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Washington, Tuesday, October 11, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.8]

PART 372—FARM OWNERSHIP LOANS

SUBPART C—ASSIGNMENT OF INSURED MORTGAGES

ASSIGNMENT OF AN INSURED MORTGAGE BY PRIVATE HOLDER TO PRIVATE BUYER

Section 372.125, Title 6, Code of Federal Regulations (20 F. R. 1047) is revised to prescribe the use of a new form and reads as follows:

§ 372.125 *Assignment of an insured mortgage by a private holder to a private buyer.* (a) Upon receipt of notice from a holder of intention to assign an insured mortgage, the Director, Finance Office, will send any accumulated payments on the loan to the holder and furnish the holder with appropriate information on how to complete the assignment. The Director, Finance Office, also will send the holder a copy of Form FHA–756, "Notice and Acknowledgment of Sale," a statement of account, and assignment forms, if needed.

(b) If the Director, Finance Office, receives information that an insured mortgage has already been assigned, he will inform the holder of any additional steps that are needed to complete the assignment and request the holder to furnish a completed Form FHA–756.

(c) Upon receipt of a properly completed Form FHA–756 and a conformed copy of the instrument of assignment, if a separate instrument of assignment was used, the Director, Finance Office, will execute, and date the acknowledgment section of Form FHA–756. He will send a facsimile of the completed Form FHA–756 to the assignee, to the assignor, and to the County Supervisor, and retain the original. Upon execution of the acknowledgment of notice of sale on Form FHA–756, the assignment shall be binding upon the Government from the date of the assignment, provided a valid assignment of the note and mortgage has been effected, and provided further that, except when the mortgaged property is located in Colorado, Missouri, Puerto Rico, Tennessee, or Virginia, the assignment has been properly recorded in the land records. The Government assumes no liability for any payment transmitted to the assignor prior to the date of the acknowledgment of notice of sale on Form FHA–756.

(d) The Finance Office will transmit payments to the assignee after the date of the acknowledgment on Form FHA–756 and will notify the assignor and assignee of any payments processed to the assignor subsequent to the date of the assignment or the statement of account, whichever is earlier, and prior to the date of the acknowledgment. The Farmers Home Administration will assume no liability for failure to give such notice and for adjustment of these payments between the assignor and assignee.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 12 (f) (1), (1), 60 Stat. 1077; 7 U. S. C. 1005b (f) (1), (1))

Dated: October 5, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–8219; Filed, Oct. 10, 1955; 8:58 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

TEXAS; ADDITION TO LIST OF BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3595 and 6813 and containing the specific requirements for the 1955-crop rye support program are hereby amended as follows:

(Continued on next page)

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FEDERAL REGISTER

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CONTENTS—Continued

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.

Section 421.1383 (c) is amended by adding the following to the list of basic county support rates:

TEXAS

County:	Rate (No. 2 or better)
Reeves	$1.05

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 6th day of October 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8218; Filed, Oct. 10, 1955; 8:57 a. m.]

PART 475—1955 EMERGENCY FEED PROGRAM

This bulletin contains regulations pertaining to the 1955 Emergency Feed

Program and is issued by the Commodity Credit Corporation.

Sec.
475.15 General statement.
475.16 Administration.
475.17 Definitions.
475.18 Farmer's Purchase Orders.
475.19 Dealer's Certificates.
475.20 Presentation of Dealer's Certificates to CCC.
475.21 Limitations on rights of transferees.
475.22 Suspension of Feed Dealer's Agreements.
475.23 Extension of time.
475.24 Termination.

AUTHORITY: §§ 475.15 to 475.24 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, 83d Cong.; 7 U. S. C. 1427.

§ 475.15 *General statement.* The program provided for in this part will be carried out by the United States Department of Agriculture through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter called CCC and CSS, respectively) and is a part of the 1955 Emergency Feed Program formulated by the Department of Agriculture. The eligibility of applicants for assistance under the 1955 Emergency Feed Program will be determined by the Farmers Home Administration pursuant to the regulations contained in §§ 388.1 to 388.6 of this title (19 F. R. 5199). The regulations contained in this part state the terms and conditions (a) under which approved applicants in designated areas will be issued Farmer's Purchase Orders which may be tendered to dealers as part payment for designated surplus feed grains for use as livestock feed, (b) under which dealers who accept Farmer's Purchase Orders will be issued Dealer's Certificates, and (c) under which Dealer's Certificates may be presented to CCC for the purchase of available designated CCC-owned surplus feed grains.

§ 475.16 *Administration.* The program provided for in this part will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county ASC Committees) and CSS commodity offices. Each county ASC committee will authorize in writing one or more representatives to approve and issue documents on behalf of the county ASC committee. State and county ASC committees and CSS commodity offices, and representatives and employees of any of the above, do not have authority to modify or waive any of the provisions of this part or any amendments or supplements hereto.

§ 475.17 *Definitions.* Unless the context or subject matter otherwise requires, as used in all forms and documents in connection herewith, except as otherwise specifically defined in the "Feed Dealer's Agreement—1955 Emergency Feed Program," and as used in this Part the following terms shall have the following meanings:

(a) "Designated surplus feed grains" means barley, corn, grain sorghums and oats. The term "corn" includes ear corn. At the time of issuance of a Farmer's Purchase Order, the county ASC committee will enter on such Purchase Order the conversion factor to be used to convert the quantity of ear corn, which may be delivered, to shelled corn. Such conversion factor shall be the one used in the locality, as determined by the county ASC committee, except that if the county ASC committee determines that no recognized conversion factor is used in the locality or that the conversion factor used is out of line with prevailing conditions, the conversion factor entered on the Purchase Order shall be that established by the State ASC Committee.

(b) "Approved mixed feed" means Mixed Feed A which must contain at least 75 percent by weight of designated surplus feed grain(s) or Mixed Feed B which must contain at least 60 percent by weight of designated surplus feed grain(s), or both. Prior to delivery to farmers, bags containing approved mixed feeds must be appropriately labeled to show substantially as follows, depending on the type of approved mixed feed involved:

(1) "Mixed Feed A—containing at least 75 percent by weight of designated surplus feed grain(s)," or

(2) "Mixed Feed B—containing at least 60 percent by weight of designated surplus feed grain(s)."

(c) "Designated CCC-owned surplus feed grains" means barley, corn, grain sorghums and oats.

(d) "Farmer" means a farmer, rancher or stockman whose application (Form FHA 937) for assistance under the 1955 Emergency Feed Program has been approved by a Farmers Home Administration county committee.

(e) "Dealer" means any person (including but not limited to an individual, partnership, corporation, cooperative, or other business entity) engaged in selling designated surplus feed grains or approved mixed feeds.

(f) "CCC storage sites" means CCC-owned structures, CCC-leased facilities, and those facilities operated by CCC under right of entry. (Such structures and facilities are commonly called CCC binsites.)

§ 475.18 *Farmer's Purchase Order—* (a) *Area.* Farmer's Purchase Orders (hereinafter refered to as "Purchase Orders") will be issued only in areas which have been designated by the President under Public Law 875, 81st Congress, as areas of major disaster, and also by the Secretary of Agriculture under Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, as areas in which assistance of the nature provided for herein is needed.

(b) *Issuance.* (1) The original of an application (Form FHA 937) approved by a Farmers Home Administration county committee pursuant to the regulations contained in 19 F. R. 5199 (§§ 388.1 to 388.6 of this title) shall be presented by the farmer named therein at the office of the county ASC committee of the county in which such application was filed within fifteen calendar days after the date of approval shown on such application.

(2) After receipt of such an approved application within the time specified in subparagraph (1) of this paragraph, the county ASC committee will issue a Purchase Order to the farmer named in the application. At the farmer's request, the county ASC committee may issue two or more Purchase Orders based on one application. If only one Purchase Order is issued with respect to an application, the Purchase Order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one Purchase Order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such Purchase Orders shall not exceed the number of hundredweight for which the application was approved. If a Purchase Order has been issued and the farmer requests two or more Purchase Orders in lieu thereof, the first Purchase Order must be returned to the county ASC committee for voiding prior to the issuance of the new Purchase Orders. In the event that more than one Purchase Order is issued with respect to one application, all such Purchase Orders shall show the same date of issuance as the first Purchase Order, and, as required by paragraph (c) (2) of this section, all such Purchase Orders will be invalid unless transferred by the farmer to the dealer within 60 calendar days after the date of issuance shown thereon. It shall be solely the responsibility of the farmer to request the issuance of additional Purchase Orders with respect to an application in sufficient time to permit transfer by him of such Purchase Orders within the required period of time.

(c) *Transfer by farmer.* (1) A Purchase Order may be transferred by the farmer to whom issued to a dealer as part payment for designated surplus feed grains or approved mixed feed. A dealer to whom a Purchase Order is transferred is required, in order to obtain a Dealer's Certificate based thereon, to accept such Purchase Order as part payment to the full extent of the value thereof, as specified in paragraph (d) of this section, for each hundredweight of designated surplus feed grains and approved mixed feed purchased and delivered, up to the maximum value of the Purchase Order.

(2) The date of transfer of a Purchase Order by a farmer to a dealer shall not be later than 60 calendar days after the date of issuance shown on the Purchase Order. The date of transfer shall be that date on which the farmer signs section IV of the Purchase Order which must be on or after the purchase by and actual delivery to the farmer of all of the designated surplus feed grains or approved mixed feed specified in section III of the Purchase Order.

(d) *Value.* The maximum total value of any Purchase Order shall be an amount equal to the number of hundredweight shown in section I of the Purchase Order multiplied by $1.00. Subject to such maximum, the actual total value of a Purchase Order shall be determined by the number of hundredweight of des-

ignated surplus feed grains or approved mixed feed purchased by and delivered to the farmer. The value for each hundredweight of designated surplus feed grains or approved mixed feed purchased by and delivered to the farmer shall be as follows:

(1) Designated surplus feed grains (excluding ear corn and approved mixed feed); $1.00.

(2) Ear corn; the conversion factor (e. g. if the conversion factor is 70 percent, the value shall be $0.70).

(3) Mixed Feed A; $0.75.

(4) Mixed Feed B; $0.60.

Mixed feeds containing less than sixty percent of designated surplus feed grain(s) shall have no value whatsoever. Dealers shall not be entitled to a Dealer's Certificate based in whole or part on any such mix and in the event that a Dealer's Certificate is issued based on any such mix the dealer shall not be entitled to any credit or allowance whatsoever for the quantity of designated surplus feed grain(s) contained in any such mix. Approved mixed feed may contain more than the minimum percentage of designated surplus feed grains, but approved mixed feed will in no event be valued at other than the amounts stated in subparagraphs (3) and (4) of this paragraph.

§ 475.19 *Dealer's Certificates*—(a) *Basis of issuance.* A dealer may present a Purchase Order transferred to him by a farmer to the county ASC committee which issued it and obtain a Dealer's Certificate based thereon, provided he has entered into a "Feed Dealer's Agreement—1955 Emergency Feed Program" signed on behalf of CCC by an authorized representative of the county ASC committee which issued the Purchase Order, and is entitled under the terms and conditions of such Agreement to present such Purchase Order. (A dealer must enter into a separate "Feed Dealer's Agreement—1955 Emergency Feed Program" for each county in which he presents Purchase Orders). A dealer who accepts the transfer of a Purchase Order prior to the time that he enters into an applicable "Feed Dealer's Agreement—1955 Emergency Feed Program" does so at his own risk and CCC shall not be liable to the dealer in any way for refusal to enter into such an Agreement with the Dealer. There must be compliance with the following conditions with respect to each Purchase Order presented:

(1) The date of transfer of a Purchase Order from a farmer to the dealer must have been within 60 calendar days after the date of issuance shown on the Purchase Order. (The date of transfer shall be determined as specified in § 475.18 (c) (2)).

(2) A Purchase Order must be received at the office of the county ASC committee which issued it within 30 calendar days after the date of transfer of the Purchase Order from the farmer to the dealer.

(3) The dealer must have sold and actually delivered to the farmer the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the Purchase Order. In the event that any designated surplus feed grains were delivered trackside to the farmer named in the Purchase Order, the sales price to the farmer must have been no more than the cost of such feed grains to the dealer plus a handling margin no larger than that which has been determined by the State ASC Committee to be reasonable. (Information as to the handling margin determined by the State ASC Committee to be reasonable will be available at the county ASC committee office and should be obtained from such office).

(4) The dealer must have accepted the transfer of the Purchase Order in part payment for the quantity of designated surplus feed grains or approved mixed feed listed in the table set forth in section III of the Purchase Order to the full extent of the value, as specified in § 475.18 (d) for each hundredweight so listed up to the maximum value of the Purchase Order.

(5) The dealer must submit to the county ASC office with each Purchase Order copies of sales tickets, sales slips, or invoices, for the designated surplus feed grains or approved mixed feed delivered to the farmer, showing the kinds and quantities of grains or feeds actually delivered, the date of such deliveries, the price per hundredweight charged the farmer, and the credit allowed on the purchase price for the Purchase Order.

(6) Sections III and IV of the Purchase Order must have been duly executed.

(b) *Face value.* The face value of a Dealer's Certificate shall be an amount equal to the actual total value of the Purchase Order or Purchase Orders which form the basis for issuance of the Dealer's Certificate.

(c) *Transfer.* Dealer's Certificates may be transferred by the dealer to any supplier, broker, agent or other person, and may subsequently be transferred from person to person. The transfer of Dealer's Certificates shall be made by endorsement on the reverse side thereof, giving the address of the endorser, and date of the endorsement.

§ 475.20 *Presentation of Dealer's Certificates to CCC.* Subject to all of the provisions of this part, valid Dealer's Certificates, if presented to CCC by the holder within 120 calendar days after the date of issuance, will be accepted at face value for the purchase of available designated CCC-owned surplus feed grains.

(a) *Where to purchase.* Holders of Dealer's Certificates (1) may purchase carload lots of designated CCC-owned surplus feed grains from any CSS Commodity Office which has such surplus feed grains available for sale, or (2) may purchase carload lots or less of designated CCC-owned surplus feed grains stored in CCC storage sites from any county ASC committee located in a designated disaster area, as defined in § 475.18 (a), which has such surplus feed grains available for sale. Information as to CSS Commodity Offices having such surplus feed grains available for sale may be obtained from the following CSS Commodity Offices: Chicago CSS Commodity Office, 623 South Wabash Avenue, Chicago 5, Illinois; Dallas CSS Commodity Office, 3306 Main Street, Dallas 26, Texas; Kansas City CSS Commodity Office, Federal Office Bldg., 911 Walnut Street, Kansas City 6, Missouri; Minneapolis CSS Commodity Office, 1006 West Lake Street, Minneapolis 8, Minnesota; and Portland CSS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oregon. Information as to the location of CCC storage sites within the State in the designated disaster area may be obtained from the State ASC Committee. Information as to the availability of designated CCC-owned surplus feed grains in CCC storage sites may be obtained from the county ASC committee of the county in which the CCC storage site is located.

(b) *Purchase from CSS Commodity Office*—(1) *Offer to purchase.* In making an offer to purchase, the holder of a Dealer's Certificate must specify the class, grade, quality and quantity of the designated CCC-owned surplus feed grain which he desires to purchase, together with the destination and the consignee to whom such feed grain is to be shipped.

(2) *Confirmation of sale.* The CSS Commodity Office will accept or reject the offer within 72 hours from the time the offer is received (such acceptance or rejection will be by collect wire if requested): *Provided,* That any acceptance shall be conditioned on the signing and return by the purchaser to the CSS Commodity Office of a confirmation of sale issued by such office containing terms and conditions applicable to the sale. Such confirmation of sale, together with the provisions contained in this Section shall constitute the sales contract.

(3) *Price.* All sales will be made by the CSS Commodity Office in carload lots at the market price, as determined by CCC, "in store" or f. o. b. car at point determined by CCC.

(4) *Election to cancel.* CCC shall have the election to cancel the sales contract if Dealer's Certificates of a value at least equal to the value of the designated CCC-owned surplus feed grains contracted for are not received by the CSS Commodity Office within 10 calendar days after the date of its issuance of the confirmation of sale.

(5) *Delivery.* (i) Delivery of designated surplus CCC-owned feed grains will be made "in store" or f. o. b. cars at point determined by CCC. In advance of delivery of any such feed grains, the purchaser must submit valid Dealer's Certificates of face value sufficient to cover the sales value of the feed grain purchased. CCC does not guarantee delivery within any specified period of time following receipt of the Dealer's Certificate(s) but will exercise all available means to secure prompt delivery. The purchaser, if he so requests, will be advised by collect wire of cars being shipped.

(ii) The basis for determination of the quality and quantity of feed grains delivered shall be stated in the confirmation of sale issued by the CSS Commodity Office.

(6) *Basis of settlement*—(i) *At end of each sale.* (*a*) In the event that the Dealer's Certificates submitted to CCC have a total face value which is less than the value of the feed grains delivered, because of over-delivery or other cause, the purchaser shall pay to CCC, in cash, the difference between the total face value of the Certificates submitted and the value of the feed grain delivered, calculated on the basis of the specified sales price.

(*b*) In the event the purchaser submits Dealer's Certificates having a total face value in excess of the value of the feed grain delivered, the purchaser will be issued a new Dealer's Certificate for the excess value.

(*c*) To avoid administrative costs of issuing Dealer's Certificates in small denominations, Dealer's Certificates for excess value of $3 or less will be issued only upon request. Deficiencies of $3 or less owed to CCC may be disregarded unless demand for payment is made by CCC.

(ii) *At termination of program.* Upon termination of the 1955 Emergency Feed Program, any holder of valid Dealer's Certificates having a total face value insufficient to purchase a carload lot of any of the available designated CCC-owned surplus feed grains may (*a*) purchase from a CSS Commodity Office a carload lot of any such feed grain and submit to the CSS Commodity Office the Dealer's Certificates held by him, plus an amount of cash sufficient to cover the remainder of the price of the carload of feed grain purchased, or (*b*) purchase from a CSS Commodity Office for delivery "in store" a quantity of available designated CCC-owned surplus feed grains equal in price to the face value of such Dealer's Certificates and submit such Dealer's Certificates to the CSS Commodity Office in payment therefor. The foregoing provisions of this section shall be applicable to such purchases except to the extent that such provisions are inconsistent with this subdivision.

(c) *Purchase from County ASC Committees.* Sales of available designated CCC-owned surplus feed grain from CCC storage sites will be made under the direction of the county ASC committee responsible for the operation of the storage site.

(1) *Price.* All sales from CCC storage sites will be made in carload lots or less at the local market price as determined by the county ASC committee on the date of sale.

(2) *Time of payment.* Payment shall be made by presentation to the county ASC committee, prior to delivery of the feed grain, of valid Dealer's Certificates of an aggregate face value equal to the total price of the feed grain purchased. The provisions of paragraph (b) (6) (i) of this section shall be applicable to sales from CCC storage sites.

§ 475.21 *Limitation on rights of transferees.* The right of a transferee in due course of a Dealer's Certificate to present the Dealer's Certificate and obtain designated CCC-owned surplus feed grains shall not be limited except as follows:

(a) A Dealer's Certificate will not be accepted if presented later than 120 calendar days after the date of issuance.

(b) In the event that, after issuance of a Dealer's Certificate, there has been any alteration increasing the face value thereof, such Certificate will be accepted only for the face value thereof at the time of issuance.[1]

(c) Any transferee who acquires the Dealer's Certificate knowing or having good cause to know that the dealer who originally obtained such Certificate from the county ASC committee did so on the basis of false or fraudulent certifications or representations shall not be entitled to present the Dealer's Certificate. A transferee of a Dealer's Certificate who acquires such Certificate without knowing or having good cause to know of any such false or fraudulent certifications or representations shall be entitled to present the Certificate and obtain designated CCC-owned surplus feed grains.

§ 475.22 *Suspension of Feed Dealer's Agreements.* CCC may suspend the right of a dealer who has entered into Feed Dealer's Agreement or Agreements to participate in the 1955 Emergency Feed Program by notification in writing to the dealer if it has good reason to believe that the dealer has failed to comply with the provisions of such Agreement(s) with respect to any Purchase Order presented by him to the county ASC committees. Any such suspension shall be effective as to all Feed Dealer's Agreements entered into by the dealer under the 1955 Emergency Feed Program. In the event of suspension, the dealer shall not be entitled to present any Purchase Order to any county ASC committee unless and until such suspension is removed by CCC. In the event a suspension is removed only in part, the dealer shall be entitled to present only Purchase Orders covered by such removal of suspension.

§ 475.23 *Extension of time.* The executive Vice President, CCC, may when he deems it to be in the best interests of the program, extend the time within which a Purchase Order or Dealer's Certificate may be transferred or presented and he may, under such terms and conditions as he determines will serve the best interests of the program, delegate to others the authority to extend the time within which a purchase order or Dealer's Certificate may be transferred or presented.

§ 475.24 *Termination.* The program provided for in this part may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER. Such termination shall not apply with respect to any Purchase Order or Dealer's Certificate issued prior to the effective date of such termination.

Issued this 5th day of October 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-8217; Filed, Oct. 10, 1955; 8:57 a. m.]

[1] Any false certification or representation, willful alteration, or other fraudulent act may be subject to prosecution under Federal Criminal statutes and to action under Federal civil frauds statutes.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL POWER COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (f) of § 6.325 is amended as set out below:

§ 6.325 *Federal Power Commission.*

* * *

(f) One Technical Assistant to each Commissioner.

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

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

[F. R. Doc. 55-8200; Filed, Oct. 10, 1955; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.269]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 18, 1955, paragraph (a) is amended by the addition of the following post:

Ishigaki Island, Ryukyus.

2. Effective as of the beginning of the first pay period following October 8, 1955, paragraph (b) is amended by the addition of the following post:

Ascension Island.

3. Effective as of the beginning of the first pay period following August 27, 1955, paragraph (c) is amended by the addition of the following post:

San Julian, Cuba.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State,

LOY W. HENDERSON,
Deputy Under Secretary
for Administration.

SEPTEMBER 30, 1955.

[F. R. Doc. 55-8210; Filed, Oct. 10, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Revised, Supp. 5]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle

Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 4361), effective June 22, 1955, as amended effective July 13, 1955, July 30, 1955, August 17, 1955, and September 17, 1955 (20 F. R. 4979, 5447, 5961, 6992), are hereby further amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Neal Collins Ranch, Thirteenth and one-half Street, Yuma.

CALIFORNIA

Glesby Bros. Grain & Milling Co., 148 East Olive Avenue, Monrovia.

Sumner Peck Ranch Co., Inc., Highway 33, 12 miles south of Mendota, Mendota.

Wattenbarger Feed & Hardware Store, 2521 East California Avenue, Bakersfield.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Arizona Flour Mills, Tempe.

Box O Ranch, P. O. Box 424, Coolidge.

Grubbs Hatchery, P. O. Box 1806, Yuma.

Henry Leivas Farm, Route 1, Box 48–B, Parker.

Arthur McCoy Property, Route 1, Box 754, Yuma.

Pablo Ortiz Property, 220 Water Street, Yuma.

R. F. Richter Feed Store, Box 51, Parker.

Vita-Gro Feed Store, 155 West Main Street, Mesa.

CALIFORNIA

W. Denewiler Ranch, Route 1, Box 77, Blythe.

Gilbert Hayden Ranch, located at northwest corner of West 26 and F Road. Mail address P. O. Box 195, Imperial.

Holly Sugar Co. Feed Lot, located at intersection of East B and Road 34, Brawley.

D. H. Johnson Ranch, Route 2, Box 104, Imperial.

K. W. Taylor Feed Lot, located at intersection of West H and Road 9, Route 2, Box 45A, El Centro.

E. W. Thornton Ranch, Route 2, Box 2, Imperial.

Ray Willis Ranch, Route 1, Box 106, Brawley.

This amendment shall be effective October 11, 1955.

Subsequent to the fourth amendment of these instructions, effective September 17, 1955, an infestation of the khapra bettle was discovered on the Hubert Thacker property on Route 1, Box 777–A, Yuma, Arizona. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this amendment.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. 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 foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 6th day of October 1955.

[SEAL] E. D. BURGESS,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 55–8211; Filed, Oct. 10, 1955; 8:54 a. m.]

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

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

EXPENSES AND RATE OF ASSESSMENT FOR 1955–56 FISCAL PERIOD

On September 21, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 7082) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1955–56 fiscal period under Marketing Agreement No. 89, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

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

§ 939.208 *Expenses and rate of assessment for the 1955–56 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1955, and ending June 30, 1956, both dates inclusive, will amount to $27,915.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at six mills ($0.006) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1955–56 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "handles," "shipments," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in said amended marketing agreement and order.

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

Issued this 6th day of October 1955, to become effective on the date of publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–8191; Filed, Oct. 10, 1955; 8:47 a. m.]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

EXPENSES AND FIXING RATE OF ASSESSMENT FOR 1955–56 FISCAL YEAR

Pursuant to the marketing agreement, as amended, and Order No. 40, as

amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 940.207 *Expenses and rate of assessment for the 1955–56 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1955, and ending February 29, 1956, will amount to $10,710.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at $0.008554 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

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 time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on August 18, 1955, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1955 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 19, 1955; (3) shipments of peaches from Mesa County in Colorado have, since 12:01 a. m., M. s. t., August 26, 1955, been subject to the regulatory provisions of Peach Order 1 (§ 940.307; 20 F. R. 6211); (4) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1955–56 fiscal year; and (5) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "shipped," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

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

Issued this 6th day of October 1955, to become effective on the date of publication hereof in the FEDERAL REGISTER.

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

[F. R. Doc. 55–8192; Filed, Oct. 10, 1955; 8:47 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

§ 959.313 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F. R. 7068), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the production area, as such term was defined in Order No. 59, as amended, prior to September 21, 1955—the effective date of the latest amendment (20 F. R. 7068) to said order—are currently subject to regulation (§ 959.312; 20 F. R. 7030) and, unless sooner modified or terminated, will so continue until November 1, 1955, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (v) reasonable time is permitted, under the circumstances, for such preparation, and (vi) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from October 12, 1955, to June 30, 1956, both dates inclusive, no handler shall ship potatoes of any variety grown in any district unless the potatoes meet the requirements (i) of the U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight or (ii) of the U. S. No. 2 or better grade, 6 ounces minimum weight: *Provided,* That potatoes grown in District No. 3 which meet the requirements of the U. S. No. 2 or better grade up to, but not including, the U. S. No. 1 grade, may be shipped if such potatoes are of a size not smaller than 1⅞ inches minimum diameter.

(2) During the period from October 12, 1955, to November 1, 1955, both dates inclusive, no handler shall ship any lot of potatoes of any variety if such potatoes are more than "slightly skinned" as such term is defined in the United States Standards for potatoes (§§ 51.1540 to 51.1559 of this title), which means that not more than ten percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) Pursuant to § 959.53, each handler may ship not in excess of five hundredweight of potatoes per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph and §§ 959.42 and 959.60.

(4) Except as otherwise provided in this section, the limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing within the district where grown; (ii) certified seed potatoes; (iii) export; (iv) canning or freezing; (v) dehydration or manufacture or conversion into starch, flour, or alcohol; (vi) charity; (vii) potato chipping; (viii) livestock feed within the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped for livestock feed within, or to, such districts for such purpose.

(5) During the period October 12, 1955, to June 30, 1956, both dates inclusive: (i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, 1½ inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clip-

ping; and (iv) potatoes grown in a particular district and which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof for use for potato chipping.

(6) Each handler making shipments of potatoes authorized pursuant to subparagraph (4) of this paragraph shall with respect to such shipments other than those for grading or storing and for livestock feed: (i) File an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131; (ii) pay the required assessments pursuant to § 959.42; (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60; and (iv) for each such shipment (except shipments of certified seed potatoes) furnish a record of shipment applicable thereto to the committee: *Provided,* That each application to ship potatoes for export, for canning or freezing, for dehydration or manufacture or conversion into starch, flour, or alcohol, for charity, or for potato chipping, shall be accompanied by a copy of the applicable bill of lading and the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided, further,* That each handler agrees, in his application to make shipments for canning or freezing, or for dehydration or manufacture or conversion into starch, flour, or alcohol, or for potato chipping, to bill each such shipment directly to the applicable processor and, if a particular shipment is not so billed, to furnish copies of the bill of lading and related diversion orders covering such shipment.

(7) Pursuant to § 959.60 (b), the inspection requirements of § 959.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this § 959.313 with respect to any such potatoes which prior to the regrading, resorting, or repacking thereof, were inspected pursuant to § 959.60 (a) and the inspection certificate is valid at the time of handling such regraded, resorted or repacked potatoes.

(8) For the purpose of operations under this part, each required inspection certificate is hereby determined, pursuant to § 959.60 (c), to be valid for a period not to exceed 14 days following completion of inspection as shown on the certificate.

(9) Except as otherwise provided, the various grades and sizes referred to in this section shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein, and the terms "District No. 1," "District No. 2," "District No. 3," "District No. 4," and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88; 20 F. R. 7068).

(10) The provisions of § 959.312 (20 F. R. 7030) are hereby terminated October 12, 1955.

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

Dated: October 7, 1955.

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

[F. R. Doc. 55-8278; Filed, Oct. 10, 1955; 8:55 a. m.]

[Docket No. AO-233-A3]

PART 963—MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous finding and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the FEDERAL REGISTER. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Stark County, Ohio, marketing area. Milk needed in the market for Class I continues, during the current period of short supply, to be utilized for manufacturing purposes.

Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on August 29, 1955; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was filed on September 22, 1955; and a final decision was issued on October 6, 1955.

Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended,) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (July 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 963.52 by adding after paragraph (c) the following: "*Provided,* That from the effective date of this proviso through November 1955, in lieu of

the "basic formula price" referred to in paragraphs (a) and (c) of this section, use the basic formula price computed pursuant to § 963.50 plus 30 cents."

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

Issued at Washington, D. C., this 7th day of October 1955, to be effective on and after the date of publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-8279; Filed, Oct. 10, 1955; 9:00 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CONTROL PERCENTAGES

Pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (20 F. R. 5387), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of estimates and recommendations of the Walnut Control Board and other available information it is hereby determined that the percentages hereinafter established will tend to effectuate the declared policy of the act.

Available data indicate that the 1955–56 supply of walnuts will not be sufficient to satisfy the combined demands of the inshell and shelled markets, thus justifying a marketable percentage of 100 and a surplus percentage of zero. It appears that returns from the 1955 crop would not be improved by restricting the quantity of walnuts available for the inshell market. A relatively strong demand for shelled walnuts during the 1955–56 marketing year is indicated, and handlers should be permitted to dispose of walnuts in either the inshell or shelled outlets without restriction.

Therefore, the administrative rule is as follows:

§ 984.207 *Control percentages for walnuts during the marketing year beginning August 1, 1955.* During the marketing year beginning August 1, 1955, the following percentages shall be in effect: Merchantable free percentage, 100 percent; merchantable restricted percentage, zero percent; marketable percentage 100 percent; surplus percentage, zero percent.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of the aforesaid administrative rule later than the date of its publication in the FEDERAL REGISTER for the reason that (1) the percentages were recommended unanimously by the Walnut Control Board, the industry agency charged with responsibility for operating this program, and (2) the result of this action will be merely to notify handlers that no set-aside requirements will be imposed on them for the current marketing year.

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

Issued at Washington, D. C., this 6th day of October 1955 to become effective upon publication of this document in the FEDERAL REGISTER.

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

[F. R. Doc. 55-8214; Filed, Oct. 10, 1955; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6226]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BRAINERD L. MELLINGER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, and distribution of courses of instruction in reweaving in commerce, representing, directly or by implication: (1) That invisible French reweaving can be learned easily or quickly by taking respondents' course; (2) that it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction, unless it is restricted to the patch or overlay method of reweaving and unless it is disclosed that anyone taking said course of instruction must have normal use of hands, good eyesight, with or without glasses, and is temperamentally disposed to learn reweaving; (3) that the potential earnings for persons completing respondents' course of instruction are greater than they are in fact; (4) that French reweaving is little known or is easy to perform; (5) that persons completing respondents' course can successfully operate a reweaving business by mail; (6) that reweaving is not available in small communities or that only a few reweaving establishments are operated in cities; (7) that any respondent received greater compensation for reweaving than is the fact; (8) that the issuance of certificates to persons who have completed respondents' course qualifies them as skilled reweavers; (9) that an organization known as Skil-Weavers Guild exists or that the Skil-Weavers insignia is of any validity; (10) that respondents, or any one in their behalf, provide national advertising for the benefit of persons who have completed their course; and (11) that through the efforts of respondents dry cleaners, department stores, laundries, or similar business organizations supply reweaving work to persons who have completed respondents' course, or that the amount of such reweaving work available at such sources is greater than it is in fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Brainerd L. Mellinger et al. d. b. a. Skil-Weave Co. et al., Los Angeles, Calif., Docket 6226, September 22, 1955]

In the Matter of Brainerd L. Mellinger and Sibyle O. Mellinger, Copartners Trading and Doing Business as Skil-Weave Co., and Brainerd L. Mellinger, Jr., and Augustine Ott, Individuals

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with unfair and deceptive acts and practices in connection with the sale in commerce of a course of instruction designed to prepare students thereof for work as commercial reweavers, in violation of the Federal Trade Commission Act, and upon a Stipulation for Consent Order which disposed of all the issues involved in the proceeding and which was submitted to the hearing examiner pursuant to an agreement entered into by respondent with counsel supporting the complaint subsequent to the filing of respondents' answer.

By the terms of said stipulation, respondents admitted all the jurisdictional allegations set forth in the complaint; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith and expressly waived a hearing before a 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 or 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 contained in the stipulation should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order; and it was also agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based; and it was further provided that the complaint in the matter might be used in construing the terms of the aforesaid order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission; and that respondents specifically refrained from admitting or denying that they had engaged in any of the acts or practices stated in the complaint to be in violation of the law.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and that for all legal purposes respondents' answer would be regarded as withdrawn; set forth his conclusion, in view of the facts indicated and the further fact that the order embodied in the aforesaid stipulation differed from the order accompany-

ing the complaint in the matter in minor particulars only, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of the aforesaid stipulation, accepted the Stipulation for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance," dated September 22, 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 the respondents, Brainerd L. Mellinger and Sibyl O. Mellinger (Spelled Sibyle O. Mellinger in the complaint), as individuals or as copartners trading as Skil-Weave Co., or under any other name, and respondents Brainerd L. Mellinger, Jr., and Augustine S. Ott, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction in reweaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That invisible French reweaving can be learned easily or quickly by taking respondents' course;

2. That it is easy to learn reweaving, or that one can become an expert reweaver by taking respondents' course of instruction, unless it is restricted to the patch or overlay method of reweaving and unless it is disclosed that anyone taking said course of instructions must have normal use of hands, good eyesight, with or without glasses, and is temperamentally disposed to learn reweaving;

3. That the potential earnings for persons completing respondents' course of instruction are greater than they are in fact;

4. That French reweaving is little known or is easy to perform;

5. That persons completing respondents' course can successfully operate a reweaving business by mail;

6. That reweaving is not available in small communities or that only a few reweaving establishments are operated in cities;

7. That any respondent received greater compensation for reweaving than is the fact;

8. That the issuance of certificates to persons who have completed respondents' course qualifies them as skilled reweavers;

9. That an organization known as Skil-Weavers Guild exists or that the Skil-Weavers insignia is of any validity;

10. That respondents, or any one in their behalf, provide national advertising for the benefit of persons who have completed their course;

11. That through the efforts of respondents dry cleaners, department stores, laundries or similar business organizations supply reweaving work to persons who have completed respondents' course, or that the amount of such reweaving work available at such sources is greater than it is in fact.

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

It is ordered, That respondents Brainerd L. Mellinger and Sibyl O. Mellinger (spelled Sibyle O. Mellinger in the complaint), copartners trading and doing business as Skil-Weave Co., and Brainerd L. Mellinger, Jr., and Augustine Ott, individuals, 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: September 22, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8199; Filed, Oct. 10, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter B—Transportation

PART 35—LOADING RULES, TEST LOADINGS AND TEST SHIPMENTS

Sec.
35.1 Purpose.
35.2 Applicability.
35.3 General.

AUTHORITY: §§ 35.1 to 35.3 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 35.1 *Purpose.* This part provides uniform requirements and procedures with respect to loading rules, test loadings, and test shipments for the transportation of freight by railroads within the Continental United States.

§ 35.2 *Applicability.* The provisions of this part shall be applicable to all departments and agencies of the Department of Defense within the Continental United States.

§ 35.3 *General*—(a) *Loading rules*—(1) *Background.* The Association of American Railroads (AAR) publishes loading rules for the purpose of providing uniform, safe, and economical methods for loading shipments in or on rail cars. The rules contained in AAR Circular No. 42–B, "General Rules Covering Loading of Carload Shipments of Commodities in Closed Cars," and in all AAR pamphlets covering the loading of shipments on open top cars are mandatory; other rules contained in closed car pamphlets are recommendatory. Lists of pamphlets containing these rules may be obtained from the Secretary, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois.

(2) *Compliance.* (i) All activities of the military departments shall observe as minimum requirements the methods for loading, blocking, and bracing shipments in or on railroad cars as set forth in appropriate loading rules pamphlets of the Association of American Railroads, except that other methods in general use providing equivalent or superior protection may be substituted for recommendatory methods set forth in those pamphlets.

(ii) When it is considered necessary in the interest of safe transportation to prescribe particular carloading methods in a given Invitations for Bids and Request for Proposals covering the purchase of supplies, or in related transportation or packaging specifications, the required methods shall be specified in adequate detail. However, no provision shall be made in the above mentioned documents which will prevent contractors from employing, in lieu of recommendatory methods contained in AAR carloading pamphlets, commercial methods in general use which provide protection equivalent to or better than that afforded by the recommendatory methods.

(iii) If a contractor desires to use carloading methods other than those prescribed in accordance with subdivision (ii) of this subparagraph, the contractor shall be required to provide sufficient evidence to satisfy the military department concerned that such proposed substitute methods are adequate.

(3) *Proposed changes, exceptions, or additions.* (i) Any activity proposing a change, exception, or addition to loading rules of the AAR shall submit the proposal to the organizational element designated by the department concerned for coordination with the other departments.

(ii) The Department of the Army is hereby delegated the authority to act as the Department of Defense liaison agent with the Association of American Railroads for the purpose of developing new or revised loading rules.

(b) *Test loading and test shipments.* (1) Test loadings and test shipments are conducted for the purpose of determining the adequacy of shipping containers or loading, blocking, or bracing methods not specifically provided for in carriers' classifications, tariffs, loading rules, or other publications, and for developing new or revised packaging specifications or loading rules. Test loadings are conducted under simulated shipping conditions in the local area, with the car being subjected to impacts which may be encountered during actual shipping operations. Test shipments involve line-haul movements and are governed by AAR loading rules and pertinent sections of applicable tariffs and freight classifications.

(2) Any activity desiring to conduct a test loading or test shipment for the purpose of determining the adequacy of loading, blocking, or bracing methods or developing new or revised loading rules shall submit the proposal to the organizational element designated by the department concerned. If the department approves the conduct of the test, the other departments and the Director of Transportation and Communications, Office of the Assistant Secretary of Defense (Supply and Logistics) shall be informed of the time, place, and purpose

of the test. If the Association of American Railroads is to participate in the test the Department of the Army shall be responsible for arranging such participation.

(3) At the conclusion of each test the sponsoring department shall make available to the other departments and to the Director of Transportation and Communications, Office of the Assistant Secretary of Defense (Supply and Logistics) the conclusions and recommendations on the test. Based on these conclusions and recommendations, the Department of the Army shall, if appropriate, act as liaison in arranging for negotiations on behalf of the sponsoring department with the Association of American Railroads for new or revised loading rules to reflect requirements developed by the test.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 3, 1955.

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PART 36—REGULATION FOR TRANSPORTATION OF HOUSEHOLD GOODS BY MOTOR VAN CARRIERS

Sec.
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36.12 Packing requirements, Appendix II.

AUTHORITY: §§ 36.1 to 36.12 issued under sec. 202, 61 Stat. 500; 5 U. S. C. 171a.

§ 36.1 *Purpose.* The purpose of this part is to establish uniform procedures to be followed by the Military Departments in the shipment at Government expense of household goods of their uniformed personnel by motor van carriers to, from, or between points in the Continental United States.

§ 36.2 *Statutory authority and basic regulations.* The statutory authority for the transportation of household goods of uniformed personnel at Government expense is contained in section 303 (c) of the Career Compensation Act of 1949 (63 Stat. 802) and the Missing Persons Act (56 Stat. 143, as amended). Basic regulations are set forth in Joint Travel Regulations promulgated jointly by the Secretaries of the following Departments: Army; Navy; Air Force; Treasury; Commerce; and Health, Education and Welfare. Chapter 8, Joint Travel Regulations, provides that shipments of household goods of uniformed personnel may be made at Government expense without regard to comparative costs; that is, by ordinary rail and/or water freight, ordinary motor freight, air or railway express, freight forwarder, or commercial van carrier, whichever, in the judgment of the shipping officer, will serve the best foreseeable interests of the Government and the owner of the property.

§ 36.3 *Selection of carrier.* The rule stated in § 36.2 with respect to comparative costs applies only to the mode or method of transportation, and does not apply to the selection of an individual carrier within a given mode. When, in the judgment of the _____ officer, commercial van service is to be used, selection of the carrier will be based primarily on the requirements of the individual shipment, the carrier's ability to perform the required services satisfactorily, and the cost of such services to the Government. In determining costs, consideration will be given to rates and charges in all applicable rate tenders and tariffs. It is not intended that relatively inconsequential differences in overall costs must be considered in the selection of carriers since the administrative costs involved could well offset any gains the Government might receive from such differentials. Shipments will be tendered only to carriers who are qualified, willing, and able to provide the service which will, in the judgment of the _____ officer, serve the best foreseeable interest of the Government and property owners. Carriers to which shipments are tendered must have proper operating rights from origin to destination or must have made satisfactory arrangements for joint carriage with other carriers properly qualified under Part II of the Interstate Commerce Act, as amended, or the laws of the State having jurisdiction of the carriage: *Provided, however,* That no carrier shall be eligible to accept shipments unless it has executed and filed with the _____ officer at origin a Household Goods Service Tender which conforms with §§ 36.11. If the destinations are beyond the territory authorized in its operating certificate, the carrier must also have filed with the _____ officer a Service Tender jointly executed by it and such other duly certificated carrier or carriers as will participate in the joint carriage of the shipments.

§ 36.4 *Distribution of traffic.* Subject to the conditions previously set forth, traffic will be equitably distributed among those qualified carriers affording the lowest over-all cost to the Government. Each _____ officer will maintain a list of qualified carriers as well as records indicating the distribution of traffic. Traffic will be distributed according to originating carrier rather than according to agent; e. g., the amount of traffic tendered to a carrier having a single agent will be equal to that received by a carrier with multiple agents in the same metropolitan area, other factors being equal. When a joint carriage arrangement is utilized, the full weight of the shipment will be charged to each participating carrier holding authority to serve the origin point.

§ 36.5 *Rate adjustments.* (a) Tenders by motor van carriers of rates or charges below those in tariffs will be in writing and will contain a provision that they may be cancelled or modified only by written notice of not less than thirty days by either party to the other, except that a shorter notice may be given by mutual agreement of the parties concerned. Such tenders will be filed in the local shipping office. No review by, or distribution to, higher authority is required for such tenders unless requested by that authority.

(b) When required, negotiations for rates or charges on volume transportation of household goods will be conducted by the headquarters of the Military Department concerned or as delegated and controlled by such headquarters.

§ 36.6 *Engagement of service.* (a) Subject to the exceptions noted in paragraph (b) of this section, Government bills of lading will be used to obtain line-haul transportation of household goods by motor van carriers and authorized accessorial services performed in connection therewith, such as packing, drayage (at origin and destination), storage in transit, unpacking at destination, etc. Such Government bills of lading will be prepared and executed in accordance with the regulations of the respective Military Departments. The name of the originating carrier will appear on the bill of lading in the space entitled "name of initial transportation company," and the names of all carriers participating in joint carriage will appear in the space entitled "via," in the order of the performance of service. In addition, the following information will be shown under "Description of Articles" on the Government bill of lading:

(1) Gross, tare, and net weights, if such information is available at the time the bill of lading is prepared;

(2) Number and date of the applicable Household Goods Service Tender;

(3) Rate(s) and charge(s) per cwt., or other definable measures applying on the shipment, if ascertainable at the time the bill of lading is prepared. If such rate(s) or charge(s) is not a normally applicable tariff rate(s) or charge(s), the word "Special" will be added in parentheses.

(4) Tariff identification or other reference for rate(s) and charge(s).

(b) Purchase orders may be issued in lieu of Government bills of lading for obtaining drayage or other types of local service.

(c) When storage in transit is desired, the bill of lading will be annotated accordingly. If the _____ officer desires such storage at origin or destination, the annotation will be "storage in transit not to exceed _____ days is authorized and will be at origin" or "storage in transit not to exceed _____ days is authorized and will be at destination," as appropriate. The name of the storage warehouse will not be specified by the _____ officer.

§ 36.7 *Execution and distribution of service tender.* The _____ officer will, upon request of a carrier, provide

the carrier two copies of the Household Goods Service Tender with Appendices I,[1] II, and III [1] thereto (reproduced locally) for execution. The original Household Goods Service Tender, after execution by the carrier, will be assigned an identifying serial number and retained in the files of the _____ officer. The duplicate copy of the Household Goods Service Tender will be retained by the carrier.

§ 36.8 *Execution of accessorial services certificate.*[1] A certificate (DD Form 619) verifying the accessorial services rendered by a motor van carrier in connection with the line-haul transportation must be executed in triplicate by the motor van carrier and the property owner, when applicable. Sufficient copies of this form will be provided the carrier by the _____ officer.

§ 36.9 *Processing of Government bills of lading and supporting papers.* (a) As soon as possible after pick-up of the household goods, the carrier will furnish the ordering activity:

(1) Two memorandum copies, numbers 6 and 8, of the applicable bill of lading showing gross, tare and net weights, signature of the carrier's agent, dates of pick-up and dispatch of shipment by the carrier, the transportation rate, and total charges accrued.

(2) One copy of the inventory list.

(3) One copy of the completed Accessorial Services Certificate, DD Form 619,[1] with the words "at origin" added after the name of the shipping activity or installation. (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

(b) The carrier will furnish the property owner or his agent at the time of pick-up:

(1) Memorandum Copy No. 9 of the Government bill of lading.

(2) A copy of the inventory list.[1]

(c) The carrier will submit to the origin _____ officer for the purpose of receiving payment:

(1) Original and memorandum copy No. 5 of the accomplished bill of lading.

(2) Original and copy of Public Voucher (Standard Forms 1113 and 1113A).

(3) Original or certified copies of certificates showing gross and tare weights furnished by a certified weighmaster or obtained from a certified scale.

(4) Original of Accessorial Services Certificate (DD Form 619).[1] (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

(5) Two copies of the carrier's bill of lading, freight bill, or combination form.

(d) Carriers will not be required to furnish a greater number of copies of a Government bill of lading and/or supporting papers than is established in this Part. In the event any copies of these documents (except the original Government bill of lading) are lost or destroyed, legible photostatic copies of the same size as the document reproduced, are acceptable. If the original Government bill of lading should become lost or destroyed it will be replaced by a Certificate in Lieu of lost U. S. Government Bill of Lading (Standard Form 1108).

(e) To facilitate timely payment to the carrier, the origin _____ officer will:

(1) Promptly assemble and review the voucher and supporting papers required by the disbursing procedures of the Military Department concerned; and

(2) Promptly dispatch such papers to the appropriate disbursing office.

§ 36.10 *Payment of transportation and accessorial charges to carrier(s) for shipments consigned to storage in transit at destination*—(a) Payment of transportation charges. The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods forwarded for account of the Department of the Army, the Department of the Navy (Including the Marine Corps), or the Department of the Air Force, and stored in transit for account of the Motor Carrier and for ultimate delivery to the Consignee or owner may be made upon completion of the transportation to the carrier's destination storage point and prior to ultimate delivery to the consignee, *Provided:* The carrier hauling the shipment to the destination storage point certifies as follows over the signature of its duly authorized representative.

The household goods described on _____ (Government bill of lading No.) were placed in the carrier's storage warehouse at _____ (Destination warehouse) on _____ (Date) and will be permitted to remain there for a period of _____ (Number of days) or such shorter period as may meet the consignee's or owner's demands. Carrier(s) assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

_____
(Signature and title of carrier's authorized representative)

(b) The certification required in paragraph (a) of this section will be made on the covering Government bill of lading except when there is not sufficient space on the bill of lading for this purpose. In the latter case the certification with reference to the appropriate Government bill of lading number may be made on plain paper and securely attached to said bill of lading.

(c) *Payment of accessorial charges.* When transportation charges have been paid as authorized in paragraph (a) of this section, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the motor carrier of a claim therefor on Standard Form No. 1113, which should bear the same bill number as the carrier's original bill for transportation charges but carrying a letter suffix (Example—No. 12345–A). The claims for accessorial charges must identify the Government bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by an additional original Accessorial Services Certificate (DD Form 619) for services rendered at destination, signed by the consignee, showing—

(1) The accessorial services ordered and furnished (space No. 11 may be left blank).

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss or damage to the shipment, if any (use space captioned "Explanation or Remarks" for this information).

§ 36.11 *Household Goods Service Tender.*

To: _____
(Name of installation or activity)
_____
(Post office address)

Date _____
Service Tender No. _____
Name of Carrier _____
Basic Federal or State Permit No. _____
Name of Carrier _____
Basic Federal or State Permit No. _____

36.11–1 The undersigned motor carrier(s) (hereinafter called the carrier), representing that _____ (It is) _____ (They are) qualified under Part II of the Interstate Commerce Act and/or laws of the State of _____ to perform van service, offer(s) the following in addition to tariff and legal requirements:

(a) All shipments will be moved from origin to destination in vehicles owned or operated by the carrier and under its direct responsibility, or in joint carriage with other duly certificated carriers. Joint carriage is defined for the purpose of this Tender as (1) the physical exchange of equipment between carriers or the receipt by one carrier of equipment from another carrier in furtherance of a through movement of traffic, at a point or points which such carriers are authorized to serve, and the simultaneous interlining of the shipment with the carrier receiving such exchanged equipment, or (2) the interline of shipments between authorized carriers.

(b) A notation will be made on the face of the pertinent Government bill of lading or purchase order indicating accessorial services performed and the charges therefor, when applicable.

(c) (1) The carrier will inform the _____ officer at origin of all shipments not dispatched at the end of the seventh calendar day after the day of pickup. It is understood that if a shipment has not been dispatched by this time the _____ officer has the option to remove the shipment from the carrier and engage another carrier to move the shipment to destination. It is further understood that if another carrier is engaged to transport the shipment, settlement of the accrued charges will be made with the initial carrier, except that no charge will be honored for drayage or storage that occurred because of the initial carrier's inability to transport the shipment.

(2) When the carrier accepts a shipment, both the origin and destination of which are within the scope of its certificated authority, but finds because of unavoidable circumstances that it is unable to physically transport the shipment, it may arrange with another duly authorized carrier at origin to perform the required service, provided the substitute carrier has a Service Tender on file with the installation or activity which tendered the shipment. In such cases the carrier which originally accepted the shipment will inform the _____ officer of the name of the carrier to whom the shipment has been transferred. The carrier which originally accepted the shipment will continue to be shown on the bill of lading as the initial carrier and will retain full common carrier liability for the shipment.

[1] Filed as part of original document.

(d) All packing, materials, vans and equipment, and the loading and unloading of vans, are subject to inspection and approval by the _____ officer or his authorized representative at origin, to be performed in a manner and during such time so as not to restrict or unduly delay the carrier in the performance of its service.

(e) (1) Pickup will be made on the specific date(s) agreed upon between the hours of 7:00 a. m. and 7:00 p. m. unless the property owner gives advance approval to a change in date(s) or hour(s).

(2) Delivery to military installations will not be made on Saturdays, Sundays or holidays unless the carrier has advised the _____ officer or his representative sufficiently in advance of the arrival of the household goods and the _____ officer or his representative agrees to such delivery. Delivery to the owner's residence will not be made on Sundays or holidays unless the carrier has advised the owner or his representative sufficiently in advance of the arrival of the household goods and the owner or his representative agrees to such delivery.

(f) Vehicles used to transport household goods (including those used for intra-city hauls) will be closed furniture vans. The interiors thereof will be clean and sanitary and will be provided with a sufficient quantity of clean sanitized pads, covers, and other protective equipment to insure safe transit and delivery of the household goods. Unless specifically approved by the ordering _____ officer, the owner, or his agent, household goods will not be loaded on the tailgates of vans. When tailgate loading is approved, the load will not extend beyond the surfaces of the tailgate or above the top exterior surface of the vehicle.

(g) The tare weight of each vehicle used in the transportation of household goods will be determined by having it weighed prior to the transportation of each shipment, without the crew or any other person thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on each such vehicle will be full and the vehicle will contain only such blankets, pads, chains, dollies, hand trucks, and other equipment as is needed in the transportation of the shipment. The carrier will retain in the vehicle, subject to inspection, a weighmaster's certificate or weight ticket for each such vehicle showing the tare weight, the date weighed, and a list of equipment needed to transport the shipment. After the vehicle has been loaded it will be weighed, without the crew or any other person or thing thereon except the load of household goods being transported plus the material and equipment as indicated in the first sentence of this subparagraph, prior to delivery of the shipment, and the net weight will be determined by deducting the tare weight from the loaded weight. In the transportation of part loads the provisions of this paragraph will apply in all respects, except that the gross weight of the vehicle containing one or more part loads will be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Except when otherwise approved by the _____ officer concerned, the bill of lading when submitted for payment by the carrier will be accompanied by such duly certified weighmaster's weight certificate. All tare, gross, and net weights will be properly certified to by the person(s) who ascertains such weights. Constructive weights (seven pounds per cubic foot) will be used only upon authorization of the _____ officer at origin.

(h) In conjunction with the owner or his agent, the carrier will prepare in triplicate an inventory list of all articles received, bearing the signature of the owner or his agent together with the signature of the carrier, both certifying to the correctness of the inventory (Appendix III to this tender). (See also paragraph D, Appendix II.)

(i) A certificate (DD Form 619) itemizing the accessorial (additional) services performed will be prepared and signed by the carrier and the owner or his agent in connection with household goods shipped under this tender.

(j) Packing of household goods will be performed in accordance with the requirements attached hereto in Appendix II.

(k) (1) As soon as possible after pickup of the household goods the carrier will furnish the ordering activity:

a. Two memorandum copies, numbers 6 and 8, of the applicable bill of lading showing gross, tare and net weights, signature of carrier's agent, date of pick-up and dispatch of shipment by the carrier, the transportation rate, and total charges accrued.

b. One copy of the completed Accessorial Services Certificate, DD Form 619, with the words "at origin" added after the name of the shipping activity or installation. (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

c. One copy of the inventory list.

(2) The carrier will furnish the property owner or his agent at time of pickup:

a. Memorandum copy No. 9 of Government bill of lading.

b. A copy of the inventory list.

(3) The carrier will submit to the origin _____ officer for the purpose of receiving payment:

a. Original and memorandum copy No. 5 of the accomplished bill of lading.

b. Original and copy of Public Voucher (Standard Forms 1113 and 1113A).

c. Original or certified copies of certificates showing gross and tare weights furnished by a certified weighmaster or obtained from a certified scale.

d. Original of Accessorial Services Certificate (DD Form 619). (This is required only when accessorial services are performed and so noted on the Government bill of lading.)

e. Two copies of the carrier's bill of lading, freight bill, or combination form.

(l) If the carrier loses or destroys any copies of the Government bill of lading (except the original) or supporting papers which are required to obtain payment for services rendered, it will provide the Government with legible photostatic copies thereof, the same size as the document reproduced. If the original Government bill of lading is lost or destroyed, it will be replaced by a Certificate in Lieu of Lost U. S. Government Bill of Lading (Standard Form 1108).

36.11–2 This is not a rate tender.

36.11–3 The carrier understands that submission of this service tender to the shipping activity is prerequisite to its consideration for transportation of household goods, that it does not obligate the Government in the distribution of traffic, and that such submission indicates that the carrier is qualified, willing, and able to accept shipments from that activity and seeks such business under the terms hereof.

36.11–4 This offer shall be effective upon the date first above written, shall continue in effect until withdrawn by the carrier upon thirty (30) days' notice in writing to the _____ officer (or his successor) to whom tendered, and shall, while effective, be applicable only to shipments of household goods which the undersigned carrier moves and services on Government bills of lading or purchase orders, and shall form a part of the conditions thereof.

_____
(Official's name and title)

_____
(Name of carrier)

_____
(Official's name and title)

_____
(Name of carrier)

§ 36.12 *Packing Requirements, Appendix II.*

36.12–1 *General*—(a) *Boxes.* Wood or fiberboard boxes used as specified hereinafter shall be as follows: wood-cleated fiberboard, wood-cleated plywood, nailed wood, corrugated fiber, or solid fiber boxes. Boxes shall be new or in sound condition; if not new they shall be free of all marks pertaining to any previous shipment and free of any substance injurious to the articles being packed. Boxes may be made of lumber, plywood or solid fiber; they shall be well manufactured and free from imperfections which may affect their utility. Size and spacing of nails will be in accordance with the best commercial practice. All unclinched nails shall be either cement coated or chemically etched.

(b) *Cartons.* Cartons, new or used, of solid or corrugated fiberboard may be used for packing linens, books, bedding, mattresses, lamp shades, draperies or other articles. All cartons used shall be adequate for the use employed, and must be dry, clean, and free from vermin, acid, paint, grease, and other substances injurious to the owner or his agent or to the articles packed. After packing, cartons must be glued, stapled or sealed by taping lengthwise at the joint on top and bottom. The sidewalls and ends of the corrugated or solid fiber cartons shall be of a minimum average bursting strength per square inch of 200 pounds. With the exception of mattress cartons, the inside dimensions of the carton, length, width and depth totaled, shall not exceed 75 inches with a weight limitation of 65 pounds. Egg crates, orange crates and similar type boxes will not be used. When determined by the _____ officer as necessary to assure protection and safe transportation of the articles, boxes may be used in lieu of cartons.

(c) *Barrels and fiber drums.* Wooden barrels, fiber drums, or other drum type containers with a capacity of not less than 5 cubic feet are to be used for packing glassware, chinaware, bric-a-brac, table lamp bases, and other fragile articles. All such containers, whether new or used, must be clean, in sound condition and free of all substances which might be injurious to the owner or his agent or to the material packed therein. Fiber drums will not contain more than 120 pounds and shall have a sidewall bursting strength per square inch of a minimum average of 400 pounds. Corrugated containers of not less than 5 cubic feet may be used in lieu of a barrel or drum type container for packing. The sidewalls and ends of the container shall be of a minimum bursting strength per square inch of 350 pounds. Not more than 120 pounds of material shall be packed therein. The sum of the interior horizontal and vertical girths shall be not less than 157 inches for wooden barrels, fiber drums, or other drum type containers. The cubic capacity of corrugated containers may be determined by actual measurements.

(d) *Filler material.* Good quality wood excelsior, wood wool excelsior, shredded paper, "kimpak," newspaper, fiberboard or Kraft paper shall be used as a filler for general packing. Filler material shall be clean, dry and free from vermin or any substances injurious to the articles to be packed.

(e) *Padding.* New or good quality used wood excelsior or shredded paper pads, or other equally suitable material, shall be used when required.

(f) *Paper wrapping.* All wrapping paper used shall be new or clean, Kraft type of not less than 30 pounds weight except as otherwise provided herein.

(g) *Paper—waxed or treated.* All waxed paper used shall be manila wax or equivalent of not less than 30 pounds weight. Treated paper may be used if of "Butcher" paper type, free from creases and folds.

36.12–2 *Manner of packing.* (a) All packing shall be performed in a manner requiring the least cube measurement, producing packages that will withstand normal movement by motor van without damage to container or contents and at a minimum of weight. Further, the number and weight of containers will not be greater than necessary to accomplish efficient movement.

(b) All finished surfaces shall be so protected as to prevent scratching or marring.

(c) The use of damp, wet, or unclean packing materials is prohibited.

(d) Care shall be exercised to prevent loss or damage of household goods in process of packing, and the carrier shall properly and amply protect household effects in its possession by proper protective measures and by not piling effects in a manner likely to cause damage.

(e) When necessary for safe transportation, or storage-in-transit, all barrels or fiber drums shall be securely headed, the barrels or fiber drums shall be marked "This End Up."

36.12–3 *Specific*—(a) *Books.* Books shall be placed in cartons. All books of similar size shall be packed together in rows. Pads of solid or corrugated fiberboard shall be inserted between rows and packed tightly, wedged with pads or paper if necessary to fill out the carton and prevent chafing. Books normally shall be packed not more than two rows high in a carton.

(b) *Chinaware, glassware, crockery, lamps, clocks, jardinieres, statuary, vases, and bric-a brack.* Each barrel, fibre drum or other container shall be padded in the bottom with sufficient excelsior, shredded paper, newspaper or other adequate cushion material. Items shall be wrapped separately, except groups of flat items properly divided may be wrapped in bundles properly cushioned. The heaviest items shall be placed in the bottom, the lightest items on top. Barrels, fibre drums, and other containers shall be packed as compactly as possible. Padding shall be pressed gently but firmly around each item and as many pieces be put in the containers as possible with safety. Any surface or edge of an article that is fragile must be protected by cushioning. Stemware shall be packed in containers bottom side up, and bundles of flatware shall be placed in containers on edge.

(c) *Electrical equipment—fans, heaters, portable stoves, sunlamps, vibrators, and like items.* When necessary to protect the items for safe transportation or storage-in-transit they shall be completely wrapped in paper or newspaper and packed in a carton with enough padding to provide insulation necessary to prevent contact of one article with another and to eliminate movement of any article in the container. When packing is not necessary, the items shall be properly wrapped or padded for protection.

(d) *Kitchenware.* All kitchenware, flat irons, electric irons, etc. shall be packed and padded into cartons. The heavier items shall be kept to the bottom of the container and the lighter items to the top of the container.

(e) *Linen, draperies, clothing, and like items.* When not considered as safe for carriage in drawers, chests, dressers, trunks, etc., linen, towels, bedding, draperies, clothing (unless a wardrobe is to be used), small pictures, mirrors and other items of this type shall be packed carefully into cartons which shall be properly sealed at residence.

(f) *Mirrors, pictures, glass table tops and stone table tops.* Large mirrors shall be wrapped and packed in a crate. Not more than four furniture mirrors will be packed in any one crate. Specifications for packing mirrors are applicable to glass tops, large glass-faced pictures, and all other glass articles of this type. Stone table tops shall be packed separately.

(g) *Lampshades.* All lampshades, Christmast ornaments, small toys and other small items easily crushed, shall be wrapped and placed in cartons and shall be insulated from the carton walls and from other items. Silk and parchment lampshades shall be wrapped individually with clean paper, not newspaper, and placed in cartons and cushioned to prevent shifting or damage.

(h) *Mattresses.* Mattresses with innersprings and those containing foam rubber, or mattresses consigned to storage, must be placed in cartons at the residence. All cartons used shall have a minimum average bursting strength per square inch of 200 pounds. Mattresses without internal springs and those not containing foam rubber must be placed in cartons, bags or similar containers at the residence. Paper bags, if used, shall be of not less than 60 pound Kraft paper. All containers used must be clean and free from vermin.

36.12–4 *Inventory.* The carrier will use diligence to record in the inventory (not applicable to the contents of pieces of furniture or containers of any type) any unusual conditions of the goods so received. The inventory shall list the articles of furniture and words such as "Household goods" or other general descriptive terms will not be used. Special care shall be exercised to ensure that the inventory reflects the true condition of the property. General terms such as marred, scratched, soiled, worn, torn, gouged, and the like shall be avoided unless they are supplemented with a statement describing the degree and location of the exception. (Care in the preparation of the initial inventory will assist in protecting the owner of the property and the carrier in the event of loss and/or damage. Appendix III* is a suggested format for the body of the inventory form but its use is not mandatory. Inventory forms which specify name of owner of goods, the date of shipment and name of carrier, and contain on the form an explanation of the condition symbols and location symbols are acceptable.) However, the carrier will provide means or recording on the inventory prepared by the initial carrier exceptions and the nature of such exceptions to the initial listing in each unloading, warehousing, and reloading of the goods. Household goods will be properly identified at time of pickup by affixing a tag or tape (or marking in case of containers) containing identification information to each article (not applicable to individual items in containers of any type). Each lot will be separately identified and each article will be assigned a number which must correspond with the piece number as indicated in the inventory. The type of identification used and the method of affixing it to the article will be such as not to injure any article so identified.

36.12–5 *Preparation of articles.* Articles having surfaces liable to damage by scratching, marring, or chafing will be wrapped at time of loading in furniture pads, covers, burlaps or wrappers which are a part of the carrier's regular equipment. Any and all servicing necessary to protect the mechanical or other functions of washing machines, refrigerators, ironers, sewing machines, vacuum cleaners, heaters, ranges, radios, clocks, phonographs, television sets, deep freezers, dryers, and other similar items during their transportation shall not be at the responsibility or the expense of the carrier. The servicing of such items shall be provided prior to delivery of the shipment to the carrier for transportation and without expense to the carrier.

36.12–6 *Packing and loading at origin.* Packing and loading at origin shall include removing from the owner's premises all empty containers, packing materials, and other debris accumulated incident to packing and loading, unless relieved of this responsibility by the owner.

36.12–7 *Unloading and unpacking at destination.* Unloading at destination shall include, when goods are delivered to the owner's residence, the placement of the goods in appropriate rooms of the dwelling so they are readily available to the owner's use. Unpacking service shall be performed unless specifically waived by the owner, when goods are delivered to the owner's residence at destination either direct from the carrier's van or from a storage-in-transit warehouse. Unpacking service shall consist of the following: (a) Unpacking all barrels, boxes, cartons, and/or crates originally packed by the carrier, and placement of the contents so they are readily available to the owner; (b) recording all damages found while unpacking and furnishing the owner a copy of such record; and (c) removing from the owner's premises all empty containers, packing materials, and other debris, accumulated incident to unpacking, unless specifically requested otherwise by the owner.

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

OCTOBER 3, 1955.

[F. R. Doc. 55–8194; Filed, Oct. 10, 1955; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I–2, Amdt. 2]

DMO I–2—COMMITTEE ON DEFENSE TRANSFORATION AND STORAGE

POST OFFICE DEPARTMENT

1. Paragraph 1 of Defense Mobilization Order I–2, dated August 19, 1953, is hereby amended by adding the Post Office Department to the list of agencies forming the membership of the Committee on Defense Transportation and Storage.

2. This amendment is effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55–8266; Filed, Oct. 7, 1955; 2:16 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix C—Public Land Orders

[Public Land Order 1234]

[Oregon 02708]

[Misc. 752231]

OREGON

MODIFYING EXECUTIVE ORDERS OF DECEMBER 12, 1917, CREATING POWER SITE RESERVES NOS. 659 AND 662 AND DEPARTMENTAL ORDER OF DECEMBER 12, 1917, CLASSIFYING LANDS AS WATER POWER DESIGNATION NO. 14

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of

May 26, 1952, and sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), it is ordered as follows:

The Executive Order of December 12, 1917, creating Power Site Reserves No. 659 and No. 692, and the Departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, all as construed by Departmental Interpretation No. 20 of May 10, 1922, are hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, United States Revised Statutes (43 U. S. C. 932), to the County of Tillamook, Oregon, for the construction of a highway over the lands hereinafter described, and as shown on maps on file in the Bureau of Land Management (Oregon 02708), on the condition that the use of the highway in whole or in part shall be discontinued without liability or expense to the United States or its licensees when found by the Secretary of the Interior to be in conflict with project works authorized by the United States, and on the further condition that the timber resources within the right-of-way limits shall be subject to disposal only by the Bureau of Land Management, and the cutting of such timber shall be accordance with and subject to such stipulations as shall be prescribed by that Bureau.

The following lands are affected by this order:

WILLAMETTE MERIDIAN

T. 3 S., R. 6 W.,
Sec. 7, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 18, lots 1 and 2, NE¼NE¼;
T. 3 S., R. 7 W.,
Sec. 13, SE¼NE¼, S½SE¼, NE¼SE¼;
Sec. 23, SE¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, SE¼NW¼, SW¼;
Sec. 26, E½NE¼, SW¼NE¼;
Sec. 27, SW¼NW¼, NW¼SW¼, NE¼SE¼.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

OCTOBER 5, 1955.

[F. R. Doc. 55-8187; Filed, Oct. 10, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-233-A3]

MILK IN STARK COUNTY, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Canton, Ohio, on August 29, 1955, pursuant to notice thereof which was issued on August 19, 1955 (20 F. R. 6193).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on September 22, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 27, 1955 (20 F. R. 7196).

The material issues and the findings and conclusions of the recommended decision (20 F. R. 7196; F. R. Doc. 55-7757) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of July 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Stark County, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 6th day of October 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area

§ 963.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Canton, Ohio, on August 29, 1955, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as set forth below:

Amend § 963.52 by adding after paragraph (c) the following: *"Provided,* That in October and November, 1955 in lieu

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

of the 'basic formula price' referred to in paragraphs (a) and (c) of this section, use the basic formula price computed pursuant to § 963.50 plus 30 cents."

[F. R. Doc. 55-8220; Filed, Oct. 10, 1955; 8:59 a. m.]

[7 CFR Part 989]

Raisins Produced From Raisin Variety Grapes Grown in California

Proposed Free, Reserve, and Surplus Percentages for 1955–56 Crop Year and List of Countries for Export Sale of Surplus Tonnage Through Handlers

Notice is hereby given that there is being considered proposed rules to establish free tonnage percentages, reserve tonnage percentages, surplus tonnage percentages, and a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers, as hereinafter set forth, in connection with standard raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1955–56 crop year. These percentages and the list of specified countries are proposed after consideration of the recommendations submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the fifth day after the date of the publication of this notice in the Federal Register, except that, if said fifth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission should be received by the Director not later than the close of business on the next following business day. In reaching final determinations in this regard, consideration will be given to the information available at that time, including later estimates of production and the then apparent off-grade content of the crop, and such final determinations will differ from the proposed rule set forth herein if necessary to achieve appropriate allocation or other program objectives.

The proposed percentages for standard natural Thompson Seedless raisins are based on the following estimates[1] with respect to such raisins: (1) Handler carrying on September 1, 1955 of about 18,000 tons; (2) preliminary indications of an average size 1955 production approximating 200,000 tons; (3) a total supply of about 218,000 tons (item 1 plus item 2); (4) a historically based estimate of Western Hemisphere and handler carryout (August 31, 1956) needs of about 158,000 tons, which approximates the quantity made available for these purposes in the 1954–55 crop year; (5) application of a free percentage of 70 percent to item 2 for a free tonnage of about 140,000 tons which, added to the handler carryin of 18,000 tons, would make available a total supply of about 158,000 tons to meet the estimated requirements set forth in item 4; (6) a conservative reserve percentage of 10 percent for a reserve tonnage of about 20,000 tons which could be used, if needed, to satisfy increases in domestic demand and is based on the expectation of a generally strong demand and the early need for raisins in both the free and surplus outlets; and (7) a surplus percentage of 20 percent for a surplus tonnage of about 40,000 tons for export to European and other markets outside of the Western Hemisphere.

The total supply of other varietal types of raisins is expected to approximate 32,000 tons and this supply is not deemed to be in excess of that which can be marketed as free tonnage and provide a reasonable carryout.

On the basis of the information now available to the Department, it appears that the estimated average price of raisins to producers for the crop year beginning September 1, 1955 will not exceed the price level contemplated in section 2 (1) of the act.

1. The proposed percentage rule is as follows:

§ 989.209 *Free, reserve, and surplus tonnage percentages for the 1955–56 crop year.* The percentage of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1955 and ending August 31, 1956, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, is as follows: (a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 10 percent; and surplus tonnage percentage, 20 percent; and (b) each of the other varietal types, including natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, natural (sun-dried) or artificially dehydrated Zante Currants, Layer Muscat, Golden Seedless, Sulfur Bleached, Soda Dipped, or Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

2. The proposed list of countries is as follows:

§ 989.210 *Countries to which sale in export of surplus tonnage raisins may be made by or through handlers.* The countries to which sale in export of surplus tonnage raisins acquired by handlers during the crop year beginning September 1, 1955, and ending August 31, 1956, may be made by or through handlers shall include all countries outside of the Western Hemisphere except: (a) Australia, Cyprus, Greece (including Crete), Iran, Turkey, Spain, and the Union of South Africa; and (b) those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule, as amended (15 CFR 371.3 (a); 20 F. R. 1048) issued by the Bureau of Foreign Commerce, United States Department of Commerce, or as the same may be further amended during the period while surplus tonnage raisins of such crop year are being sold in export. For purposes of this section, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and West of 30 degrees W. longitude.

Issued at Washington, D. C., this 6th day of October 1955.

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

[F. R. Doc. 55-8213; Filed, Oct. 10, 1955; 8:56 a. m.]

[1] All tonnage figures herein are in terms of natural condition weight.

Agricultural Research Service

[9 CFR Part 40]

Identification Service for Meat and Other Product

Certification

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture, pursuant to the authority conferred by sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624) as amended and section 520 of the Revised Statutes (5 U. S. C. 511), proposes to amend Part 40 of the Meat Inspection Regulations (9 CFR, 1954 Supp., Part 40, as amended 20 F. R. 2080) as follows:

1. The heading of Part 40 would be amended to read as follows: "Part 40—Identification and Certification Service for Meat and Other Product."

2. Section 40.3 would be amended by adding the following sentence at the end thereof: "In order to meet requirements of a purchaser, or of a supplier, or others that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act or regulations, with respect to such carcass, tank carload, or other basic unit, service may be furnished, upon application, under the regulations in this part to certify such characteristics of or factors concerning the product as may be requested in the application for service."

3. Section 40.4 would be amended to read as follows:

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and so marked; and, in the case of identification service, which is on premises other than those of an official establishment.

The proposed amendments would provide for a certification service relating to requirements that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act or regulations.

The additional certification for lard, as an example, could cover such factors as maximum moisture and free fatty acid, melting point, titer range, smoke point, and minimum number of hours stability.

Any interested person who wishes to submit written data, views, or arguments on the proposed amendments may do so by filing them with the Chief of Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C. within 30 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of October 1955.

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

[F. R. Doc. 55-8215; Filed, Oct. 10, 1955; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955. 114th Supp.]

STATE AUTOMOBILE MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

OCTOBER 5, 1955.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,744,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Ohio; State Automobile Mutual Insurance Company, Columbus.

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

[F. R. Doc. 55-8201; Filed, Oct. 10, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

HAWAIIAN SUGARCANE

NOTICE OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on November 7, 1955, at 9:30 a. m.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301 (c) (2) of said Act, fair and reasonable prices for the 1956 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

A. A. Greenwood, Ward S. Stevenson, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 5th day of October 1955.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division.

[F. R. Doc. 55-8212; Filed, Oct. 10, 1955; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

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

Blount Manufacturing Co., Blountsville, Ala., effective 9–23–55 to 2–15–56; 20 learners for plant expansion purposes (children's pants and boxer longies).

The Butler Shirt Co., Butler, Pa., effective 9–22–55 to 9–21–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, Ga., effective 10–1–55 to 2–29–56; 15 learners for plant expansion purposes (women's, misses' and children's panties).

Carolina Undergarment Co., Inc., Forsyth Division, Forsyth Street, Thomasville, Ga., effective 10–1–55 to 9–30–56; 10 learners for normal labor turnover purposes (women's, misses' and children's panties).

Cleveland Overall Co., 1768 East 25th Street, Cleveland, Ohio, effective 9–27–55 to 9–26–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work garments).

Greensboro Manufacturing Corp., 1900 East Bessemer Avenue, Greensboro, N. C., effective 9–25–55 to 9–24–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's flannelette and cotton night gowns).

Harde Manufacturing Co., Inc., Blackstone, Va., effective 9–26–55 to 9–25–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' jackets, hobby jeans and walking shorts).

Hartsville Garment Corp., P. O. Box 215, Hartsville, Tenn., effective 9–22–55 to 2–29–56; 25 learners for plant expansion purposes (sport shirts).

F. Jacobson & Sons, Inc., Charlottesville, Va., effective 10–7–55 to 10–6–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas).

Leiter Manufacturing Co., 217 Craik, Marlin, Texas, effective 9–19–55 to 2–29–56; 25 learners for plant expansion purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of separate skirts.) (Ladies' sportswear and dresses.)

Louisville Garment Co., Inc., Louisville, Miss., effective 9–19–55 to 2–29–56; 75 learners for plant expansion purposes. (Replacement certificate.) (Men's and boys' pants.)

Meyers & Son Manufacturing Co., Corner First and Jefferson Streets, Madison, Ind., effective 9–25–55 to 9–24–56; 10 learners for normal labor turnover purposes (men's one piece work suits).

Miller Westernwear, Inc., Walnut Street, Baxley, Ga., effective 9–22–55 to 2–29–56; 25

learners for plant expansion purposes (boys' and girls' Western type shirts).

Old Hickory Co., Inc., 39 Second Street Place SW., Hickory, N. C., effective 9-22-55 to 9-21-56; 8 learners for normal labor turnover purposes (men's overalls, coveralls, dungarees and work pants; ladies' dungarees).

Scottsboro Manufacturing Co., 102 South Houston Street, Scottsboro, Ala., effective 9-19-55 to 9-18-56; 5 learners for normal labor turnover purposes (children's knit and woven sportswear from purchased fabric).

Rosenau Bros., Inc., Fulton Street, Ephrata, Pa., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex., effective 9-27-55 to 9-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim coats, jackets, and slacks).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

Budd Cigar Co., Dothan, Ala., effective 9-22-55 to 9-21-56; 10 percent of the total number of factory production workers engaged in the occupations listed hereinafter: Cigar machine operating, 320 hours; cigar packing (cigars retailing for 6 cents or less), 160 hours; and machine stripping, 160 hours. All at 65 cents an hour.

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

Liberty Hosiery Mills, Inc., Gibsonville, N. C., effective 9-20-55 to 9-19-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

C. A. Wanner, Inc., Fleetwood, Pa., effective 9-26-55 to 9-25-56; 5 learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Shadowline, Inc., Morgantown, N. C., effective 9-22-55 to 2-29-56; 15 learners for plant expansion purposes (nylon and acetate knitted lingerie).

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

Cox Handmade Leather Goods Co., 165 Fifth Street, Russellville, Ala., effective 9-26-55 to 2-29-56; 10 learners for plant expansion purposes (leather billfolds).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Vega Alta Corp., Vega Alta, P. R., effective 9-12-55 to 3-11-56; 100 learners may be employed in any one work day in the occupations listed hereinafter: (1) Grinding operators; automatic screw machine operators; and tool makers; each for 320 hours at 50 cents an hour; 320 hours at 55 cents an hour; and 320 hours at 60 cents an hour. (2) Heat treat operators; lapping operators; milling machine operators; straightener operators; welding operators; assembly and bench operators (excluding loaders, spring assemblers, filing, rubber stoppers assemblers, assemblying motor to case, and name plate assembler); inspection operators (excluding inspection of plastic cases); and plating operators each for 240 hours at 50 cents an hour, and 240 hours at 60 cents an hour. (3) Punch press operators, for 240 hours at 55 cents an hour. (Electric shavers.)

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

Signed at Washington, D. C., this 29th day of September 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-8188; Filed, Oct. 10, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2573]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF OPINION NO. 286 AND ORDER

OCTOBER 5, 1955.

Notice is hereby given that on September 30, 1955, the Federal Power Commission issued its opinion and order adopted September 30, 1955, in the above-entitled matter, directing Texas Eastern Transmission Corporation to establish two delivery points on its Penn Jersey Line near Annville and Temple, Pennsylvania, and to deliver additional volumes of natural gas to United Gas Improvement Company for the account of The Manufacturers Light and Heat Company, and denying request of United Gas Improvement Company that Texas Eastern be directed to sell to it up to 3,500 Mcf per day for the 1955-1956 heating season.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8195; Filed, Oct. 10, 1955; 8:48 a. m.]

[Docket Nos. G-8865, G-8866]

KEARNEY GAS PRODUCTION CO. ET AL.

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

OCTOBER 5, 1955.

In the matters of Kearney Gas Production Company, and Deerfield Gas Production Company, Docket No. G-8865; Kansas-Nebraska Natural Gas Company, Docket No. G-8866.

Notice is hereby given that on October 4, 1955, the Federal Power Commission issued its findings and order adopted September 28, 1955, issuing a certificate of public convenience and necessity, and permitting abandonment of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8196; Filed, Oct. 10, 1955; 8:49 a. m.]

[Docket No. G-9062]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF FINDINGS AND ORDER AUTHORIZING ABANDONMENT OF SERVICE

OCTOBER 5, 1955.

Notice is hereby given that on September 30, 1955, the Federal Power Commission issued its order adopted September 28, 1955, authorizing abandonment of service to Texas Eastern Transmission Corporation in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8197; Filed, Oct. 10, 1955; 8:49 a. m.]

[Docket No. G-9207]

OHIO FUEL GAS CO.

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

OCTOBER 5, 1955.

Notice is hereby given that on October 3, 1955, the Federal Power Commission issued its findings and order adopted September 28, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8198; Filed, Oct. 10, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1698]

FOREMOST DAIRIES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the, Boston Stock Exchange, for unlisted trading privileges in Foremost Dairies, Inc., Common Stock, $2 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York, Midwest, Los Angeles and San Francisco Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested

person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 55-8202; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7-1736]

FRUEHAUF TRAILER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the Philadelphia-Baltimore Stock Exchange, for unlisted trading privileges in Fruehauf Trailer Company, Common Stock, $1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the Detroit, Los Angeles, New York and San Francisco Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 55-8203; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7-1700]

GREAT LAKES OIL & CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Great Lakes Oil & Chemical Company, Common Stock, $1 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American, Detroit, Los Angeles and Midwest Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 55-8204; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 7-1699]

ELECTRODATA CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

OCTOBER 5, 1955.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Electrodata Corporation, Capital Stock, $1 Par Value.

The above named stock exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American and Los Angeles Stock Exchanges.

Upon receipt of a request, on or before October 20, 1955, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 55-8205; Filed, Oct. 10, 1955; 8:51 a. m.]

[File No. 54-72, etc.]

STANDARD POWER AND LIGHT CORP. ET AL.

NOTICE OF AND ORDER FOR HEARING WITH RESPECT TO FEE CLAIM

OCTOBER 5, 1955.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company and Philadelphia Company; File Nos. 54-72, 54-173, 54-191, 54-199.

The above-entitled proceedings involved plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") to enable the system of Standard Power and Light Corporation, Standard Gas and Electric Company ("Standard Gas"), and Philadelphia Company, all registered holding companies, to effectuate compliance with section 11 (b) of the act and the Commission's orders thereunder requiring the liquidation and dissolution of such companies. These plans together with the Commission's orders approving the same provided, among other things, that the companies would pay only such fees and expenses for services rendered in connection with such plans and related proceedings as the Commission might approve, award or allow.

Applications for allowances of fees and expenses were subsequently filed with the Commission by various participants in the proceedings, including a joint application filed by Guggenheimer & Untermyer and associated counsel ("Guggenheimer & Untermyer") for fees and expenses on account of legal services. Extensive hearings were held in connection with the claim of Guggenheimer & Untermyer, and during the course thereof a settlement was reached and approved by the Commission on May 13, 1955.

On July 28, 1955, Standard Gas filed a petition herein stating, inter alia, that in connection with the proceedings on the Guggenheimer & Untermyer fee application aforesaid, it employed James P. McGranery as a legal expert; that it had received a claim from McGranery for a fee in the amount of $10,000 which it was unwilling to pay; and that pursuant to the Commission's order of December 23, 1953 (Holding Company Act Release No. 12272), it had conducted negotia-

tions with McGranery but had been unable to agree upon a settlement of such claim; and Standard Gas requests that the Commission set down for hearing the aforesaid claim of McGranery and after such hearing, fix the amount of the fee, if any, to be paid by Standard Gas to said McGranery.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the claim asserted by McGranery against Standard Gas:

It is ordered, That a hearing he held on the claim of James P. McGranery as aforesaid, which hearing shall commence on November 7, 1955, at 10 o'clock a. m. at the office of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing-room clerk in Room 193 will advise as to the room in which the hearing will be held. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceedings, and who desires to be heard or otherwise to participate in such hearing shall file with the Secretary of this Commission on or before November 2, 1955, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated is and are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's Rules of Practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the aforesaid petition filed by Standard Gas with respect to said fee claim, and that on the basis thereof the following matters and questions are presented without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the services of the said James P. McGranery for which remuneration is sought are compensable and whether it is lawful or appropriate to grant any allowance from the estate of Standard Gas on account of such services;

2. Whether the fee requested by the said James P. McGranery was incurred in rendering services which were necessary in connection with the reorganization plans involved and whether the requested amount is reasonable;

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make improper the claim for compensation asserted by the said James P. McGranery;

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this Notice and Order by registered mail on Standard Gas and on James P. McGranery; and that notice of the entry of this Notice and Order shall be given to all other persons by general release of the Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 55-8206; Filed, Oct. 10, 1955; 8:52 a. m.]

[File No. 24NY-3391]

BLAZE-MASTER, INC.

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

OCTOBER 5, 1955.

I. Blaze-Master, Inc., the last known address of which was No. 222 Flint Building, Auburn, New York, having filed with the Commission on May 25, 1953, a notification on Form 1-A and exhibit specified by Rule 219 (b) and an amendment thereto on June 2, 1953, relating to a proposed offering of 50,000 shares of Class "A" stock, $1.00 par value, to be offered at $1.00 per share, 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 been advised:

A. That a judgment of permanent injunction was issued on April 5, 1954, in the New York State Supreme Court for Cayuga County, against Blaze-Master, Inc., F. Dale Bacon, its president and director, and Edward T. Wiley, its secretary-treasurer and director, permanently enjoining said persons from engaging in or continuing any business relating to the purchase and sale of any security.

B. That the terms and conditions of Regulation A have not been complied with in that the notification on Form 1-A and exhibit and amendment thereto, filed as part thereof, among other things, failed to disclose: the affiliation between Blaze-Master and Point of View, Inc., the last known address of which was 254 West 31st Street, New York 1, New York, in that both companies were subject to the control of F. Dale Bacon, their president and director.

C. That the issuer failed to file with the Commission, as required by Rule 224, four copies of a report on Form 2-A containing the information called for thereby.

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

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission 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 suspension 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 Blaze-Master, Inc., F. Dale Bacon and Edward T. Wiley 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. 55-8207; Filed, Oct. 10, 1955; 8:52 a. m.]

[File No. 24FW-936]

VACTRON CORP.

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

OCTOBER 5, 1955.

I. Vactron Corporation (hereinafter referred to as the "issuer"), P. O. Box 11153, Fort Worth, Texas, having filed with the Commission on May 13, 1955, a notification, on Form 1-A relating to a proposed public offering of 300,000 shares of its common stock, $1.00 par value, at $1.00 per share through Zone Investment Company, 2901 Cleburne Road, Fort Worth, Texas, as underwriter (hereinafter referred to as the "underwriter") 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 an exemption under Regulation A is not available to the issuer in that the aggregate offering price of the issuer's securities would exceed the limitation of $300,000 prescribed by Rule 217 (a) since said securities are being offered in excess of $1.00 per share.

B. That the terms and conditions of Regulation A have not been complied with in that the offering circular used in connection with the offering of said securities contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The amount of underwriting discounts or commissions to be received by the underwriter;

2. The amount of proceeds to be received by the issuer.

C. That the terms and conditions of Regulation A have not been complied

with in that the issuer failed to file, as required by Rule 219 (e), the offering circular being used in connection with the offering.

D. That the use of said offering circular would and did operate as a fraud and deceit upon the purchasers of such securities.

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

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 suspension 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 Vactron Corporation, P. O. Box 11153, Fort Worth, Texas, and Zone Investment Company, 2901 Cleburne Road, Fort Worth, Texas, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 55-8208; Filed, Oct. 10, 1955; 8:53 a. m.]

[File No. 24SF-2108]

URANIUM AND OIL DEVELOPMENT PROJECT, INC.

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

OCTOBER 5, 1955.

I. The Uranium and Oil Development Project, Inc., 3411 North 14th Place, Phoenix, Arizona, having filed with the Commission on July 5, 1955, a Notification on Form 1-A and an offering circular, and amendments thereto on September 6, 1955, relating to an offering of 1,250,000 shares of common stock, 10¢ par value, at 10¢ per share, 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) of the Act 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 offering circular, filed as part thereof, contain untrue statements of material facts, and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading particularly with respect to the following:

1. The statement on page 4 of the offering circular under "Property and Development" in discussing the unpatented mining claims held by the issuer that "The presence of both uranium and rare earths in this dike is believed to be in commercial quantities";

2. The statement on page 6 of the offering circular under "Development Funds Required" that "Development of the Lucky Horse Shoe mining claims and mill site to prepare for mining operation will require approximately $55,382.50";

3. The statement in paragraph 3, page 2 of the "Report on Uranium and Rare Earths Mining Property by P. H. Lund, Registered Mining Engineer", attached as an exhibit to the offering circular, that "A liberal quantity of samples were taken from exposed formation on each claim and thoroughly mixed and quartered down to make an average of the mineral contents of the entire dike as near as possible from surface exposures."

4. The failure to disclose in Item 4 of the Notification that P. H. Lund and P. H. Lund Engineering Company are affiliates of the issuer;

5. The failure to disclose in Item 3 of the Notification information as to the sale of securities by P. H. Lund during the year prior to the filing of the Notification;

6. The failure to disclose in the offering circular that P. H. Lund holds title to oil and gas leases on land adjoining that owned by the issuer and the resulting benefits which may accrue to Lund if a well is drilled on the issuer's properties;

7. The failure to disclose in the offering circular that the portion of Arizona in which the issuer's oil and gas leases are located has been classified as being "unfavorable" in its relative likelihood of yielding oil in commercial quantities;

8. The failure to disclose in the offering circular the distance to the nearest commercial oil production from the issuer's leases and the distance to the nearest commercial gas production;

9. The failure to disclose in the report entitled "Report on Uranium and Rare Earths Mining Property" by P. H. Lund, attached as an exhibit to the Notification, that there is no known rare earths and uranium on the unpatented mining claims held by the issuer; and

10. The failure to disclose in the report entitled "Report on the Marana Potential Oil and Gas Field" by P. H. Lund, attached as an exhibit to the Notification, that no evidence has been furnished to show the existence of the anticlines, folds, domes and faults mentioned in such report.

B. That the use of the offering circular in connection with any offering of the shares to which the Notification relates would operate as a fraud and deceit upon the purchasers thereof;

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, 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 of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon The Uranium and Oil Development Project, Inc., 3411 North 14th Place, Phoenix, Arizona, and Emmett R. Feighner, 150 West Palm Lane, Phoenix, Arizona, 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. 55-8209; Filed, Oct. 10, 1955; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 59-A]

INDIANA HARBOR BELT RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 59 and good cause appearing therefor: *It is ordered,* That:

(a) Taylor's I. C. C. Order No. 59, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 12:01 p. m., October 1, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 1, 1955.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-8189; Filed, Oct. 10, 1955; 8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 60]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company due to bridge out of service between Vernon, Texas, and Snyder, Oklahoma, is unable to transport traffic

routed over its line between these points:

It is ordered, That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company is hereby authorized to reroute or divert traffic moving over its lines between Vernon, Texas, and Snyder, Oklahoma, due to bridge out of service, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 7:00 a. m., October 4, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., November 4, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 4, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-8190; Filed, Oct. 10, 1955; 8:46 a. m.]