applicant is authorized to transport the above-named commodities between specified points in Virginia, Pennsylvania, West Virginia, and Ohio.

No. MC 112485 Sub 1, filed August 18, 1955, RUSSEL R. STAHLER, 219 Cedar St., Tamaqua, Pa. Applicant's representative: A. E. Enoch, 556 Main St., Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting, *Coal*, from points in Luzerne and Schuylkill Counties, Pennsylvania, to Brooklyn, N. Y. Applicant is authorized to transport the named commodity from Pennsylvania points to Palisades Park, N. J., and Bronx County, N. Y.

No. MC 112497 Sub 40, filed August 24, 1955, HEARIN TANK LINES, INC., 6440 Rawlins Street (Box 3096, Istrouma Branch) Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Sterlington, La., to Springfield, Mo. Applicant is authorized to conduct operations in Alabama, Florida, Georgia and Louisiana.

No. MC 113779 Sub 18, filed August 16, 1955, YORK INTERSTATE TRUCKING, INC., P. O. Box 9686, Houston 15, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Chaison and Houston, Tex., to points in New Mexico on and south of U. S. Highway 66, and *contaminated shipments* from the above-described destination points to the above-specified origin points.

No. MC 113843 Sub 12, filed August 2, 1955, (Amended), REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston, Mass. Applicant's attorney: James M. Walsh, 8 Commonwealth Pier, Boston 10, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, canned and preserved foodstuffs*, and *canned goods*, from points in Cattaraugus, Cayuga, Chemung, Erie, Livingston, Monroe, Niagara, Onondaga, Orleans, Oswego, Schuyler, Steuben, and Wayne Counties, N. Y., to points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114045 Sub 6, filed August 22, 1955, E. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P. O. Box 5842, Dallas 22, Texas. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Seafoods*, frozen, frozen cooked, breaded, stuffed, smoked, and pre-cooked, from Boston, Gloucester, Chelsea, Lowell, New Bedford and Provincetown, Mass., Rehoboth Beach, Del., Naticoke and Tilghman, Md., to Oklahoma City and Tulsa, Okla., Dallas, Fort Worth, Amarillo, Lubbock, Midland, Big Spring, Odessa, El Paso, Houston, San Antonio, Waco, Austin, Texarkana, Wichita Falls, Killeen, Harlingen, Brownsville, Laredo, Eagle Pass, Corpus Christi and San Antonio, Tex.

No. MC 114147 Sub 2, filed August 23, 1955, ROY H. SANDBERG, 835 Third Street, North, Lakeview, Oreg. Applicant's attorney: Julian Herndon, Jr., P. O. Box 1005, Lakeview, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ores* and *minerals*, from mines in Lake County, Oreg. to Lakeview, Oreg.

No. MC 114569 Sub 3, filed August 26, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Air dehydrators and spiral heat exchangers*, and *component parts* thereof and *accessories* moving in connection therewith, between Lykens, Pa., on the one hand, and, on the other, points in the United States and the District of Columbia. Carrier is not presently authorized to transport the commodities specified.

No. MC 114816 Sub 1, filed June 22, 1955, LOUIS PIERONI AND RAY PIERONI, doing business as TRANSPORTATION SERVICE, 1916 S. California Ave., Chicago, Ill. Applicant's attorney: W. J. Barron, 1023 N. Keystone Ave., River Forest, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Baking pans*, between Chicago, Ill. on the one hand, and, on the other, points in Illinois and Indiana, those in Wisconsin south of Wisconsin Highway 29, those in Iowa east of U. S. Highway 65, those in Ohio west of a line bounded by U. S. Highway 23 to Columbus, thence over U. S. Highway 40 to its junction with U. S. Highway 42, thence over U. S. Highway 42 to Cincinnati, those in Michigan south of a line bounded by U. S. Highway 10 to Midland, thence over Michigan Highway 20 to Bay City, and thence southeast along U. S. Highways 10 and 23 to Detroit, Mich., Owensboro, Ky. and Louisville, Ky., and St. Louis, Mo. Applicant is authorized to transport baking pans between Chicago, Ill. and points within 200 miles of Chicago.

No. MC 115096 Sub 1, filed August 15, 1955, STATE TRAILER SALES, A CORPORATION, RFD 1. Scarboro, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, and *contents thereof*, restricted to secondary movements in truckaway service, between points in Maine, New Hampshire, Vermont, and all points in the United States including the District of Columbia.

No. MC 115500, filed August 5, 1955, WILLIAM WIEBKE, 120 W. Poplar Street, Floral Park, N. Y. Applicant's representative: L. J. Walsh, 15 Cathedral Avenue, Franklin Square, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, and points in Nassau and Suffolk Counties, N. Y., to points in Nassau and Suffolk Counties, N. Y. *Returned shipments* of the commodities specified from the above-specified destination points to the above-described origin points.

No. MC 115518, filed August 15, 1955, SAMUEL J. STANBURY, 322 North Tracy Street, Bozeman, Mont. Applicant's attorney: Joseph B. Gary, Suite 3–6 Golden Rule Building, Bozeman, Mont. For authority to operate as a *contract carrier*, over a regular route, transporting: *Mail, express*, and *cream*, and *returned empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Three Forks, Mont., and Francis, Mont., from Three Forks over U. S. Highway 10 to Logan, Mont., thence continuing over U. S. Highway 10 to junction County roads, thence over County roads to Maudlow, Mont., and thence continuing over County roads to Francis, and return over the same route, serving no intermediate points.

No. MC 115529 Sub 1, filed August 23, 1955, J. A. HISER and JOSEPH D. HALTERMAN, doing business as H & H TRUCKING COMPANY, 187 Pocahontas St., Buckhannon, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. For Authority to operate as a *common carrier*, over irregular routes, transporting: *Hardwood flooring* and *rough lumber*, between Buckhannon, W. Va., on the one hand, and, on the other, points in Pennsylvania, Maryland, Virginia, and the District of Columbia.

No. MC 115533, filed August 22, 1955, CAPITOL MOVING & STORAGE CO., INC., Edgewood and McGuckian Streets, Annapolis, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Catalogues*, from Baltimore, Annapolis and Salisbury, Md., and Dover, Del., to points in Maryland, Delaware, Virginia and Pennsylvania.

No. MC 115534, filed August 22, 1955, HERBERT GULSVIG, BERNARD A. PIHLSTROM AND MILO MATZ, doing business as G. M. P. TRUCKING SERVICE, 319 Second St., N. E., Wadena, Minn. Applicant's attorney: John S. Whittlesey, Suite 2–3, 69½ Broadway, Fargo, North Dakota. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, *including all component parts, materials, supplies and fixtures and, when shipped with such buildings, accessories, including lumber, used in the erection, construction and completion thereof*, from Wadena, Minn., to points in Montana on and east of U. S. Highway 89, points in North Dakota, South Dakota, Iowa and Minnesota, points in the upper peninsula of Michigan, Wisconsin, Illinois on and north and west of U. S. Highway 66, Missouri on and north of U. S. Highway 40, and Nebraska. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1510 Sub 54, filed June 20, 1955, SOUTHWESTERN GREYHOUND LINES, INC., 210 E. Ninth Street, Fort Worth, Tex. Applicant's attorney: L. C. Major, 2001 Massachusetts Ave. NW., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage*, and *newspapers, express* and *mail*, in the same vehicle with passengers, between Dallas, Tex., and Garland, Tex., from Dallas over County Road No. 560 to Garland, and return over the same route, as an alternate route, for operating convenience only, serving no intermediate points, in connection with carrier's authorized opera-

tions between Dallas and Garland, Tex., over Texas State Highway 78. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 29889 Sub 3, filed August 22, 1955, ROCKLAND TRANSIT CORPORATION, 126 North Washington Ave., Bergenfield, N. J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending in Rockland County, N. Y. and extending to points in New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine; the District of Columbia; New York City, N. Y.; points in Suffolk and Nassau Counties, N. Y.; and ports of entry on the International Boundary between the United States and Canada in New York; and (2) *passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the authorized racing seasons, beginning and ending in Rockland County, N. Y. and extending to the Monmouth Park Jockey Club Race Track in Oceanport, N. J., and Garden State Race Track, Delaware Township, N. J., the Freehold Trotting Track, Freehold, N. J., the Atlantic City Race Track, Hamilton Township, N. J., the Acqueduct Race Track and Jamaica Race Track in New York City, N. Y., the Belmont Race Track, Nassau County, N. Y., the Roosevelt Raceway, Westbury, Long Island, N. Y., the Delaware Park Race Track in Wilmington, Del., the Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., and Laurel Park Race Track, Laurel, Md., and the Lincoln Downs Race Track, Lincoln, R. I. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 115420 Sub 3, filed August 25, 1955, MERLE E. MARTIN, doing business as SUPERIOR BUS SERVICE, P. O. Box 169, Harrisonburg, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Harrisonburg, Va., and Franklin, W. Va., over U. S. Highway 33, serving all intermediate points.

No. MC 115530, filed July 26, 1955, JOHN W. PATTERSON, Hilton Head, S. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, between Hilton Head, S. C., and Savannah, Ga., from Hilton Head over unnumbered highways to Eugene Talmadge Bridge, thence over Eugene Talmadge Bridge and over unnumbered highways to Bluffton, S. C., thence over South Carolina Highway 46 to junction U. S. Highway 170, thence over U. S. Highway 170 to junction U. S. Highway 17, thence over U. S. Highway 17 to Savannah, and return over the same route, serving all intermediate points.

No. MC 115535, filed August 22, 1955, CANADIAN NATIONAL RAILWAY COMPANY, 360 McGill Street, Montreal, Quebec, Canada. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers*, (checked baggage of passengers, mail and express in a separate vehicle), between the International Boundary line between the United States and Canada at Detroit, Mich., and Detroit, Mich., from said International Boundary line at Detroit through the Detroit-Windsor Tunnel to the Tunnel Exit, thence south over Randolph Street to junction Atwater Street, thence east over Atwater Street to Brush Street station, thence north over Brush Street to junction Jefferson Avenue, thence west over Jefferson Avenue to junction Cass Avenue, thence north over Cass Avenue to junction Michigan Avenue, thence east over Michigan Avenue to junction Washington Boulevard, thence north over Washington Boulevard to Park Avenue, serving no intermediate points.

No. MC 115542, J. P. M. DEBOLT, doing business as DEBOLT TRANSIT, 335 East 7th Avenue, Homestead, Pa. Applicant's attorney: Reubin Kaminsky, 410 Asylum St., Hartford, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Allegheny County, Pa., and extending to all points in the United States, including the District of Columbia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6054. Authority sought for purchase by CONVOY COMPANY, 3900 N. W. Yeon Avenue, Portland, Oregon, of the operating rights and property of Henry W. REIMERS, 111 N. Thirtieth Street, Billings, Montana, and for acquisition by John Youell, 3900 N. W. Yeon Ave., Portland, Oreg., T. H. Youell and Youell, Inc., 2155 Northlake, Seattle, Washington, of control of the operating rights and property through the purchase. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco, California. Operating rights sought to be transferred: *automobiles*, new and used, in truckaway service, as a *common carrier*, from Duluth, Brainerd, Hibbing, and Minneapolis, Minn., to points in that part of Montana east of the Continental Divide, except Helena, Butte, Dillon and Sidney, Mont. Vendee is authorized to operate in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6060. Authority sought for control and merger by HENRY JENKINS TRANSPORTATION CO., INCORPORATED, 32 Regis Road, Boston 26, Mass., of the operating rights and property of MOULTON & HOLMES, INC., 1033 Massachusetts Ave., Boston 18, Mass., and for acquisition by Everett H. Jenkins of control of the operating rights and property through the transaction. Person to whom correspondence should be addressed: Applicant. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Boston, Mass., and Barre, Lawrence, and Lowell, Mass., and Providence and Woonsocket, R. I., between Lawrence, Mass., and Lowell, Mass., between Lowell, Mass., and North Chelmsford, Mass., and between Woonsocket, R. I., and Providence, R. I., serving all intermediate points; *wool*, between Boston, Mass., and Barre, Mass., serving the intermediate point of Gilbertville, Mass., for delivery only; *general commodities*, with the above-noted exceptions, over irregular routes, between Boston, Mass., on the one hand, and, on the other points in Massachusetts on and east of Massachusetts Highway 12, between points in Massachusetts on and east of Massachusetts Highway 12 on the one hand, and, on the other, points in Rhode Island. Henry Jenkins Transportation Co., Incorporated, is authorized to operate in Massachusetts, Rhode Island, New Hampshire, New York, Vermont, and New Jersey. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6061. Authority sought for control and merger by HEARIN TANK LINES, INC., P. O. Box 3096, Istrouma Branch, Baton Rouge, Louisiana, of the operating rights and property of LIQUID CARRIERS, INC., P. O. Box 241, Bay Minette, Alabama, and for acquisition by Don B. Hearin, Jr., P. O. Box 3096, Istrouma Branch, Baton Rouge, Louisiana, of control of the operating rights and property through the transaction. Applicant's attorney: Harry C. Ames, Jr., 227 Transportation Bldg., Washington 6, D. C. Operating rights sought to be controlled and merged: *anhydrous ammonia and methanol, ethyl alcohol, denatured alcohol solvents, tall oil, pulp mill liquid, muriatic acid, naval stores, liquid neutral salts*, and *sulphate liquor skimmings*, as a *common carrier*, over irregular routes, from, to and between certain points in Louisiana, Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee and Texas. Vendee is authorized to operate in Louisiana, Mississippi, Arkansas, Florida, Georgia, Alabama and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

No. MC–F 6063. Authority sought for purchase by PENN YAN EXPRESS, INC., Penn Yan, New York, of the operating rights and property of N. C. PURDIE CORPORATION, Stanley, New York, and for acquisition by Robert L. Hinson, 346 Main Street, Penn Yan, New York, of control of the operating rights through the purchase. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, New York. Operating rights sought to be transferred: *general commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes between New York, N. Y., and points in 13 New Jersey counties on the one hand, and, on the other, points in New York, except New York City and points within 50 miles thereof; *groceries*, from points in Monroe, Wayne, Ontario,

Livingston, Genesee, and Yates Counties, N. Y. to points in Passaic, Bergen, Union, Hudson, and Essex Counties, N. J.; *vegetable stearin, salad dressing, oleomargarine, advertising matter, prepared mustard, coconut oil, pure coconut olein, table sauces, pickles, lard substitutes, cottonseed oil, cooking oil,* and *vegetable oil* from, to and between certain points in N. Y. and N. J. Vendee is authorized to operate in New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under Section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-7245; Filed, Sept. 7, 1955; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 2, 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. 31050: *Grading and Road Making Implements from C. F. A. Territory to North Atlantic Ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grading and road making implements from points in C. F. A. territory to North Atlantic ports.

Grounds for relief: Port equalization and grouping.

FSA No. 31051: *Paper Boxes from Clyattville, Ga., to East St. Louis, Ill., and St. Louis, Mo.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on boxes, fibre-board, pulpboard or strawboard, corrugated, carloads from Clyattville, Ga., to East St. Louis, Ill., and St. Louis. Mo.

Grounds for relief: Circuity.

FSA No. 31052: *Sand from Marion, Ky., to Points in Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sand, carloads from Marion, Ky., to Bucyrus, Cleveland, Logan and Niles, Ohio.

Grounds for relief: Additional routes and circuity.

Tariff: Supplement 22 to Agent Spaninger's I. C. C. 1469.

FSA No. 31053: *Petroleum and Petroleum Products from Kendrick, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Kendrick, Okla., to points in Illinois, official, southern, southwestern, and western trunk-line territories.

Grounds for relief: Rail competition, grouping and circuity.

Tariffs: Supplement 63 to Agent Kratzmeir's I. C. C. 4086 and seven other tariffs.

FSA No. 31054: *Salt from Carla, La., to Alabama and Mississippi.* Filed by F. C. Kratzmeir, agent, for interested rail carriers. Rates on mine run salt, in carloads from Carla, La., to points in Alabama and Mississippi.

Grounds for relief: Additional route, rail competition and circuity.

Tariff: Supplement 56 to Agent Kratzmeir's I. C. C. 3903.

FSA No. 31055: *Alcohol and Related Articles—Tallant, Okla., to Acme, N. C.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alcohol and related articles, in carloads from Tallant, Okla., to Acme, N. C.

Grounds for relief: Rates constructed on basis of a distance formula, and circuity.

Tariff: Supplement 21 to Agent Kratzmeir's I. C. C. 4094.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-7244; Filed, Sept. 7, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1358]

SOUTHWESTERN URANIUM TRADING CORP.

ORDER VACATING ORDER OF SUSPENSION

SEPTEMBER 1, 1955.

Southwestern Uranium Trading Corporation filed on August 2, 1954 with the Commission a notification on Form 1-A relating to a proposed public offering of 1,500,000 shares of its 17 cent par value common stock at 20 cents per share for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to Section 3 (b) thereof, and Regulation A promulgated thereunder.

The Commission on July 29, 1955, ordered, pursuant to Rule 223 (a) of the General Rules and Regulations under said Act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that said issuer had failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A and had ignored requests by the Commission's staff for such reports.

The company, having, subsequent to the action temporarily suspending the exemption under Regulation A, filed the requisite report as required by Rule 224; and

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order of suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to Rule 223 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

It is further ordered, That this Order shall be served upon Southwestern Uranium Trading Corporation personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 55-7236; Filed, Sept. 7, 1955; 8:45 a. m.]

[File No. 24D-1752]

BLUE CHIP URANIUM CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

SEPTEMBER 1, 1955.

I. Blue Chip Uranium Corporation, Denham Building, Denver 2, Colorado, having filed with the Commission on May 27, 1955, a notification on Form 1-A, relating to a proposed public offering of $250,000 shares of its 1 cent par value common stock at $1 per share, and having filed amendments thereto on June 25, July 7, and August 1, 1955, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that the notification and the offering circular dated June 26, 1955, filed as part of said notification, contains untrue statements of material facts and fails to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

The statement contained therein that 1,127,400 shares were transferred by Joseph P. Smith, Sr., president of the issuer, as gifts, supported by his affidavit thereof, when, in fact, such transactions included sales of shares.

B. That the use of said offering circular in connection with the offering of the issuer's securities would operate as a fraud or deceit upon purchasers of said securities.

C. That sales literature has been widely distributed which contains false and misleading statements concerning the claimed value of the ore reserves of the company, the falsity of which is not disclosed in the offering circular, and which would operate as a fraud or deceit upon purchasers of said securities.

It is ordered, Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the

matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Blue Chip Uranium Corporation personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7235; Filed, Sept. 7, 1955; 8:45 a. m.]

SMALL BUSINESS ADMINISTRATION

[D. P. A. Request 10]

WITHDRAWAL OF REQUEST TO COORDINATED MANUFACTURERS OF SANTA CLARA COUNTY, INC., TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL, AND WITHDRAWAL OF REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to Section 708 of the Defense Production Act of 1950, as amended, the request to Coordinated Manufacturers of Santa Clara County, Inc., published on July 4, 1951, in 16 F. R. 6544 and the requests to the companies therein listed to participate in the operations of such pool are hereby withdrawn.

The immunity from prosecution under the Federal anti-trust laws and the Federal Trade Commission Act heretofore granted to Coordinated Manufacturers of Santa Clara County, Inc., and the participating companies, is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: September 1, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-7264; Filed, Sept. 7, 1955; 8:50 a. m.]

[D. P. A. Request 16]

WITHDRAWAL OF REQUESTS TO CENTRAL CALIFORNIA WAR INDUSTRIES, INC., TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL, AND WITHDRAWAL OF REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to Section 708 of the Defense Production Act of 1950, as amended, the request to Central California War Industries, Inc., published on October 2, 1951, in 16 F. R. 10042 and the requests to the companies therein listed to participate in the operations of such pool are hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to Central California War Industries, Inc., and the participating companies, is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: September 1, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-7265; Filed, Sept. 7, 1955; 8:50 a. m.]

[Declaration of Disaster Area 62, Amdt. 1]

NEW JERSEY

AMENDMENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 62 dated August 22, 1955, for the State of New Jersey is hereby amended by adding the County of Somerset to the first group of Counties (Sussex, Warren, and Hunterdon) referred to in paragraph 1 of said Declaration.

Dated: September 2, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-7309; Filed, Sept. 6, 1955; 2:40 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GUSTAVE L. BONWITT 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 located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gustave L. Bonwitt, New York, New York; Mrs. Elizabeth Hartogs-Hijman, London, England; an undivided three-sevenths interest in and to United States Letters Patent No. 2,140,568 vested by Vesting Order No. 2439 (8 Fed. Reg. 16331, December 4, 1943) to Gustave L. Bonwitt and Mrs. Elizabeth Hartogs-Hijman in the following proportions: 60 percent thereof to Gustave L. Bonwitt and 40 percent thereof to Mrs. Elizabeth Hartogs-Hijman; Claim No. 2303, Vesting Order No. 2439.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7246; Filed, Sept. 7, 1955; 8:48 a. m.]

AKIKO NAKANISHI

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

Akiko Nakanishi, Tokyo, Japan; $121.33 in the Treasury of the United States, One hundred (100) shares Pacific Trading Company, California, $20 par value capital stock presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York, N. Y.; Claim No. 59508, Vesting Order No. 4613.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7247; Filed, Sept. 7, 1955; 8:48 a. m.]

PASQUALE I. SIMONELLI

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

Pasquale I. Simonelli, Naples, Italy, $3,629.42 in the Treasury of the United States; Claim No. 36172, Vesting Order No. 409.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7248; Filed, Sept. 7, 1955; 8:48 a. m.]

ELISE LEIB

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

Elise Leib, 31 Langestr., Detmold, Germany, $7,772.29 in the Treasury of the United States; Claim No. 56661, Vesting Order No. 5010.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7249; Filed, Sept. 7, 1955; 8:48 a. m.]

ELISE SCHMIDT VON JOHNSON

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

Mrs. Elise Schmidt von Johnson, c/o The First National Bank of Galveston, P. O. Box 360, Galveston, Texas, presently residing at: Englschalkingerstrasse 9, Munich, Germany, $428.56 in the Treasury of the United States; Claim No. 63373, Vesting Order No. 11474.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7250; Filed, Sept. 7, 1955; 8:48 a. m.]

DORA WASCHL

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

Miss Dora Waschl, Salzburg, Austria, $1,500 in the Treasury of the United States.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7255; Filed, Sept. 7, 1955; 8:48 a. m.]

CELESTINO MASSIMO COMOTTO

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

Celestino Massimo Comotto, Frinco d'Asti, Italy, $500 in the Treasury of the United States; Claim No. 66529, Voluntary Turnover.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7252; Filed, Sept. 7, 1955; 8:48 a. m.]

GIACOMO BERNARDONI

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

Giacomo Bernardoni, Carona, Tessin, Switzerland, $156.09 in the Treasury of the United States, Claim No. 47349, Vesting Order No. 9068, as amended.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7253; Filed, Sept. 7, 1955; 8:48 a. m.]

JOSEPH MELLER

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 located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph Meller, Vienna 1, Austria, $53.50 in the Treasury of the United States, Claim No. 44963, Vesting Order No. 1758, all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright and right to copyright, license, agreement, privilege, power and right of whatsoever nature, including but not limited to all monies and amounts, by way of royalty, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the work entitled "Ophthalmic Surgery" as listed in Exhibit A to Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944) to the extent owned by Joseph Meller, immediately prior to the vesting thereof by Vesting Order No. 1758.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7254; Filed, Sept. 7, 1955; 8:48 a. m.]

MARIA HUBER

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER 1588

Property described below was ordered returned to the claimant. Since the claimant died April 25, 1953, prior to the return of the property, the Notice of Intention to Return Vested Property to her (18 F. R. 675, January 31, 1953) and Determination and Return Order No. 1588, executed March 16, 1953, are hereby revoked.

Claimant, Claim No., Property, and Location

Maria (Mary) Huber, Frauenau, Bavaria, Germany, $458.40 in the Treasury of the United States; Claim No. 59013.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55–7258; Filed, Sept. 7, 1955; 8:49 a. m.]

CALACE CARMELA DEMO 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

Calace Carmela Demo, Giuseppe Pasquale Demo, Maria Paolina Demo, Rosina Demo, Rocco Ferdinando Demo and Lucia Grazia Demo, Claim No. 44017, $76.70 in the Treasury of the United States; Giacomo Demo, Claim No. 44018, $76.70 in the Treasury of the United States; Innocenzo Demo, Claim No. 44019, $76.71 in the Treasury of the United States; Maria Donato Demo, Claim No. 44020, $76.71 in the Treasury of the United States; all of Brandisi di Montagna, Italy, Vesting Order No. 578.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7251; Filed, Sept. 7, 1955; 8:48 a. m.]

GUNTHER SACHS AND WERNER SACHS

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

Gunther Sachs, Jerusalem, Israel, and Werner Sachs, Melbourne, Australia; 21 shares of Brazeau Collieries, Ltd. 7 percent cumulative preference stock evidenced by Certificate No. 064 and presently in the custody for safekeeping of the Federal Reserve Bank, New York, N. Y.; Claim No. 62551, Vesting Order No. 8617.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7256; Filed, Sept. 7, 1955; 8:48 a. m.]

MARIA ASCHENBRENNER 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

Maria Aschenbrenner, Erkheim, Kreis Memmingen, Allgau, Germany; Wenzel Huber, Fremdingen, Kreis Nordlingen, Bavaria, Germany; Franz Huber, Obersurheim, Kreis Laufen, Germany; Theresia Wineck, Gronsdorf, Bavaria, Germany; Max (Maximilian) Huber, Bayerisch Eisenstein Germany; To each of the five claimants listed herein one-sixth of $449.80 in the Treasury of the United States; Claim No. 59013.

Executed at Washington, D. C., on August 31, 1955.

For the Attorney General.

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

[F. R. Doc. 55-7257; Filed, Sept. 7, 1955; 8:48 a. m.]