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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 2d Revision, Supp. 2]

PART 301—DOMESTIC QUARANTINE NOTICES

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 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, 162), revised administrative instructions issued as 7 CFR 301.76–2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956 (21 F. R. 573), are hereby 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

Arizona Flour Mills, 177 East Toole, Tucson.

Arizona Wholesale Supply Co., 191 Toole Avenue, Tucson.

Capitol Feed & Seed, South Pacific Street and East Dirklay Avenue, Coolidge.

Capitol Feed & Seed Co., 312 South 15th Avenue, Phoenix.

Erly-Fat Livestock Feed Co., 117 East Toole Avenue, Tucson.

Northrup-King Seed Co., 953 Third Avenue, Yuma.

CALIFORNIA

Fred Clendonen Ranch, Route 5, Box 359, Bakersfield.

El Centro High School, barn on County Farm, El Centro.

Forrest Frick Ranch, located one mile east of Lamount on west side of Vineland Road, 150 yards south of Di Giorgio Road. Mail address Route 5, Box 437, Bakersfield.

Forrest Frick Ranch, located west side of Vineland Road, four-tenths of a mile south of Di Giorgio Road. Mail address Route 5, Box 437, Bakersfield.

L. R. Hamilton Ranch, Route 3, Box 568, Visalia.

Harold Hunt Ranch, 742 Olive (7 miles east of Heber), El Centro.

Alvin Immel Ranch, located Oasis Canal, Gate 24, intersection of East O and Road 35, Holtville.

Burt and Clinton James Store, southeast corner Johnson Dale Highway and Buena Vista Drive, Kernville.

G. A. Jones Ranch, 20720 South Fruit Street, Riverdale.

John T. Martin Ranch, Route 1, Box 99, Earlimart.

Onyx Store property (Oscar Rudnick, owner), Onyx.

C. B. Ralph's Ranch, at northeast corner of intersection of County Roads East C and 32, Imperial.

Clare Rexroth Ranch, in sec. 8, T. 27 S., R. 27 E., Route 1, Box 98, McFarland.

Oscar Rudnick Ranch, on Highway 178, across highway from Onyx Store, Onyx.

Oscar Rudnick Ranch, one-half mile north of Onyx Store, Onyx.

Roy C. Shank Ranch, Route 2, Box 17A, Brawley.

Shaw and Dower (feed lot and bulk storage at residence), three-fourths mile north of Sandia, Holtville.

Mrs. L. E. Sinclair (residence), Road East A, one-half mile south of intersection with Road 65, P. O. Box 234, Calipatria.

T. O. Witt Ranch, on Highway 178, 13 miles northeast of Isabella Lake, Onyx.

(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

Capital Feed & Seed Fertilizer Plant, 11th Avenue & Buchanan Street, Phoenix.

Hayden Flour Mills, 119 Mill Avenue, Tempe.

Long Brothers Hog Feed Yard, Buckeye.

Mesa Feed & Seed Co., 25 North Robson Street, Mesa.

CALIFORNIA

Brandt Bros. Feed Yard, 563 Main Street, located at County Roads 70 and West C, Brawley.

Alice G. Byrne property, Route 1, Box 133, Oroville.

(Continued on p. 1577)

CONTENTS

Agricultural Marketing Service — Page
Proposed rule making:
Egg products; grading and inspection ... 1600

Agricultural Research Service
Rules and regulations:
Khapra beetle quarantine; premises designated as regulated areas ... 1575

Agriculture Department
See Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.

Alien Property Office
Rules and regulations:
General rules of procedure ... 1579
Rules of procedure for claims ... 1579

Army Department
See Engineers Corps.

Civil Aeronautics Administration
Rules and regulations:
Minimum en route IFR altitudes; miscellaneous amendments ... 1585

Civil Aeronautics Board
Notices:
Accident occurring at Midway Airport, Chicago, Ill.; investigation ... 1609
Hearings, etc.:
Lima-Detroit service case ... 1609
Pacific Service mail rate case ... 1609

Commerce Department
See also Civil Aeronautics Administration; Federal Maritime Board.
Notices:
Reports of appointment and statements of financial interests:
Claussen, John A ... 1608
Clemson, John H ... 1608
Crosby, Joseph P ... 1608

Commodity Stabilization Service
Proposed rule making:
Holding of referenda on marketing quotas ... 1604

FEDERAL REGISTER

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CONTENTS—Continued

Commodity Stabilization Service—Continued Page
Rules and regulations:
Tobacco:
Burley and flue cured; marketing quota regulations; 1956–57 marketing year 1578
Redetermination of state and farm acreage allotments:
Burley and flue-cured 1577
Fire-cured, dark air-cured and Virginia sun-cured 1578
Maryland 1578

Customs Bureau
Rules and regulations:
Recordation of trade-marks 1589

Defense Department Page
Rules and regulations:
Travel accommodations for military personnel, civilian employees and their dependents via commercial or government transportation within, to, from or outside continental United States at government expense 1589

Engineers Corps
Rules and regulations:
Anchorage, bridge, danger zone and navigation regulations; miscellaneous amendments 1593
Bridge regulations; Bellamy River, N. H., and White and Black Rivers, Ark 1594

Federal Communications Commission
Notices:
Chief of Safety and Special Radio Service Bureau; requests for waiver or exception with respect to certain coast station facilities and watch 1614
Hearings, etc.:
American Telephone and Telegraph Co. and Western Union Telegraph Co 1614
Midwestern Broadcasting Co. and Straits Broadcasting Co 1612
WJR, Goodwill Station, Inc. (WJRT) 1610
WWSW, Inc., and Pittsburgh Radio Supply House, Inc 1609
Proposed rule making:
Frequency allocations and radio treaty matters:
Allocation assignment and uses of radio frequencies 1605
Standard frequency service 1605
Rules and regulations:
Frequency allocations and radio treaty matters:
Allocation of frequencies 1595
International broadcasting service by both government and non-government stations 1596
Practice and procedure; miscellaneous amendments 1594
Public fixed stations and stations of Maritime Services in Alaska; availability of certain frequencies 1597
Stations on land in Maritime Services; public coast station facilities for transmission and reception 1596
Television broadcast stations, table of assignments; Agana, Guam 1596

Federal Maritime Board
Notices:
Agreements filed with the Board for approval:
Lykes Bros. Steamship Co., Inc., and Grace Line, Inc 1607
Montship Lines, Ltd., and Gestioni Esercizio Navi Sicilia—G. E. N. S. 1607
Skinner Corp. et al 1607

Federal Maritime Board—Con. Page
Notices—Continued
Agreements filed with the Board for approval—Continued
Trans-Pacific Passenger Conference 1607

Federal Power Commission
Notices:
Hearings, etc.:
Carolina Aluminum Co 1615
Cumberland and Allegheny Gas Co 1618
Esfeld, William E., et al 1615
Natural Gas Co. of West Virginia 1618
Ohio Fuel Gas Co. (2 documents) 1616, 1617
Southern Natural Gas Co. (2 documents) 1615, 1616
Tennessee Gas Transmission Co 1616

Federal Trade Commission
Rules and regulations:
General Foods Corp.; cease and desist order 1588

General Services Administration
Notices:
Pyrethrum held in national stock pile; disposition 1619

Interior Department
See Business and Defense Services Administration; Land Management Bureau; Reclamation Bureau.

Internal Revenue Service
Proposed rule making:
Employee and employer tax under Federal Insurance Contributions Act; services for certain tax-exempt organizations 1598

Interstate Commerce Commission
Notices:
Fourth section applications for relief 1628
Genesee and Wyoming Railroad Co.; rerouting or diversion of traffic 1627
Motor carrier applications 1620

Justice Department
See Alien Property Office.

Land Management Bureau
Notices:
Oregon; proposed withdrawal and reservation of lands 1606

Reclamation Bureau
Notices:
Salt River Project, Arizona; change in form of withdrawal 1606

Securities and Exchange Commission
Notices:
National Fuel Gas Co.; sales, transfers, and purchases of common stock and notes 1619

Treasury Department
See also Customs Bureau; Internal Revenue Service.
Notices:
Celina Mutual Insurance Co., Celina, Ohio; surety company acceptable on Federal bonds 1606

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.

Title 7	Page
Chapter I:	
Part 55 (proposed)	1600
Chapter III:	
Part 301	1575
Chapter VII:	
Part 717 (proposed)	1604
Part 725 (2 documents)	1577, 1578
Part 726	1578
Part 727	1578
Title 8	
Chapter II:	
Part 501	1579
Part 502	1579
Title 14	
Chapter II:	
Part 610	1585
Title 16	
Chapter I:	
Part 13	1588
Title 19	
Chapter I:	
Part 11	1589
Title 26 (1939)	
Chapter I:	
Part 408 (proposed)	1598
Title 32	
Chapter I:	
Part 211	1589
Title 33	
Chapter II:	
Part 202	1593
Part 203 (2 documents)	1593, 1594
Part 204	1593
Part 207	1593
Title 47	
Chapter I:	
Part 1	1594
Part 2 (2 documents)	1595, 1596
Proposed rules (2 documents)	1605
Part 3	1596
Part 7	1596
Part 14	1597

Desert Edge Farms, Repair Shop & Feed Lot (J-Bar Ranches), 340 East Main Street, Calipatria.

Fifield Farms property, 315 I Street, Brawley.

T. L. Figueroa Ranch, Route 2, Box 159, Heber.

Filaree Ranch (Stafford Hannon, owner), located at County Roads West R and 31. Mail address P. O. Box 1141, Brawley.

A. Gargullo property, 273 West J Street, located at Highway 99 and County Road 36, Brawley.

K. H. Henderson property, Route 1, Box 65, Brawley.

Emil Herzig Ranch, Route 2, Box 3234, El Centro.

C. C. Huff Farm, Route 2, Box 46, Imperial.

Alvin A. Immel property, northeast corner 11th and Melon Streets, Holtville.

Carl Jensen Ranch, located one mile west and one-half mile south of Calipatria High School. Mail address P. O. Box 487, Calipatria.

Eugene B. Kinnaird Ranch, on Magnolia Avenue, one mile east of Highway 115. Mail address, P. O. Box 681, Holtville.

Keith Mets Ranch (Headquarters), located on Bonds Corner Road, four miles south of Holtville, Route 1, Box 83, Holtville.

K. Omlin Ranch, Route 1, Box 60, Calexico.

Pilibos Bros. Ranch, 1919 South Willow, Fresno.

George L. Pulliam (owner) Ranch, Route 1, Box 116A, Calexico.

E. J. Reinecke Chicken Ranch, 36058 N. 82d Street East, Littlerock.

Ritter Feed Yard, Route 1, Box 104, Calexico.

Raleigh Roberts Farm, Route 5, Box 2405, Oroville.

Schaffner Dairy (Roy Schaffner), Route 3, Box 23, Holtville.

Southwest Flaxseed Association property, East Q and one-quarter mile north of Road 22, Holtville. Mail address Imperial.

Mrs. Nola Strickland Ranch, Route 1, Box 90, Holtville.

Clayton Taylor Farm, Route 1, Box 24½, El Centro.

Lee Walton property, Route 2, Box 34, Imperial.

Western Montana Feeding Co., property at County Roads West E and No. 22, El Centro. Mail address P. O. Box 1387, El Centro.

(c) The item appearing in the list, contained in such instructions under the subhead Arizona, as "Feeders Supply Co., 751 West Main Street, Mesa" is changed to read: Weaver Auto Upholstery Shop, 751 West Main Street, Mesa.

This amendment shall become effective March 14, 1956.

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. It further corrects a designation of one presently regulated area.

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 8th day of March 1956.

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

[F. R. Doc. 56-1942; Filed, Mar. 13, 1956; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

REDETERMINATION OF STATE AND FARM BURLEY TOBACCO ACREAGE ALLOTMENTS

This document is issued to give effect to Public Law 425, 84th Congress, approved March 2, 1956, increasing burley tobacco State acreage allotments for the 1956–57 marketing year so as to result in a State adjustment factor of 1.0 for each State under § 725.717 of the Burley and Flue-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 4571 and 6066), and to provide for the redetermination of all 1956 burley tobacco farm acreage allotments on the basis of such adjustment factor.

Since the only purpose of this proclamation is to give effect to Public Law 425, 84th Congress, approved March 2, 1956, and since it is imperative that burley tobacco growers be notified at the earliest possible date of the 1956 burley tobacco acreage allotments for their farms, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act with respect to this proclamation is impracticable, unnecessary, and contrary to the public interest, and this proclamation shall become effective upon the date of filing with the Director, Division of the Federal Register.

1. Section 725.706 is amended by adding a new paragraph (f) at the end thereof as follows:

(f) *Redetermined State acreage allotments.* The State acreage allotments established in paragraph (e) of this section, increased to give effect to Public Law 425, 84th Congress, are as follows:

State:	*Acreage allotment*
Alabama	29
Arkansas	52
Georgia	83
Illinois	6
Indiana	7,758
Kansas	95
Kentucky	200,161
Missouri	3,196
North Carolina	10,085
Ohio	9,974
Oklahoma	4
Pennsylvania	3
South Carolina	4
Tennessee	63,252
Texas	1
Virginia	10,947
West Virginia	2,844
Reserve [1]	658
Total	309,157

[1] Acreage reserved for establishing allotments for new farms.

2. The Burley and Flue-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 4571 and 6066) are amended by adding a new § 725.729 at the end thereof as follows:

§ 725.729 *Redetermined farm acreage allotments.* All burley tobacco farm acreage allotments heretofore deter-

mined pursuant to the Burley and Flue-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (§§ 725.711 to 725.728; 20 F. R. 4571, 6066) shall be redetermined by applying a State adjustment factor of 1.0 under § 725.717.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, Pub. Law 425, 84th Cong., 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 9th day of March 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–1978; Filed, Mar. 13, 1956; 8:57 a. m.]

[1023—Allotments—(Burley and Flue-Cured Tobacco—56)–1, Amdt. 2]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY AND FLUE-CURED TOBACCO, 1956–57 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15) and is made for the purpose of adding a new subsection relating to farms which are divided. Since tobacco growers are seeding plant beds for the 1956 crop, purchasing fertilizer, and otherwise preparing for their 1956 operations, it is imperative that they be informed of the provisions of this amendment as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impractical and contrary to the public interest, and this amendment shall be effective upon the date of filing with the Director, Division of the Federal Register.

Section 725.721 of the Burley and Flue-Cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 4571 and 6066), is amended by adding the following new paragraph at the end thereof:

(d) If a farm is to be divided in 1956 through acquisition of a part of the farm by a State or an agency thereof for agricultural research purposes, the entire allotment may be transferred to that portion of the farm not acquired by the State or an agency thereof.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 9th day of March 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–1975; Filed, Mar. 13, 1956; 8:56 a. m.]

PART 726—FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

REDETERMINATION OF STATE AND FARM FIRE-CURED AND DARK AIR-CURED TOBACCO ACREAGE ALLOTMENTS

This document is issued to give effect to Public Law 426, 84th Congress, approved March 2, 1956, increasing fire-cured and dark air-cured tobacco State acreage allotments for the 1956–57 marketing year so as to result in State adjustment factors of 1.0 for each State under § 726.717 of the Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 6066), and to provide for the redetermination of all 1956 fire-cured and dark air-cured tobacco farm acreage allotments on the basis of such adjustment factors.

Since the only purpose of this proclamation is to give effect to Public Law 426, 84th Congress, approved March 2, 1956, and since it is imperative that fire-cured and dark air-cured tobacco growers be notified at the earliest possible date of the 1956 fire-cured and dark air-cured tobacco acreage allotments for their farms, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act with respect to this proclamation is impracticable, unnecessary, and contrary to the public interest, and this proclamation shall become effective upon the date of filing with the Director, Division of the Federal Register.

1. Section 726.702 is amended by adding a new paragraph (f) at the end thereof as follows:

(f) *Redetermined State acreage allotments.* The State acreage allotments for fire-cured tobacco established in paragraph (e) of this section, increased to give effect to Public Law 426, 84th Congress, are as follows:

State:	*Acreage allotment*
Illinois	1
Kentucky	18,996
Tennessee	21,347
Virginia	9,745
New farms	107

2. Section 726.703 is amended by adding a new paragraph (f) at the end thereof as follows:

(f) *Redetermined State acreage allotments.* The State acreage allotments for dark air-cured tobacco established in paragraph (e) of this section, increased to give effect to Public Law 426, 84th Congress, are as follows:

State:	*Acreage allotment*
Indiana	63
Kentucky	17,682
Tennessee	2,978
New farms	42

3. The Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 6066) are amended by adding a new §726.729 at the end thereof as follows:

§ 726.729 *Redetermined farm acreage allotments.* All fire-cured and dark air-cured tobacco farm acreage allotments heretofore determined pursuant to the Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (§§ 726.711 to 726.728; 20 F. R. 6066) shall be redetermined by applying State adjustment factors of 1.0 under § 726.717.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, Pub. Law 426, 84th Cong., 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 9th day of March 1956. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56–1976; Filed, Mar. 13, 1956; 8:56 a. m.]

PART 727—MARYLAND TOBACCO

REDETERMINATION OF STATE AND FARM MARYLAND TOBACCO ACREAGE ALLOTMENTS

This document is issued to give effect to Public Law 427, 84th Congress, approved March 2, 1956, increasing Maryland tobacco State acreage allotments for the 1956–57 marketing year so as to result in a State adjustment factor of 1.0 for each State under § 727.717 of the Maryland Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 6069), and to provide for the redetermination of all 1956 Maryland tobacco farm acreage allotments on the basis of such adjustment factor.

Since the only purpose of this proclamation is to give effect to Public Law 427, 84th Congress, approved March 2, 1956, and since it is imperative that Maryland tobacco growers be notified at the earliest possible date of the 1956 Maryland tobacco acreage allotments for their farms, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act with respect to this proclamation is impracticable, unnecessary, and contrary to the public interest, and this proclamation shall become effective upon the date of filing with the Director, Division of the Federal Register.

1. Section 727.702 is amended by adding a new paragraph (f) at the end thereof as follows:

(f) *Redetermined State acreage allotments.* The State acreage allotments established in paragraph (e) of this section, increased to give effect to Public Law 427, 84th Congress, are as follows:

State:	*Acreage allotment*
Delaware	1
Maryland	53,458
Virginia	35
New farms	115

2. The Maryland Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (20 F. R. 6069) are amended by adding a new § 727.729 at the end of thereof as follows:

§ 727.729 *Redetermined farm acreage allotments.* All Maryland tobacco farm acreage allotments heretofore determined pursuant to the Maryland Tobacco Marketing Quota Regulations, 1956–57 Marketing Year (§§ 727.711 to 727.728; 20 F. R. 6069) shall be redetermined by applying a State adjustment factor of 1.0 under § 727.717.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, Pub. Law 427, 84th Cong., 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 9th day of March 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 56-1977; Filed, Mar. 13, 1956; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

PART 502—RULES OF PROCEDURE FOR CLAIMS

MISCELLANEOUS AMENDMENTS

Part 502 of this chapter sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9 (a), 32 and 34 of the Trading with the Enemy Act, as amended (50 U. S. C. App. 9 (a), 32 and 34). The part also prescribes the procedure under section 20 of that act (50 U. S. C. App. 20) for the determination of fees of agents, attorneys and representatives in connection with such claims. The functions delegated to the Office of Alien Property under Title II of the International Claims Settlement Act of 1949, added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562) include the determinations of title claims under section 207 (b), debt claims under section 208 (a) and fees under section 211 of that act. Accordingly, it is necessary to amend Part 502 to provide for these determinations. In addition, it is necessary to amend § 501.50 (d) of Part 501 to extend its provisions to the allowance of claims under the aforesaid sections 207 (b) and 208 (a) of the International Claims Settlement Act of 1949 and to amend § 501.80 of Part 501 to include forms for notices of claim under those sections of that act. Since all these amendments relate to procedure, neither notice nor hearing thereon is required by statute.

1. Section 501.50 (d) is hereby amended to read as follows:

(d) In cases where the allowance of claim under sections 9 (a), 32 or 34 of the Trading with the Enemy Act, as amended, or section 207 (b) or 208 (a) of the International Claims Settlement Act of 1949, as amended, requires the granting of a license the notice of claim shall be deemed to include an application for such license and no separate application for such license need be filed.

2. Section 501.80 is hereby amended by adding the following at the end thereof:

Form SA-1A, *Notice of Claim for Return of Property Under Section 207 (b) of the International Claims Settlement Act of 1949, as Amended.*

Purpose: For use by persons seeking return under section 207 (b) of the International Claims Settlement Act of 1949, as amended, of property vested by the Attorney General of the United States.

Contents: Claimant's name and address; claimant's agent and fees; identification and value of property claimed; characterization of claimant; characterization of owner at date of vesting; chain of title.

Form SA-1C *Notice of Claim for Payment of Debt Under Section 208 (a) of the International Claims Settlement Act of 1949, as Amended.*

Purpose: For use by persons seeking payment of debts under section 208 (a) of the International Claims Settlement Act of 1949, as amended.

Contents: Claimant's name, address, citizenship when debt was incurred, and residence since December 7, 1941; claimant's agent and fees; identification of debtor and property; amount, nature and date of debt.

3. Part 502 is hereby amended to read as follows:

Subpart A—General Rules

Sec.
502.1 Scope of part.
502.2 Definitions.
502.3 Indispensable party.
502.4 Appearance.
502.5 Intervention.
502.6 Forms.
502.7 Amendment and withdrawal of claim.
502.8 Order for hearing.
502.9 Designation of Hearing Examiner.
502.10 Removal of a claim proceeding and hearing by the Director.
502.11 Pre-hearing conferences.
502.12 Consolidation of claims.
502.13 Hearings.
502.14 Witnesses.
502.15 Subpoenas.
502.16 Depositions.
502.17 Documents in a foreign language.
502.18 Motions.
502.19 Withdrawal of papers.
502.20 Oral argument.
502.21 Proposed findings and conclusions.
502.22 Hearing Examiner's decision.
502.23 Review of the Hearing Examiner's recommended decision.
502.24 Waiver by the Director or the Attorney General.
502.25 Motion to dismiss.
502.26 Service.
502.27 Computation of time.
502.28 Continuances and extensions.
502.29 Fees.
502.30 Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.
502.31 Filing of claim as condition precedent to suit under the Trading With the Enemy Act, as amended.
502.32 Effect of disallowance of claim in determining period of limitations for filing suit under the Trading With the Enemy Act, as amended.

Subpart B—Title Claims

502.100 Definitions.
502.101 Order of processing.
502.102 Procedure for allowance without hearing.
502.103 Requirement for hearing.
502.104 Hearing calendar.
502.105 National interest under the Trading With the Enemy Act, as amended.
502.106 Publication of notice of intention to return vested property under the Trading With the Enemy Act, as amended.
502.107 Revocation of notice of intention to return vested property under the Trading With the Enemy Act, as amended.
502.108 Return order.
502.109 Final audit.
502.110 Return of vested property.

Subpart C—Debt Claims

502.200 Definitions.
502.201 Procedure for allowance and payment without hearing of claims against debtors' solvent estates.
502.202 Claims against debtors' insolvent estates.
502.203 Requirement for hearing.
502.204 Payment of allowed claims.
502.205 Future payments.

Subpart D—General Claims

502.300 General claims.

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SUBPART A—GENERAL RULES

§ 502.1 *Scope of part.* (a) Sections 502.1 to 502.32 shall be applicable solely to title and to debt claims.

(b) Sections 502.100 to 502.110 shall be applicable solely to title claims.

(c) Sections 502.200 to 502.205 shall be applicable solely to debt claims.

(d) Section 502.300 shall be applicable to all claims other than title and debt claims as defined in § 502.2 (e) and (f).

§ 502.2 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the Trading with the Enemy Act, as amended, or the International Claims Settlement Act of 1949, as amended. The term "section" refers to a section of either act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a claim under sections 9 (a) or 32 of the Trading with the Enemy Act, as amended, or section 207 (b) of the International Claims Settlement Act of 1949, as amended.

(f) The term "debt claim" means a claim under section 34 of the Trading with the Enemy Act, as amended, or section 208 (a) of the International Claims Settlement Act of 1949, as amended.

(g) The term "claim" refers to a title claim or a debt claim and shall include the Notice of Claim form, any amendment thereto, and such other material as may have been filed by the claimant with respect to the claim.

(h) The term "excepted claim" means (1) any title claim which involves the return of assets having a value of $50,000

or more and any debt claim in the amount of $50,000 or more; (2) any title claim which the Director finds will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; and any debt claim which the Director finds will, as a practical matter control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,000 or more; (3) any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(i) The term "non-excepted claim" shall mean any claim other than an "excepted claim."

(j) The term "claimant" means the person in whose behalf a claim is filed.

(k) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(l) The term "parties" includes the claimant and the Chief of the Claims Section.

(m) The term "vested property" means any property or interest vested in or transferred to the Alien Property Custodian or the Attorney General of the United States pursuant to the act (other than any property or interest so acquired by the United States prior to December 18, 1941), or the net proceeds thereof.

(n) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

(o) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

(p) The term "docketed claim" means a claim which has been referred by the Director of the Chief of the Claims Section to the Chief Hearing Examiner for hearing and has been given a docket number.

(q) The term "hearing" means the proceedings upon a docketed claim.

§ 502.3 *Indispensable party.* The Chief of the Claims Section shall be a necessary party in all claim proceedings.

§ 502.4 *Appearance.*[1] (a) A claimant may appear in a claim proceeding in person or may be represented by an agent, attorney in fact or at law. A member of a partnership may represent the partnership; an officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) Any person appearing in a claim proceeding in a representative capacity may be required to file a power of attorney showing his authority to act in such capacity.

§ 502.5 *Intervention.* Any person who claims to have a substantial interest in a docketed claim proceeding may file a specification of such interest in writing with the Hearing Examiner after serving a copy thereof upon the parties. Upon a finding by the Hearing Examiner that the petitioner has a substantial interest which may be adversely affected by the proceeding he may authorize the petitioner to participate in the proceeding upon such conditions as may be imposed.

§ 502.6 *Forms.* (a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Subject to the provisions of sections 33 and 34 (b) of the Trading with the Enemy Act, as amended, or sections 208 (b) and 210 of the International Claims Settlement Act of 1949, as amended, the Director or the Chief of the Claims Section may expressly waive the requirement of paragraph (a) of this section.

NOTE: Section 501.80 of this chapter prescribes forms for use in filing claims. Section 501.50 (d) of this chapter provides that when allowance of a claim under the act is dependent on issuance of a license under Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, the filing of a claim is deemed to include an application for a requisite license.

§ 502.7 *Amendment and withdrawal of claim.* (a) Subject to the provisions of sections 33 and 34 (b) of the Trading With the Enemy Act, as amended, or sections 208 (b) and 210 of the International Claims Settlement Act of 1949, as amended, the claimant may amend his claim prior to hearing or after the opening of a hearing in a claim proceeding by consent of the Chief of the Claims Section or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 502.8 *Order for hearing.* The Director, or the Hearing Examiner in any docketed claim proceeding, may issue an order for hearing. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served on all parties a reasonable time, but not less than ten (10) days, in advance of the hearing, unless the parties shall agree to a shorter time.

§ 502.9 *Designation of Hearing Examiner.* Prior to a hearing, a Hearing Examiner shall be designated by the Chief Hearing Examiner.

§ 502.10 *Removal of a claim proceeding and hearing by the Director.* The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim proceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form and the Director shall fix a time within which all parties may submit exceptions and briefs with reference thereto and after which he shall render his final decision. In the case of non-excepted claims, this decision shall be the decision of the Office. In the case of excepted claims, the Director shall deliver a copy of this decision to the Attorney General immediately upon its issuance, together with the record and all exceptions and briefs. Such decision shall become the decision of the Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of the Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.11 *Pre-hearing conferences.* (a) At any time after a claim has been docketed with the Chief Hearing Examiner and prior to hearing, the Hearing Examiner may arrange for the parties to appear before him at a designated time and place for the purpose of determining the issues between the parties and obtaining admissions or stipulations with respect to any matters, records, or documents which will be relied upon by any party at the hearing.

(b) At the conclusion of the conference, the Hearing Examiner shall prepare an order setting forth the issue or issues to be determined at the hearing and describing the matters, records, or documents which the parties have admitted or stipulated. Such order shall be presented to each of the parties for their approval and when approved by them shall be made a part of the record in the claim proceeding and shall be conclusive as to the action embodied therein.

§ 502.12 *Consolidation of claims.* The Director, the Chief Hearing Examiner, or the designated Hearing Examiner, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate docketed claims.

§ 502.13 *Hearings.* (a) All hearings, except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner upon referral by the Director.

(c) Hearings shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

[1] CROSS REFERENCE. For limitations on representative activities, see § 505.60 of this chapter. For powers of attorney, see § 505.1 (d) of this chapter.

(d) Subject to the rules of this Office, including this part, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7 (b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of an investigator of this Office or any other agency of the United States, or by a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination, shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original when accompanied by a certificate of any of the persons hereinabove designated, stating that it conforms to the original. The methods of authentication provided for in this rule shall be in addition to, and not exclusive of, other methods of authentication.

(k) All investigative reports, affidavits, or other written statements of persons that reside at a distance of more than 100 miles from the place of a hearing or are otherwise unavailable as witnesses, when signed by an investigator of this Office or any other agency of the United States, or by the person making such affidavit or statement, shall be accepted as evidence and made a part of the record in a claim proceeding. All circumstances in the making of such investigative report, affidavit, or other written statement, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of any investigative report shall be equally admissible as the original when accompanied by a statement of an official of this Office or other agency of the United States that it is a copy of such report.

(l) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(m) In the discretion of the Hearing Examiner, any witness may be excluded until he is called upon to testify. Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(n) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(o) Hearings may be waived by the parties and the claim submitted to the Hearing Examiner, or to the Director, with his consent, on a stipulated record or an agreed statement of facts.

§ 502.14 *Witnesses.* (a) Witnesses shall be examined orally under oath or affirmation, to be administered by the Hearing Examiner, except that for good cause testimony may be taken by deposition.

(b) Witnesses summoned before the Director or the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 502.15 *Subpoenas.* (a) The Director, or in the case of any docketed claim the Chief Hearing Examiner or the Hearing Examiner, shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 502.16 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, or in the case of a docketed claim the Chief Hearing Examiner or the Hearing Examiner, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken and specify the time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Director, the Chief Hearing Examiner, or the Hearing Examiner, as the case may be, a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be taken under oath or affirmation and shall be reduced to writing by the officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the officer.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(d) Where the deposition is taken in a foreign country and the officer designated in the authorization is unavailable, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person as may be agreed upon by the parties stipulating in writing.

(e) A witness whose deposition is taken pursuant to the rules in this part and the officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fees and mileage paid for like service in the Courts of the United States, which fees shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 502.17 *Documents in a foreign language.* Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by complete English translation thereof duly verified to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation. For good cause verification may be waived. If a document, exhibit or paper in a foreign language is offered in evidence at a hearing any dispute as to the accuracy of the translation thereof shall be determined as is any other issue of fact.

§ 502.18 *Motions.* (a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of a hearing, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party thereafter in the claim proceeding to assign a ruling as error.

§ 502.19 *Withdrawal of papers.* (a) No paper, document or claim officially filed shall be returned unless the Director shall allow such return. The granting of a request to dismiss a claim or withdraw a paper, document or claim does not authorize the removal of the paper, document or claim from the records of the Office.

(b) Where the original of a record, document or other paper is offered in evidence at a hearing a photostatic or conformed copy thereof may be substituted during the course of the hearing with the approval of the Hearing Examiner.

§ 502.20 *Oral argument.* The Director or the Hearing Examiner, as the case may be, may grant to any party at the close of a hearing a reasonable period for oral argument and such argument may, with the consent of the hearing officer, be included in the stenographic report of the hearing.

§ 502.21 *Proposed findings and conclusions.* At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time, to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Section with any reply briefs filed in the same order.

§ 502.22 *Hearing Examiner's decision.* (a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript, all exhibits and briefs, shall make a recommended decision which shall include proposed findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact or law presented on the record. Such recommended decision shall become part of the record.

(b) At any time prior to the filing of his recommended decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's recommended decision shall be served upon each party.

(d) In the case of the death, illness, disqualification or unavailability of the Hearing Examiner who presided at the hearing, the Director shall make a tentative decision or shall designate another Hearing Examiner to make a recommended decision.

(e) At any time prior to the filing of exceptions to a recommended decision of a Hearing Examiner and if the time for filing such exceptions has not expired pursuant to § 502.23, the Hearing Examiner shall have authority to amend, modify or vacate orders issued by him, to the extent that such amendment, modification or vacation may be desirable to correct typographical or procedural errors or to make purely ministerial changes therein, but not otherwise.

§ 502.23 *Review of the Hearing Examiner's recommended decision.* Within 30 days after service of the Hearing Examiner's recommended decision, any party objecting thereto shall file exceptions with the Director. Where exceptions are filed the Director shall fix a time for the filing of briefs. If no exceptions are filed within 30 days of the service of the Hearing Examiner's recommended decision, any party shall have an additional 15 days within which to file a brief with the Director. After the expiration of the time for filing of briefs the Director shall, in non-excepted claims, render his decision which shall be the decision of the Office. After the expiration of such time in the case of excepted claims the Hearing Examiner shall certify the entire record to the Director for initial decision. The Director shall then render an initial decision which shall be served on the parties and a copy thereof immediately delivered to the Attorney General, together with the record and all exceptions and briefs. Such initial decision shall become the decision of this Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the initial decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of this Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.24 *Waiver by the Director or the Attorney General.* The Director or the Attorney General, as the case may be, may, with the consent of the parties, waive any of the requirements of this part, when, in his opinion, the ends of justice would thereby be served.

§ 502.25 *Motion to dismiss.* (a) Motion to dismiss any claim may be made by the Chief of the Claims Section, which motion shall be in writing and shall state the reasons in support thereof and may be accompanied by supporting documents. The Chief of the Claims Section shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Claims Section shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) The claimant shall file any affidavits, papers or documents in opposition to the motion with the Hearing Examiner, after service upon the Chief of the Claims Section not later than five (5) days prior to the date of hearing.

(d) Briefs may be submitted within the time fixed by the Hearing Examiner.

(e) Hearing before a Hearing Examiner may be waived by the parties and, with the consent of the Director, the matter submitted to him for decision.

(f) A claim shall be dismissed when it appears that there is no genuine issue as to any material fact and the claim cannot be allowed as a matter of law or when the claim has been abandoned.

(g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevant information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion enter a recommended order dismissing a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.

(h) All decisions or orders of the Hearing Examiners on motions to dismiss shall be recommended decisions or orders only and shall be subject to review in accordance with the provisions of § 502.23.

(i) Notwithstanding the provisions of this section the Chief of the Claims Section may serve a notice upon the claimant that, after the expiration of a time fixed in the notice, which time shall not be less than thirty (30) days, he intends to apply to the Director for an order dismissing the claim. The notice shall state the grounds for dismissal and the claimant may, within the time indicated in the notice, file a statement specifying

his objections to dismissal, together with his reasons in support thereof; any evidence or other material in support of the claim which has not previously been filed with this Office shall be filed by the claimant with the statement of objections. Upon application by the Chief of the Claims Section for an Order dismissing the claim, the Director will consider the objections if any which may have been filed. The Director thereafter may remand the application to the Chief of the Claims Section for further proceeding under the rules in this part, or in the case of non-excepted claims if it appears to him that there is no genuine issue may issue an order dismissing the claim. In cases of excepted claims where the Director is of the opinion there is no genuine issue he shall transmit the record together with any objections which have been filed to the dismissal of the claim to the Attorney General, and upon approval by the Attorney General, the Director shall enter an order dismissing the claim.

§ 502.26 *Service*—(a) *By the Chief Hearing Examiner.* Decisions, notices of hearing, and orders shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the claimant, his agent or attorney. Notices of all other actions may be served by ordinary mail, except where other methods are specifically required by the rules of this part. When service is not made by registered mail, it may be made by anyone duly authorized by the Chief Hearing Examiner by delivering a copy thereof at the principal place of business of the party to be served within reasonable office hours. The return of the person making service shall be proof of such service.

(b) *By the Chief of the Claims Section.* Service by the Chief of the Claims Section of a notice of the date and place of hearing of a motion or of a notice pursuant to § 502.25 (i) shall be by registered mail.

(c) *By the Director.* Any action taken by the Attorney General or the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(d) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Director or Hearing Examiner, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing except as otherwise provided by the rules of this part.

(e) *Service upon attorneys or agents.* When any party has appeared by attorney or agent, service upon the attorney or agent shall be deemed service upon the party.

(f) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 502.27 *Computation of time.* In computing any period of time prescribed or allowed by this part, the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the last day which is neither a Saturday, Sunday nor legal holiday.

§ 502.28 *Continuances and extensions.* Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Attorney General, the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 502.29 *Fees.* (a) In the making of the fee determination required by section 20 of the Trading with the Enemy Act, as amended, or section 211 of the International Claims Settlement Act of 1949, as amended, all recommended fee determinations of $25,000 or more shall be treated in the same manner as excepted claims and recommended fees of less than $25,000 shall be treated in the same manner as non-excepted claims for the purposes of the rules in this part. The procedures set forth in § 502.201 shall govern a fee determination without a hearing.

(b) The Chief of the Claims Section may docket any issue as to a fee determination for a hearing by a Hearing Examiner. At any hearing before the Hearing Examiner involving a fee determination the parties and their counsel shall have the right to offer evidence and oral or written arguments. The review provisions of §502.23 shall be applicable to the recommended decision of the Hearing Examiner with respect to fees.

(c) No fees shall be approved for an agent, attorney or representative in any case where upon request such agent, attorney or representative neglects or refuses to furnish to this Office a schedule of his fees or such other information which may be required. In such cases it shall be conclusively presumed that no fee shall be charged by such agent, attorney or representative.

§ 502.30 *Filing of debt claims by depositors of Yokohama Specie Bank., Ltd., Honolulu Branch.* Notices of Claim for Return of Property heretofore filed by depositors of the Yokohama Specie Bank, Ltd., Honolulu Branch, in respect of principal and interest accruing to the date of the closing of said bank on December 7, 1941, shall be considered as including Notices of Claim for Payment of Debt under section 34 of the act covering interest accruing subsequent to the closing of said bank. Releases and receipts executed by such claimants on account of return orders issued in connection with their Notices of Claim for Return of Property shall not be a bar to the allowance of their debt claims for post-closing interest in the event the Director subsequently determines that such post-closing interest is payable. The foregoing shall not be construed as a present determination by the Director as to the validity of such debt claims. (E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.)

§ 502.31 *Filing of claim as condition precedent to suit under the Trading With the Enemy Act, as amended.* The filing heretofore or hereafter, of a claim under section 32 of the Trading with the Enemy Act, as amended, shall constitute the filing of notice required by section 9 of that act as a condition precedent to the filing of a suit in equity for the return of property vested in or transferred to the Attorney General of the United States pursuant to that act.

§ 502.32 *Effect of disallowance of claim in determining period of limitations for filing suit under the Trading With the Enemy Act, as amended.* The final disallowance under the rules of this part of any claim for the return of property filed under the Trading With the Enemy Act, as amended, shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of that act, within which a suit pursuant to section 9 of that act may be instituted.

SUBPART B—TITLE CLAIMS

§ 502.100 *Definitions.* As used in §§ 502.100 to 502.110, applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36 (d) of the Trading With the Enemy Act, as amended, or section 212 (d) of the International Claims Settlement Act of 1949, as amended.

(b) The term "national interest" means the interest of the United States under section 32 (a) (5) of the Trading With the Enemy Act, as amended.

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 502.101 *Order of processing.* Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 502.102 *Procedure for allowance without hearing.* (a) The Chief of the Claims Section may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto, and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the claim shall be returned to the Director for further proceedings in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance, the claim shall be remanded to the Chief of the Claims Section for hearing or such other action as may be appropriate.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Section makes no recommendation with respect to taxes or conservatory expenses. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 502.103 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), § 502.102 or § 502.105.

§ 502.104 *Hearing calendar.* The Chief Hearing Examiner shall maintain a hearing calendar and docket of all docketed claim proceedings.

§ 502.105 *National interest under the Trading With the Enemy Act, as amended.* (a) In the case of non-excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest pursuant to section 32 (a) (5) of the Trading With the Enemy Act, as amended, he may (1) by order disallow the claim by citation of this section, or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section. In the case of excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest as aforesaid he shall transmit the record to the Attorney General for his consideration and the Attorney General may (1) by order disallow the claim by citation of this section, (2) by order suspend for a fixed or indefinite time further action by the Office of Alien Property in the claim proceeding by citation of this section, or (3) return the claim to the Director for such action as the Attorney General deems appropriate.

(b) The Director may direct with respect to any question of fact relating to national interest, that a hearing be held before himself, a Hearing Examiner or such other person or persons as he may designate. In such a hearing the officer or officers shall prepare recommended findings of fact only which shall be submitted to the Director with a transcript of the hearing.

§ 502.106 *Publication of notice of intention to return vested property under the Trading With the Enemy Act, as amended.* In compliance with section 32 (f) of the Trading With the Enemy Act, as amended, prior to the return of vested property the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property, except that no such notice need be published where the return is to be made to a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia.

§ 502.107 *Revocation of notice of intention to return vested property under the Trading With the Enemy Act, as amended.* (a) The notice of intention to return vested property may be revoked by the Director at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 502.108 *Return order.* Where no notice of intention to return vested property has been issued, an order directing return will issue at the time the claim is allowed or as soon thereafter as practicable. Where notice of intention to return vested property has been issued under the Trading With the Enemy Act, as amended, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice, except where the notice has been revoked in accordance with § 502.107.

§ 502.109 *Final audit.* Prior to making full and final return of property pursuant to return order, a final audit with respect to the property involved will be made. Any transaction occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 502.110 *Return of vested property.* After issuance of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine, acknowledging receipt of the property returned.

SUBPART C—DEBT CLAIMS

§ 502.200 *Definitions.* As used in §§ 502.200 to 502.205 applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property, the former Office of Alien Property Custodian, and the former Philippine Alien Property Administration, including both expenses in connection with vested property of the debtor involved and such portion as the Director shall fix of the other expenses of these agencies, and such amount, if any, as the Director may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36 (d) of the Trading with the Enemy Act, as amended, or section 212 (d) of the International Claims Settlement Act of 1949, as amended, and includes taxes paid by the Director in respect of vested property of the debtor involved and such amount, if any, as the Director may establish as a cash reserve for the future payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor.

(g) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 502.201 *Procedure for allowance and payment without hearing of claims against debtors' solvent estates.* (a) With respect to claims against debtors' solvent estates, the Chief of the Claims Section may initiate a proceeding for allowance of a claim, or a separable part thereof which he deems entitled to allowance, without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims, the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the Attorney General shall return the claim to the Director for further proceeding in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance the claim shall be remanded to the Chief of the Claims Section for hearing or such other action as may be appropriate.

§ 502.202 *Claims against debtors' insolvent estates.* (a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1 (b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate the Chief of the Claims Section may submit to the Director a recommendation for allowance of any claim or a separable part thereof which he deems entitled to allowance. The record shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance. All such claims submitted to the Director shall be dealt with by him or the Attorney General in accordance with the procedures set forth in § 502.201 (c) and (d).

(c) Where the Chief of the Claims Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, the claim may be docketed for hearing. At such hearing, any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the provisions of § 502.5. The recommended decision of a Hearing Examiner with re-

spect to the claim is subject to review in accordance with the provisions of § 502.23.

(d) The Director may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall in the manner provided by § 502.26 be served on all claimants in respect of the particular debtor's estate, whose claims are then pending, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty (30) days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D. C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and shall take such action as may be appropriate. As soon thereafter as appropriate, the Director shall as required by section 34 (f) of the Trading With the Enemy Act, as amended, or section 208 (f) of the International Claims Settlement Act of 1949, as amended, prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with the priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34 (g) of the Trading With the Enemy Act, as amended, or section 208 (g) of the International Claims Settlement Act of 1949, as amended, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

§ 502.203 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), § 502.201 or § 502.202.

§ 502.204 *Payment of allowed claims.* As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided, however,* That with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34 (f) of the Trading With the Enemy Act, as amended, or section 208 (f) of the International Claims Settlement Act of 1949, as amended, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.205 *Future payments.* If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34 (f) of the Trading With the Enemy Act, as amended, or section 208 (f) of the International Claims Settlement Act of 1949, as amended.

SUBPART D—GENERAL CLAIMS

§ 502.300 *General claims.* All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessors, the Alien Property Custodian and the Philippine Alien Property Administrator, other than title and debt claims as defined in § 502.2 (e) and (f) and claims arising out of the seizure by or transfer to the Alien Property Custodian of property prior to December 18, 1941, shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D. C., on March 8, 1956.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 56-1960; Filed, Mar. 13, 1956; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 97]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter having been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.15 *Green civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Knoxville, Tenn., LFR	Gray INT, Tenn	5,000
Gray INT, Tenn	Tri-City, Tenn., LFR	4,000
Tri-City, Tenn., LFR	Abingdon INT, Va	4,000
Abingdon INT, Va	Pulaski, Va. LFR	7,000

2. Section 610.104 *Amber civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla., LFR	Verdigris INT, Okla	1,900
Verdigris INT, Okla	Claremore INT, Okla	2,000
Claremore INT, Okla	Chanute, Kans., LFR	2,200

3. Section 610.214 *Red civil airway 14* is amended to read in part:

From—	To—	Minimum altitude
Chicago, Ill., LFR	Rensselaer INT, Ind	1,800
Rensselaer INT, Ind	Haltmer INT, Ind	2,300
Haltmer INT, Ind	Indianapolis, Ind., LFR.	2,100

4. Section 610.237 *Red civil airway 37* is amended to read in part:

From—	To—	Minimum altitude
Lynchburg, Va., LFR	Gordonsville, Va., LFR.	4,000
Sweet Briar INT, Va	Lynchburg, Va., LFR, southwestbound only.	3,000

5. Section 610.679 *Blue civil airway 79* is amended to read in part:

From—	To—	Minimum altitude
Annette Island, Alaska, LFR.[1]	Guard Island INT, Alaska.	4,700
Guard Island INT, Alaska.	Petersburg, Alaska, LFR.	5,700

[1] 3,200'—Minimum crossing altitude at Annette Island LFR, northwestbound.

6. Section 610.1001 *Direct routes; U. S.* is amended by adding:

From—	To—	Minimum altitude
Clovis AFB, N. Mex., LF/RBN.	Field INT, N. Mex.[1]	7,000
Clovis AFB, N. Mex., LF/RBN.	Pleasant Hill INT, M. Mex.	7,000
Clovis AFB, N. Mex., LF/RBN.	Farwell INT, Tex.[2]	5,500
Kitsap INT, Wash.	Paine AFB, Wash., LF/RBN.	3,000

[1] 11,500'—Minimum reception altitude.
[2] 10,000'—Minimum reception altitude.

7. Section 610.6001 *VOR civil airway 1* is amended to read in part:

From—	To—	Minimum altitude
Charleston, S. C., VOR	Jamestown INT, S. C.[1]	1,300
Jamestown INT, S. C.	Myrtle Beach, S. C., VOR.	1,300
New Bern, N. C., VOR	Williamston, N. C., VAR.	1,200
Williamston, N. C., VAR.	Harrelsville INT, Va	[2] 1,200
Harrelsville INT, Va	Norfolk, Va., ILS localizer.	1,500

[1] 2,200'—Minimum reception altitude.
[2] 1,100'—Minimum terrain clearance altitude.

8. Section 610.6003 *VOR civil airway 3* is amended to read in part:

From—	To—	Minimum altitude
Charleston, S. C., VOR	Lake Moultrie INT, S. C.	1,300
Lake Moultrie, INT, S. C.	Florence, S. C., VOR	1,300

[1] 2,000'—Minimum reception altitude.

9. Section 610.6004 *VOR civil airway 4* is amended to read in part:

From—	To—	Minimum altitude
Lexington, Ky., VOR	Wayne INT, W. Va.	[1] 4,000
Wayne INT, W. Va.	Charleston, W. Va., VOR:	2,500
	Eastbound	2,500
	Westbound	4,000

[1] 2,500'—Minimum terrain clearance altitude.

10. Section 610.6005 *VOR civil airway 5* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio, VOR	U. S. Canadian Border.	2,500

11. Section 610.6006 *VOR civil airway 6* is amended by adding:

From—	To—	Minimum altitude
Omaha, Nebr., VOR, via S alter.	Des Moines, Iowa, VOR, via S alter.	[1] 3,600

[1] 2,700'—Minimum terrain clearance altitude.

12. Section 610.6006 *VOR civil airway 6* is amended to read in part:

From—	To—	Minimum altitude
Moline, Ill., VOR	Shabbona INT, Ill[1]	2,100
Shabbona INT, Ill.	Naperville, Ill., VOR	2,100

[1] 2,500'—Minimum reception altitude.

13. Section 610.6008 *VOR civil airway 8* is amended by adding:

From—	To—	Minimum altitude
Omaha, Nebr., VOR, via S alter.	Des Moines, Iowa, VOR, via S alter.	[1] 3,600

[1] 2,700'—Minimum terrain clearance altitude.

14. Section 610.6008 *VOR civil airway 8* is amended to read in part:

From—	To—	Minimum altitude
Moline, Ill., VOR	Shabbona INT, Ill[1]	2,100
Shabbona INT, Ill.	Naperville, Ill., VOR	2,100
Pittsburgh, Pa., VOR	Scottsdale INT, Pa.[2]	3,000
Scottsdale INT, Pa.	Flint Stone INT, Md.	4,500
Flint Stone INT, Md.	Martinsburg, W. Va., VOR	4,000

[1] 2,500'—Minimum reception altitude.
[2] 4,000'—Minimum crossing altitude at Scottsdale INT, eastbound.

15. Section 610.6009 *VOR civil airway 9* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La., VOR	Mid Lake INT, La.[1]	1,700
Mid Lake INT, La.	Hammond INT, La.[1]	1,700
Hammond INT, La.	McComb, Miss., VOR	1,700
Naperville, Ill., VOR, via W alter.	Woodstock INT, Wis., via W alter.	2,200
Woodstock INT, VOR, via W alter.	Milwaukee, Wis., VOR, via W alter.	2,400

[1] 2,000'—Minimum reception altitude.

16. Section 610.6015 *VOR civil airway 15* is amended to read in part:

From—	To—	Minimum altitude
Sioux City, Iowa, VOR, via E alter.	Sioux Falls, S. Dak., VOR, via E alter.	3,000

17. Section 610.6016 *VOR civil airway 16* is amended to read in part:

From—	To—	Minimum altitude
Pine Bluff, Ark., VOR	Altheimer INT, Ark.	1,500
Altheimer INT, Ark.	Memphis, Tenn., VOR	[1] 2,500
Pine Bluff, Ark., VOR, via S alter.	Memphis, Tenn., VOR, via S alter.	3,000

[1] 1,500'—Minimum terrain clearance altitude.

18. Section 610.6020 *VOR civil airway 20* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR, via S alter.	High Island INT, Tex., via S alter.	1,500
High Island INT, Tex., via S alter.	Lake Charles, La., VOR, via S alter.	[1] 2,000

[1] 1,400'—Minimum terrain clearance altitude.

19. Section 610.6025 *VOR civil airway 25* is amended to read in part:

From—	To—	Minimum altitude
Camarillo, Calif., LFR	Santa Barbara, Calif., VOR.[1]	6,000

[1] 8,000'—Minimum crossing altitude at Santa Barbara VOR, northwestbound.

20. Section 610.6026 *VOR civil airway 26* is amended to read in part:

From—	To—	Minimum altitude
Casper, Wyo., VOR	Sand Creek INT, Wyo.	7,500
Sand Creek INT, Wyo.	Rapid City, S. Dak., VOR.[1]	[2] 13,000

[1] 6,000'—Minimum crossing altitude at Rapid City VOR, westbound.
[2] 10,000'—Minimum terrain clearance altitude.

21. Section 610.6027 *VOR civil airway 27* is amended to read in part:

From—	To—	Minimum altitude
Salinas, Calif., VOR, via E alter.	San Francisco, Calif., VOR,[1] via E alter.	6,000
Ames INT, Calif., via E alter.	San Francisco, Calif., VOR, via E alter, Northwest bound only.	3,000
San Francisco, Calif., VOR, via E alter.	Oakland, Calif., VOR, via E alter.	3,000

[1] 4,000'—Minimum crossing altitude at San Francisco VOR, southeastbound.

22. Section 610.6035 *VOR civil airway 35* is amended to read in part:

From—	To—	Minimum altitude
Macon, Ga., VOR	Madison INT, Ga[1]	[2] 2,000
Madison INT, Ga.	Athens INT, Ga.	[2] 2,000
Athens INT, Ga.	Royston, Ga., VOR	2,000

[1] 3,500'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.

23. Section 610.6036 *VOR civil airway 36* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre Scranton, Pa., VOR	Branchville INT, N.J.	3,500
Branchville INT, N. J.	Paterson INT, N. J.	3,000

Deletes MRA at Branchville INT.

24. Section 610.6037 *VOR civil airway 37* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa, VOR	Turnpike INT, Pa.	3,000
Turnpike INT, Pa.	Erie, Pa., VOR	[1] 4,000

[1] 3,000'—Minimum terrain clearance altitude.

25. Section 610.6042 *VOR civil airway 42* is amended to read in part:

From—	To—	Minimum altitude
Power Point INT, Pa.	Pittsburgh, Pa., VOR	2,500

26. Section 610.6053 *VOR civil airway 53* is amended to read in part:

From—	To—	Minimum altitude
Charleston, S. C., VOR.	Holly Hill INT, S. C.[1]	1,400
Holly Hill INT, S. C.	Columbia, S. C., VOR.	1,400
Spartanburg, S. C., VOR.	Ashville, N. C., VOR.	6,000

[1] 3,800'—MRA.

27. Section 610.6054 *VOR civil airway 54* is amended to read in part:

From—	To—	Minimum altitude
Little Rock, Ark., VOR, via N alter.	Lonoke INT, Ark., via N alter.	1,500
Lonoke INT, Ark., via N alter.	Round Pond INT, Ark.,[1] via N alter.	[2] 2,500
Round Pond INT, Ark., via N alter.	Memphis Tenn., VOR, via N alter.	1,700

[1] 2,500'—Minimum reception altitude.
[2] 1,600'—Minimum terrain clearance altitude.

28. Section 610.6059 *VOR civil airway 59* is amended to delete:

From—	To—	Minimum altitude
Evansville, Ind., VOR.	Farina INT, Ill[1]	2,000
Farina INT, Ill[1]	Vandalia, Ill., VOR.	2,000
Evansville, Ind., VOR, via E alter.	Vandalia, Ill., VOR, via E alter.	2,000
Springfield, Ill., VOR.	Peoria, Ill., VOR	2,000
Peoria, Ill., VOR	Bradford, Ill., VOR	2,000
Bradford, Ill., VOR	Moline, Ill., VOR	2,000

[1] 3,100'—Minimum reception altitude.

29. Section 610.6060 *VOR civil airway 60* is amended by adding:

From—	To—	Minimum altitude
Tucumcari, N. Mex, VOR.	Pleasant Hill INT, N. Mex.[1]	7,000
Pleasant Hill INT, N. Mex.	Farwell INT, Tex.	[2] 13,000
Farwell INT, Tex.	Lubbock, Tex, VOR.	[2] 10,000

[1] 15,500'—Minimum reception altitude.
[2] 5,500'—Minimum terrain clearance altitude.
[3] 6,500'—Minimum terrain clearance altitude.

30. Section 610.6062 *VOR civil airway 62* is amended by adding:

From—	To—	Minimum altitude
Anton Chico, N. Mex., VOR.	Field INT, N. Mex.	[1] 11,500
Field INT, N. Mex.	Pleasant Hill INT, N. Mex.[2]	[3] 15,500
Pleasant Hill INT, N. Mex.	Farwell INT, Tex.	[4] 13,000
Farwell INT, Tex.	Lubbock, Tex., VOR.	[5] 10,000

[1] 7,800'—Minimum terrain clearance altitude.
[2] 15,500'—Minimum reception altitude.
[3] 5,800'—Minimum terrain clearance altitude.
[4] 5,500'—Minimum terrain clearance altitude.
[5] 6,500'—Minimum terrain clearance altitude.

31. Section 610.6068 *VOR civil airway 68* is amended to read in part:

From—	To—	Minimum altitude
Hobbs, N. Mex., VOR.	Pipe Line INT, Tex.[1]	5,300
Pipe Line INT, Tex.	Midland, Tex., VOR.	4,000

[1] 5,000'—Minimum reception altitude.

32. Section 610.6069 *VOR civil airway 69* is amended to read in part:

From—	To—	Minimum altitude
Little Rock, Ark., VOR.	Lonoke INT, Ark.	1,500
Lonoke INT, Ark.	Hillemann INT, Ark.	[1] 2,500
Hillemann INT, Ark.	Walnut Ridge, Ark., VOR.	[2] 2,500

[1] 1,600'—Minimum terrain clearance altitude.
[2] 1,500'—Minimum terrain clearance altitude.

33. Section 610.6070 *VOR civil airway 70* is amended to read in part:

From—	To—	Minimum altitude
Galveston, Tex., VOR.	High Island INT, Tex.	1,400
High Island INT, Tex.	Lake Charles, La., VOR.	[1] 2,000

[1] 1,400'—Minimum terrain clearance altitude.

34. Section 610.6071 *VOR civil airway 71* is amended to read in part:

From—	To—	Minimum altitude
Pine Bluff, Ark., VOR.	Tucker INT, Ark.	1,500
Tucker INT, Ark.	Little Rock, Ark., VOR.	1,800

35. Section 610.6076 *VOR civil airway 76* is amended to delete:

From—	To—	Minimum altitude
Austin, Tex., VOR, via S alter.	Smithville INT, Tex.,[1] via S alter.	2,000
Smithville INT, Tex., via S alter.	Eagle Lake, Tex., VOR, via S alter.	[2] 3,000
Eagle Lake, Tex., VOR, via S alter.	Galveston, Tex., VOR, via S alter.	1,600

[1] 2,300'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.

36. Section 610.6084 *VOR civil airway 84* is amended to read in part:

From—	To—	Minimum altitude
Selfridge, Mich., VOR.	U. S. Canadian Border.	2,500

37. Section 610.6097 *VOR civil airway 97* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga., VOR.	Nelson INT, Ga.[1]	3,000
Nelson INT, Ga.	Murphy INT, N. C.	[2] 7,000
Murphy INT, N. C.	Tallassee INT, Tenn.[3]	7,000
Tallassee INT, Tenn.[3]	Knoxville, Tenn., VOR.	4,500
Atlanta, Ga., VOR, via E alter.	Norcross, Ga., VOR, via E alter.	3,000
Norcross, Ga., VOR, via E alter.	Silver City INT, Ga., via E alter.	[4] 4,000
Silver City INT, Ga., via E alter.	Harris INT, N. C., via E alter.	7,000
Harris INT, N. C., via via E alter.	Rasar INT, Tenn.,[5] via E alter.	7,300
Rasar INT, Tenn.,[5] via E alter.	Knoxville, Tenn., VOR, via E alter.	5,000

[1] 5,500'—Minimum crossing altitude at Nelson INT, northbound.
[2] 5,500'—Minimum terrain clearance altitude.
[3] 7,000'—Minimum crossing altitude at Tallassee INT, southbound.
[4] 3,200'—Minimum terrain clearance altitude.
[5] 7,000'—Minimum crossing altitude at Rasar INT, southbound.

38. Section 610.6098 *VOR civil airway 98* is amended to read in part:

From—	To—	Minimum altitude
U. S. Canadian Border.	Massena, N. Y., VOR.	2,000
Massena, N. Y., VOR.	U. S. Canadian Border.	2,000

39. Section 610.6116 *VOR civil airway 116* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre Scranton, Pa., VOR.	Branchville INT, N. J.	3,500
Branchville INT, N. J.	Paterson INT, N. J.	3,000

Deletes MRA at Branchville INT.

40. Section 610.6126 *VOR civil airway 126* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre Scranton, Pa. VOR.	Branchville INT, N. J.	3,500
Branchville INT, N. J.	Paterson INT, N. J.	3,000

Deletes MRA at Branchville INT.

41. Section 610.6128 *VOR civil airway 128* is amended to read in part:

From—	To—	Minimum altitude
LaGrange INT, N. C.	New Bern, N. C., VOR.	[1] 1,500

[1] 1,400'—Minimum terrain clearance altitude.

42. Section 610.6137 *VOR civil airway 137* is amended by adding:

From—	To—	Minimum altitude
White Oaks INT, Calif.	Bakersfield, Calif., VOR, northbound only.	6,000

43. Section 610.6140 *VOR civil airway 140* is amended to read in part:

From—	To—	Minimum altitude
Dyersburg, Tenn., VOR.	Nashville, Tenn., VOR.	[1] 3,500

[1] 3,000'—Minimum terrain clearance altitude.

44. Section 610.6143 *VOR civil airway 143* is amended to read in part:

From—	To—	Minimum altitude
Charlotte, N. C., VOR.	Bradley INT, N. C. [1]	[2] 2,500
Bradley INT, N. C.	Greensboro, N. C., VOR.	[2] 2,500

[1] 3,000'—Minimum reception altitude.
[2] 2,300'—Minimum terrain clearance altitude.

45. Section 610.6157 *VOR civil airway 157* is amended to read in part:

From—	To—	Minimum altitude
LaGrange INT, N. C.	Rocky Mount, N. C., VOR.	[1] 1,500

[1] 1,400'—Minimum terrain clearance altitude.

46. Section 610.6172 *VOR civil airway 172* is amended to delete:

From—	To—	Minimum altitude
Omaha, Nebr., VOR.	Des Moines, Iowa, VOR.	[1] 3,000

[1] 2,700'—Minimum terrain clearance altitude.

47. Section 610.6180 *VOR civil airway 180* is added to read:

From—	To—	Minimum altitude
Austin, Tex., VOR.	Smithville INT, Tex. [1]	2,000
Smithville INT, Tex.	Eagle Lake, Tex., VOR.	[2] 3,000
Eagle Lake, Tex., VOR.	Galveston, Tex., VOR.	1,500

[1] 2,300'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.

48. Section 610.6194 *VOR civil airway 194* is amended to read in part:

From—	To—	Minimum altitude
Rocky Mount, N. C., VOR.	Harrelsville INT, Va.	1,400
Harrelsville INT, Va.	Norfolk, Va., ILS localizer.	1,500

49. Section 610.6198 *VOR civil airway 198* is amended to delete:

From—	To—	Minimum altitude
San Antonio, Tex., VOR, via N alter.	Smithville INT, Tex., [1] via N alter.	2,500
Smithville INT, Tex., via N alter.	Round Top INT, Tex., via N alter.	[2] 3,000
Round Top INT, Tex., via N alter.	Sealy INT, Tex., via N alter.	[2] 3,700
Sealy INT, Tex., via N alter.	Houston, Tex., VOR via N alter.	2,000
Houston, Tex., VOR, via N alter.	Galveston, Tex., VOR via N alter.	1,400

[1] 2,300'—Minimum reception altitude.
[2] 1,700'—Minimum terrain clearance altitude.

50. Section 610.6217 *VOR civil airway 217* is amended to delete:

From—	To—	Minimum altitude
Cardinal INT, Wis [1]	Muskegon, Wis., VOR.	2,000

[1] 2,700'—Minimum crossing altitude at Cardinal INT, westbound.

51. Section 610.6222 *VOR civil airway 222* is added to read:

From—	To—	Minimum altitude
San Angelo, Tex., VOR.	Smithville INT, Tex. [1]	2,500
Smithville INT, Tex.	Round Top INT, Tex.	[2] 3,000
Round Top INT, Tex.	Sealy INT, Tex.	[2] 3,700
Sealy INT, Tex.	Houston, Tex., VOR.	2,000

[1] 2,300'—Minimum reception altitude.
[2] 1,700'—Minimum terrain clearance altitude.

52. Section 610.6228 *VOR civil airway 228* is added to read:

From—	To—	Minimum altitude
Naperville, Ill., VOR.	Sycamore INT, Ill.	2,000

53. Section 610.6233 *VOR civil airway 233* is added to read:

From—	To—	Minimum altitude
Evansville, Ind., VOR.	Farina INT, Ill [1]	2,000
Farina INT, Ill.	Vandalia, Ill., VOR.	2,000
Evansville, Ind., VOR, via E alter.	Vandalia, Ill., VOR, via E alter.	2,000
Springfield, Ill., VOR.	Peoria, Ill., VOR.	2,000
Peoria, Ill., VOR.	Bradford, Ill., VOR.	2,000
Bradford, Ill., VOR.	Moline, Ill., VOR.	2,000

[1] 3,100'—Minimum reception altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective April 5, 1956.

[SEAL] C. J. LOWEN,
Administrator of Civil Aeronautics.

[F. R. Doc. 56-1810; Filed, Mar. 13, 1956; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6018]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GENERAL FOODS CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials:* Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.840 *Different size containers.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, General Foods Corporation, White Plains, N. Y., Docket 6018, February 15, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation, engaged in the sale and distribution of packaged food products manufactured by one or more of its divisions, many of them nationally advertised and the subject of considerable consumer demand—including Maxwell House coffee and tea, Sanka, Kaffee Hag, Baker's cocoa, Jello, Minute tapioca, and Calument baking powder, among others—with annual sales in excess of $500,000,000, with discriminating in price in violation of sections (a), (d), and (e) of section 2 of the Clayton Act, as amended, through (1) selling to some customers at higher net prices than to others, (2) making payments to favored customers as compensation for services and facilities, and (3) furnishing services or facilities to some purchasers in connection with the processing, etc., of commodities upon terms not accorded to other purchasers in competition with them.

After answer by respondent and hearings, at which voluminous evidence was received, and submission of proposed findings of fact and conclusions of law by counsel, the hearing examiner made his initial decision, including findings, conclusions, and order to cease and desist from the violation of sections 2 (a) and 2 (e), and dismissing the charge of violation of section 2 (d), from which both parties appealed.

Following hearing, briefs, and oral argument, the Commission, in an opinion by its Chairman, denied both appeals, and in its "Final Order" of February 15, 1956, adopted the initial decision as the "Decision of the Commission", as follows:

[1] Amended to read as set forth.

This matter having been heard by the Commission upon cross appeals by respondent and counsel in support of the complaint, briefs in support of and in opposition of said appeals, and upon oral argument before the Commission; and the Commission having rendered its decision denying both appeals and adopting the findings, conclusion, and order contained in the initial decision:

It is ordered, That respondent, General Foods Corporation, shall, within (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

The order to cease and desist in the initial decision thus adopted is as follows:

It is ordered, That the respondent, General Foods Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of food and grocery commodities in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Discriminating directly or indirectly in price between different purchasers of any such commodity of like grade and quality for use, consumption, or resale, by granting to its institution contract wagon distributor purchasers, or any other purchaser or purchasers, discounts or allowances in the guise of payments for services or in any other manner, which result in a lower and more favorable net price to such purchaser or purchasers than that at which it sells such commodity to another purchaser competing with said favored purchaser;

2. Furnishing to any purchaser any such products packaged in containers of a certain size and style, unless all purchasers of such products competing in the resale thereof are accorded the opportunity to purchase such products, packaged in containers of like size and style, on proportionally equal terms.

It is further ordered, That Count II of the complaint herein be, and the same hereby is, dismissed.

Issued: February 15, 1956.

By the Commission.

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

[F. R. Doc. 56-1956; Filed, Mar. 13, 1956; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54042]

PART 11—PACKING AND STAMPING; MARKING; TRADEMARKS AND TRADE NAMES; COPYRIGHTS

RECORDATION OF TRADEMARKS

The certification on copies of original certificates of registration signed by the Commissioner of Patents now contain a statement of the name in which the title of the trademark is recorded on the date of certification. Certifications showing such title in an applicant for recordation of a trademark who claims ownership by assignment make the filing of an abstract of title now required by the regulations unnecessary. Section 11.15 (b) is, therefore, amended to read as follows:

(b) If ownership of a registered trademark is claimed by an applicant by virtue of an assignment of such trademark, the certification on the original certificate of registration required by paragraph (a) of this section must show the record title to be in the applicant. There shall be transmitted with the application for recording, in addition to the documents and information specified in paragraph (a) of this section, a statement as to the nature of the assignment, whether such assignment is qualified in any way, and whether or not the mark has been reassigned without recordation of the reassignment.

(R. S. 161, sec. 42, 60 Stat. 440, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: March 7, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-1955; Filed, Mar. 13, 1956; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter N—Transportation

PART 211—TRAVEL ACCOMMODATIONS FOR MILITARY PERSONNEL, CIVILIAN EMPLOYEES AND THEIR DEPENDENTS VIA COMMERCIAL OR GOVERNMENT TRANSPORTATION WITHIN, TO, FROM OR OUTSIDE THE CONTINENTAL UNITED STATES AT GOVERNMENT EXPENSE

Sec.
211.1 Purpose.
211.2 Scope and applicability.
211.3 Air transportation.
211.4 Land transportation.
211.5 Sea transportation.

AUTHORITY: §§ 211.1 to 211.5 issued under sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a.

§ 211.1 *Purpose.* To establish a uniform Department of Defense policy governing transportation of military personnel, civilian employees and their dependents when traveling via commercial, Government or private transportation within, to, from, or outside the continental United States at Government expense. Basic authority for the movement of military personnel and their dependents is based on the Career Compensation Act of 1949 (Public Law 351, 81st Congress) as amended, implemented by the Joint Travel Regulations. Basic authority for movement of civilian employees and their dependents is based on Public Law 600, 79th Congress, as amended, implemented by Standardized Government Travel Regulations promulgated by the Bureau of the Budget.

§ 211.2 *Scope and applicability*—(a) *Commercial transportation.* (1) Commercial transportation service will be employed for the movement (within, to from or outside the United States) of personnel when such service is available or readily obtainable and satisfactorily capable of meeting military requirements, except as provided in paragraph (b) of this section.

(2) When it is determined that commercial transportation will be provided for travel to, from or outside the United States, aircraft and ships registered under the laws of the United States will be used unless the nonavailability of such aircraft or ships, or the exigencies of the mission, require the use of aircraft or ships registered under foreign flag (aircraft registered under laws of the United States and operated under certificates or permits held by foreign air carriers will be considered foreign flag carriers).

(b) *Government transportation.* Consistent with the chartered responsibilities of Military Sea Transportation Service and Military Air Transport Service to provide transportation service for all military agencies, the employment of commercial transportation outside the United States to, from, between and within areas shall not take precedence over the efficient and economic utilization of the military owned transportation resources of Military Sea Transportation Service and Military Air Transport Service which have been approved by the Secretary of Defense as essential to national security.

(c) *Private transportation.* (1) Private transportation may be used for travel to be performed at personal expense on a reimbursable basis, by military personnel and their dependents within the continental United States or between the United States and Alaska, Canada (including the Province of Newfoundland), and Mexico, or

(2) When travel is authorized to be performed by privately owned conveyance by civilian employees and their dependents on a reimbursable basis.

(d) *Minimum standards.* Nothing herein will be construed as preventing passengers from accepting accommodations with less than stated minimum standards when it meets the requirements of the Services and/or the traveler. Also, nothing herein will be construed as preventing the Government from furnishing accommodations with less than stated minimum standards for military and civilian personnel when it has been determined by the Service concerned that exigencies of the service require use of such accommodations.

(e) *Civilian employees traveling at government expense.* Civilian employees will not be required to travel via any particular mode of transportation, commercial or military, when the travel order includes a specific statement excluding such mode of transportation. The order requesting official will be responsible for this statement after consideration of justification presented by the employee.

(f) *Selection of mode of transportation to be used.* All orders or other travel instructions which authorize a choice or

determination between more than one mode of travel will be interpreted by the transportation officers in accordance with these instructions. In cases where two or more modes are available, the service (or transportation officers thereof) sponsoring the travel will determine the mode to be used, giving due consideration to all the facts in the case, including the desires of the traveler.

§ 211.3 *Air transportation*—(a) *Commercial air transportation*—(1) *Use of scheduled air carriers within the continental United States.* (i) Individuals will be provided first-class air transportation, which is offered to the general public as first-class.

(ii) Persons traveling in a group travel status of 3-to-14 will be provided coach class or tourist air accommodations when available and the service and schedule meets the requirements. If coach class or tourist air accommodations are not available first-class accommodations will be provided.

(iii) Persons traveling in groups of 15 or more will be provided transportation via scheduled air carriers meeting the standards of service required in Part 209 of this subchapter. Arrangements for the movement of 15 or more persons will be made by the appropriate headquarters designated by the military service concerned.

(2) *Use of scheduled air carriers to and from and outside the continental United States.* (i) Military and civilian personnel traveling in an individual status or in groups of 14 or less will normally be provided first-class air transportation.

(ii) Persons traveling in groups of 15 or more will be provided accommodations in accordance with the standards of service set forth in Part 209 of this subchapter. Arrangements for the movement of 15 or more persons will be made by the appropriate headquarters designated by the military service concerned.

(3) *Use of sleeper-type aircraft, within, to and from and outside the continental United States.* (i) When the use of sleeping accommodations are necessary for the successful accomplishment of the mission, the travel orders will include such authorizations.

(ii) When sleeping accommodations are authorized, sleeping accommodations of the lowest rate in effect on the aircraft to be utilized will be furnished, except that if at the time reservations are made, sleeping accommodations of the lowest rate are not available, sleeping accommodations of the lowest rate available will be furnished.

(4) *Use of Supplemental Air Carriers within the United States.* (i) Services provided by Supplemental Air Carriers are considered coach type air transportation and do not constitute first-class accommodations. Supplemental Air Carriers may be considered for individual or group travel of 14 or less military persons subject to the following conditions:

(*a*) When schedule of the proposed flight is satisfactory and will assure arrival to meet requirements of the travel orders and is desired by the members who are in an individual travel-status, and

(*b*) Accommodations on the aircraft to be used are considered comparable to recognized standards of coach-type service with respect to comfort and sanitation, and

(c) Use of such Supplemental Air Carriers otherwise meets military requirements.

(ii) Persons traveling in groups of 15 or more will be provided accommodations meeting as near as possible the standards of the Joint Military Passenger Agreements with the Air Carriers Associations. Arrangements for such movements will be made by the appropriate headquarters designated by the military service concerned.

(5) *Use of Supplemental Air Carriers, to, from, and outside the United States.* The services of Supplemental Air Carriers may be considered for group travel of 15 or more. The accommodations provided will be in accordance with the standards set forth in Part 209 of this subchapter.

(b) *Government air transportation within, to and from, and outside the United States*—(1) *Use of Government air transportation.* Government air transportation includes all government-owned, leased, contract or charter aircraft operated by or for one or more of the Military Services.

(i) *Government-owned aircraft.* An aircraft owned by the United States government and operated by the Department of Defense.

(ii) *Government-chartered or Government-contract aircraft.* An aircraft hired from a commercial source for the exclusive use of the Government for one or more flights.

(2) *Accommodations.* (i) As a general rule, transport type aircraft operating on scheduled or semi-scheduled service with troop seats and safety devices is considered adequate, with the following exceptions:

(*a*) When military or civilian personnel are accompanied by dependents.

(*b*) When individuals are of General or Flag rank, or equivalent civilian status.

(ii) Female passengers and dependents with or without accompanying sponsor will be provided air transportation on scheduled aircraft equipped with upholstered seats and enclosed toilet facilities. Should dependents refuse this accommodation, surface transportation will be provided for such persons. Under such conditions a refusal by the dependent to travel by air, when the exigencies of the service dictate that the principal travel by air, may also be considered as waiving the provisions for nonseparation of families.

(iii) Officers of General or Flag rank or civilians of equivalent status, as shown in table of military-civilian relationships contained in Department of Defense Instruction on "Issuance of Identity Cards Required by the Geneva Convention," will be provided air transportation on aircraft equipped with upholstered seats.

(3) *Minimum standards.* On aircraft equipped to carry General or Flag officers or civilians of equivalent status and/or female passengers, dependents and accompanying sponsor, the following minimum standards are established:

(i) Suitable meals will be available for all passengers.

(ii) A reasonable supply of wash water and potable drinking water shall be aboard the aircraft.

(iii) The configuration of seating arrangements shall be similar to that provided aboard flights of the commercial, passengers, scheduled type operations and the seat spacing shall not be less than the average aircoach space provided by scheduled commercial service.

(iv) Suitable facilities for heating food (formulae) for infants will be available.

(v) Seating arrangements shall be provided on a basis of one seat for each individual, including infants.

(vi) Normally pressurized cabin aircraft will be provided for trans-ocean travel.

§ 211.4 *Land transportation* — (a) *Definitions.* For the purpose of this section the following definitions are applicable:

(1) *Individual travel.* Travel of all persons under orders which are not specifically designated "group travel order."

(2) *Group travel.* Three (3) or more military personnel traveling in a group from the same point of origin to the same destination under one order which is specifically designated "group travel order."

(3) *First-class transportation.* Transportation, exclusive of extra fare trains, which is offered to the general public as first-class.

(4) *Lowest first-class accommodations.* Except as hereinafter specifically provided, a lower standard berth shall be considered the lowest first-class rail accommodation for night travel in CONUS.

(5) *Coach-class.* A type of transportation, not affording sleeping facilities, offered by the rail carriers in the CONUS to the general public at a lesser rate and which is normally used for short journeys or day-time travel.

(6) *Bus transportation.* A transportation service, offered to the general public by commercial bus carriers, which is normally used for daytime travel when an entire journey can be completed between the hours of 0600 and 2400 of the same day.

(7) *Night travel.* Any journey which involves travel of four (4) or more hours between the hours of 10:00 p. m. and 6:00 a. m. This definition does not preclude the use of sleeping car service operated between points involving actual running time of less than four (4) hours between the hours specified but allowing occupancy privileges of more than four (4) hours.

(8) *Day travel.* Normally a journey completed from origin to destination between the hours of approximately 6:00 a. m. and 12:00 midnight, including any other journeys not specifically defined as "night travel."

(b) *Accommodations.* (1) Members and civilian employees (other than those persons listed in subparagraphs (2), (3),

(4) and (5) of this paragraph, including cadets, midshipmen, newly enlisted members traveling from place of enlistment or induction to first duty station, members on temporary disability retired list required to submit to periodic physical examination, members of reserve components upon call to active duty for training and upon relief therefrom, members of Reserve Officers Training Corps when authorized to be furnished transportation to a training camp, and aviation cadets are entitled to:

(i) *For individual travel—(a) Day travel by rail.* First-class transportation with one seat in a parlor-car, or sleeping car or lounge car, if available, otherwise to coach-class except as limited by Standardized Government Travel Regulations in the case of civilian employees.

(b) *Day travel by bus.* Commercial bus transportation which normally can be completed between the hours of 6:00 a. m. and 12:00 midnight.

(c) *Night travel by rail in CONUS, Canada and Mexico.* For journeys, involving one or more nights enroute, first-class transportation and one lower standard berth will be furnished for that portion of the journey where sleeping accommodations are available.

(d) *Night travel by rail outside CONUS, Canada and Mexico.* Persons traveling as individuals will be transported in accordance with directives of the oversea commander of the area in which travel is performed.

(ii) *For group travel—(a) Day travel by rail or bus.* Either rail coach-class transportation or commercial bus transportation, whichever is more advantageous to the Government by reason of the nature of the travel, or service, economy, and sound traffic judgment.

(b) *Night travel by rail in CONUS, Canada and Mexico.* For journeys, involving one or more nights enroute; first-class rail transportation, and sleeping accommodations in standard sleeping-cars of the regular section type for the entire journey unless only coach-class accommodations are operated at the beginning or end of the journey. Berth accommodations will be furnished on the basis of sections, two (2) members to a section, that is, equal number of lower and upper berths, but lower berths in sections to extent upper berths are not available in sections, plus lower berth for odd number members, if any. When movement is in special cars containing drawing rooms, the drawing room will be used as a section (one lower and one upper berth), except that the sofa in the drawing room will be used if the use thereof will obviate the operation of an additional sleeping car, the sofa to be used on the basis of one additional lower berth. Whenever special standard sleeping car(s) cannot be made available by the carriers within a reasonable time, accommodations will be furnished, on the same basis as above, in special tourist sleeping car(s).

(c) *Night travel by rail outside CONUS, Canada and Mexico.* Persons traveling as groups will be transported in accordance with directives of the oversea commander of the area in which travel is performed.

(2) Members discharged on account of fraudulent enlistment, applicants and rejected applicants for enlistment, registrants and rejected registrants, applicants for flying training, members discharged under other than honorable conditions, and discharged and/or paroled prisoners are entitled to:

(i) *Day travel.* Rail coach-class accommodations or bus transportation, whichever is more advantageous by reason of service and/or economy and sound traffic judgment.

(ii) *Night travel by rail in CONUS, Canada and Mexico.* First-class transportation with one upper standard berth, lower standard berth in sections to be furnished to extent upper berths in sections are not available.

(iii) *Night travel by rail outside CONUS, Canada and Mexico.* Will be furnished transportation as prescribed by the appropriate area commander.

(3) Military prisoners with guards.

(i) *Scope.* When it is determined that commercial transportation be utilized for the movement of prisoners under guard, it is considered desirable that such movement be accomplished in a manner which will permit the least possible contact with the general public. Considering appearance and safety, preventing other passengers from becoming apprehensive, or because of the physical condition of the prisoners, movements will be made in enclosed accommodations, when available, or in special car or chartered equipment. Appropriate certification will be contained in the travel orders for the use of enclosed accommodations.

(ii) *Groups of fourteen or less persons—(a) General.* Groups of fourteen or less persons will normally be moved in regular equipment of the commercial rail carriers. When rail transportation is not available or circumstances preclude its use, regular equipment of the other commercial modes of transportation may be used provided advance arrangements are made with the carrier concerned to accept prisoners.

(b) *Day travel.* First-class rail transportation and enclosed accommodations in parlor car or standard sleeping car for the entire journey or for that potion of the journey over which enclosed accommodations are available. When enclosed accommodations are not available, the use of coach-class rail transportation is authorized.

(c) *Night travel.* Through first-class rail transportation and enclosed standard sleeping car accommodations, when available, for journeys involving one or more nights enroute. When enclosed accommodations are not available, open accommodations in standard sleeping cars of the section type are authorized.

(iii) *Groups of fifteen or more persons—(a) General.* Groups of fifteen or more persons will normally be moved in special car or chartered equipment. Arrangements for such movements will be in accordance with the special regulations of the several military agencies.

(b) *Day travel.* For rail movements, special coaches insuring exclusive occupancy will be provided under the provisions of the Joint Military Passenger Agreement with the rail carriers. Movements by other commercial carriers will be made in chartered equipment.

(c) *Night travel.* For rail movements, first-class transportation and special standard sleeping cars of the regular section type insuring exclusive occupancy will be provided for journeys of one or more nights enroute. Movements by other commercial carriers will be made in chartered equipment.

(iv) *Government-owned prison cars.* The provisions of subdivisions (ii) and (iii) of this subparagraph do not preclude the use of Government-owned prison cars, when available.

(4) Absentees, stragglers, deserters, members on authorized leave without funds, member who loses his transportation while in travel status or who becomes separated from remainder of his party who are in travel status will be furnished the same class of transportation and accommodations as furnished members under subparagraph (1) (i) of this paragraph, except that when not traveling under guard they may, if they so desire, be furnished a cheaper class of transportation.

(5) Patients.

(i) *Individual travel—(a) Day travel, rail.* Will be furnished the same class of transportation and accommodations as furnished under subparagraph (1) (i) (a) of this paragraph, except that when the physical condition of a patient requires berth accommodations the responsible medical officer may authorize furnishing a lower standard berth for day travel by certification on the travel orders. (See (c) of this subdivision.)

(b) *Night travel, rail.* Will be furnished the same class of transportation and accommodations as furnished under subparagraph (1) (i) (b) of this paragraph. (See (c) of this subdivision.)

(c) *Special accommodations.* Whenever it is determined that the type of accommodations provided in (a) and (b) of this subdivision are not satisfactory due to the condition of the patient, the medical officer may authorize the use of room accommodations for the patient and attendants, if any, by appropriate certification on the travel orders.

(ii) *Group travel—(a) Day travel, rail.* When the physical condition of the patients warrants the use of seats and daylight schedules are available and adequate, first-class rail transportation and a seat for each patient and attendant will be furnished in a parlor car or standard sleeping car. Where the condition of a patient(s) requires berth accommodations the responsible medical officer, by certification on travel orders, may authorize furnishing a lower berth for each such patient for day travel (See (c) of this subdivision.)

(b) *Night travel.* Patients will be furnished one lower berth or one upper berth each, whichever may be determined by the responsible medical officer, in standard sleeping cars of the regular section type. Attendants will be furnished berth accommodatons in the same car with patients. (See (c) of this subdivision.)

(c) *Exclusive accommodations.* Whenever the responsible medical officer determines that a patient or a group of

patients require exclusive accommodations, the provisions of subdivision (i) (*b*) of this subparagraph will apply.

(c) *Use of enclosed accommodations for purposes of security.* Whenever it is determined that enclosed accommodations are required for the purposes of security, the head of the military department concerned or such subordinates as he may designate, may authorize or approve the use of a compartment or other enclosed accommodations including any additional transportation required under the tariffs of the carriers for the exclusive occupancy of such accommodations.

(d) *Utilization of extra-fare trains.* An extra fare train will not be utilized for travel unless the authority directing the travel has determined that its use is in the best interest of the Government and the use thereof is authorized in travel orders.

(e) *Dependent travel.* Dependents of members and civilian employees whose transportation is authorized are entitled to:

(1) *For day travel.* First-class rail transportation when available, with a seat in a parlor car or sleeping car on the basis of one individual seat for each dependent, except as limited by Standardized Government Travel Regulations in the case of dependents of civilian employees.

(2) *For Night Travel in CONUS, Canada and Mexico.* First-class rail transportation with sleeping accommodations in a standard sleeping-car on the following basis:

(i) Authorized dependents will be classified into the maximum number of "pairs" and the minimum number of "individuals" and furnished accommodations at the lowest possible cost to the Government. Pairs are defined as follows:

(*a*) Two dependents under 5 years of age, regardless of sex.

(*b*) Two dependents, same sex, under 12 years of age.

(*c*) Wife and one child, either sex, if child is less than 5 years of age.

(ii) *Individuals.* "Individuals" are defined as dependents (other than a dependent father or mother) who cannot be paired because one of them is 12 years of age or over, except for the wife as indicated in subdivision (i) (*c*) of this subparagraph, or the individuals are of opposite sex and one or both are 5 years of age or over.

(iii) *Dependent wife, father or mother.* Authorized accommodations for a dependent wife, except as indicated in subdivision (i) (*c*) of this subparagraph, or a dependent father or mother, are one lower berth each.

(iv) Except as indicated in subdivision (iii) of this subparagraph, authorized accommodations for dependents shall be determined in accordance with the following table. For this purpose, an upper berth shall never be considered adequate for occupancy by two persons regardless of age: [1]

Dependent	Lower berth	Upper berth
1 individual (no other dependents)	1	-------
2 individuals not capable of being paired	1	1
3 individuals not capable of being paired	2	1
4 individuals not capable of being paired	2	2
1 pair	1	-------
1 pair and 1 other individual	1	1
1 pair and 2 other individuals	2	1
1 pair and 3 other individuals	2	2
1 pair and 4 other individuals	3	2
2 pairs	2	-------
2 pairs and 1 other individual	2	1
2 pairs and 2 other individuals	2	2
2 pairs and 3 other individuals	3	2
2 pairs and 4 other individuals	3	3
3 pairs	3	-------
Each additional individual not scheduled above	-------	1
Each additional pair not scheduled above	1	-------

(3) *For night travel outside continental United States, Canada and Mexico.* Dependents will be transported in accordance with directives of the oversea commander of the area in which the travel is performed.

§ 211.5 *Sea transportation*—(a) *Commercial water transportation (not procured en-bloc)*—(1) *Selection of steamship line.* When travel at Government expense is authorized in commercial ships, it is mandatory that such travel be performed on ships registered under the laws of the United States unless the nonavailability of such ships or the necessity of the mission requires the use of a ship registered under foreign flag. Any determination of the need for utilizing a foreign flag ship is under the express provision of section 901 of the Merchant Marine Act of 1936 (49 Stat. 2015, Ch. 858, Title IX). When the time permits, a description of the circumstances should be submitted to the Comptroller General for advance decision prior to procuring transportation in a foreign flag ship. When two or more steamship lines operate ships registered under the laws of the United States between competitive points, consideration will be given to the possibility of dividing passenger business among such competing lines, taking into consideration the proximity and accessibility of ports of embarkation and debarkation to the original starting point and destination, with a view to selecting the steamship line which will meet requirements and provide satisfactory service at the least cost to the Government.

(i) *Classes of accommodations.* Passenger ships provide various classes of accommodations designated first-class, cabin-class, second-class, tourist-class, and third-class. On ships providing only one class of accommodations, such accommodations are normally referred to as first-class or cabin-class. On ships providing two or more classes of accommodations, the class next below first-class whether designated second-class, cabin-class, or tourist-class will be considered as second-class accommodations. Accommodations next below second-class are usually designated third-class or tourist-class accommodations.

(2) *Authorized accommodations for individuals*—(i) *Individual defined.* For the purpose of this part, an individual, excluding categories shown in the Joint Travel Regulations, Chapter 5, Parts B, C, and G, but including those shown in Parts A and F, is defined as a member or civilian employee traveling under one order, or dependents without regard to the number.

(ii) *Authorized accommodations.* (*a*) Members, including categories shown in the Joint Travel Regulations, Chapter 5, Parts A and F, and civilian employees, are entitled to lowest first-class rate accommodations when traveling as individuals. When lowest first-class rate accommodations are not available at the time reservations are made, such persons will be entitled to the lowest first-class rate accommodations available by the facility authorized to be used. When no first-class rate accommodations are available, such persons will be provided the next lowest class accommodations, if available.

(*b*) Dependents are entitled to lowest first-class rate accommodations. When dependents accompany the sponsor or for administrative but not personal reasons they travel at a later date, they are entitled to the lowest first-class rate accommodations available by the facility authorized to be used at the time reservations are made. If delay in travel is for personal reasons, the cost of accommodations in excess of the lowest first-class rate accommodations will not be authorized at Government expense.

(iii) *Authorized accommodations for groups*—(*a*) *Group defined.* For the purpose of this part, a group is defined as a movement of three or more military personnel from the same point of origin to the same destination under one order which is specifically designated as "group travel order." The accommodations authorized for group travel will be equally applicable for categories shown in the Joint Travel Regulations, Chapter 5, Parts B, C, and G, without regard to the number traveling.

(*b*) *Authorized accommodations.* (*1*) Officers and Warrant Officers or civilian employees of equivalent status traveling in a group travel status are entitled to the lowest first-class accommodations available.

(2) Enlisted members or civilian employees of equivalent status traveling in a group travel status are entitled to lowest second-class rate accommodations available at the time reservations are made. When second-class rate accommodations are not available at the time reservations are made, such persons are entitled to the lowest first-class rate accommodations available by the facility authorized to be used. When neither first or second-class accommodations are available, accommodations in third-class or tourist-class (when designated as a class below second-class) will not be used without the specific approval of the appropriate authority in the headquarters of the Military Department concerned.

(iv) *Exclusive use of stateroom for security purposes.* The exclusive occupancy of a stateroom is authorized for security purposes in the transportation

[1] As a bedroom can be obtained on one adult railroad ticket, such accommodations will be furnished when available in lieu of berth space when otherwise it would be necessary to furnish a half-fare railroad ticket for a child under 5 years of age to obtain an upper berth.

of classified documents or Government property, provided specific authority for the exclusive use of a stateroom is contained in the travel orders. The lowest first-class rate stateroom available, which meets the military requirements, will be furnished.

(b) *Commercial water transportation (procured en-bloc by a military agency).* First-class accommodations in commercial ships procured en-bloc on a lease or charter basis are considered to be Government transportation. Second-class, cabin-class, or tourist-class accommodations, when so designated to indicate the class of accommodations next below first-class, similarly procured, are also considered to be Government transportation.

(c) *Military Sea Transportation Service*—(1) *Classes of accommodations.* Ships of the Military Sea Transportation Service provide two classes of accommodations designated cabin-class and troop-class. Cabin-class accommodations in ships of the Military Sea Transportation Service will be considered the equivalent of first-class accommodations in commercial ships. Troop-class accommodations in ships of the Military Sea Transportation Service are primarily designated for military purposes and have no comparable class in commercial ships.

(2) *Authorized accommodations*—(i) *Members and civilian employees.* Male officers, male civilian employees of equivalent status, as shown in table of military-civilian relationships contained in Department of Defense Instruction 1000.1, "Issuance of Identity Cards Required by the Geneva Conventions", female officer members, female enlisted members and female civilian employees are entitled to cabin-class accommodations. Male enlisted members entitled to transportation of dependents at Government expense and male civilian employees of equivalent status when traveling with dependents are entitled to cabin-class accommodations and when traveling without dependents are entitled to troop-class accommodations except that cabin-class accommodations may be furnished provided such assignments can be made without displacing other persons entitled to cabin-class accommodations. Male enlisted members not entitled to transportation of dependents at Government expense and male civilian employees of equivalent status are entitled to troop-class accommodations except that when traveling with dependents cabin-class accommodations may be furnished provided such assignments can be made without displacing other persons entitled to cabin-class accommodations.

(ii) *Dependents.* Dependents of members and civilian employees are entitled to cabin-class accommodations in dependent-carrying troopships.

(iii) *Special categories of Uniformed Personnel.* Midshipmen and cadets of the Service academies are entitled to cabin-class accommodations in dependent-carrying troopships and in austerity troopships.

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 56-1931; Filed, Mar. 13, 1956; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.157 establishing and regulating the use of anchorage grounds in Delaware Bay and River is hereby amended by revision of paragraph (a) (4), relocating anchorage 4 north of Reedy Point in waters shoreward and adjacent to a newly dredged channel, as follows:

§ 202.157 *Delaware Bay and River*—(a) *The anchorage Grounds.* * * *

(4) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the West side of the river, bounded as follows: Beginning at a point (approximately latitude 39°33′51″, longitude 75°33′35″) 344°58′ true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 306°26′, 1,442 yards; thence 36°26′, 377 yards; thence 126°26′, 1,442 yards; thence 216°26′, 377 yards to the point of beginning.

[Regs., February 27, 1956, 800.212 (Delaware Bay)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is hereby amended prescribing paragraph (f) (11-a), to govern the operation of the Chicago, Rock Island and Pacific Railroad Company bridge across the Ouachita River at Calion, Arkansas, as follows:

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

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

(11-a) Ouachita River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Calion. During periods when the river is in pool stage, at least 24 hours' advance notice required. Notice shall be given to the Dispatcher, Chicago, Rock Island and Pacific Railroad Company, Little Rock, Arkansas. Any vessel passing through the bridge requiring an open span for such passage and intending to return through it within 24 hours shall inform the draw tender of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice. The District Engineer, Corps of Engineers, will notify the Dispatcher at Little Rock, one day in advance when a bridge tender will be required in constant attendance. For the purpose of the regulations of this section, pool stage is defined as 21 feet or less on the upper gage at Lock and Dam No. 8. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at all Ouachita River locks.

[Regs. February 29, 1956, 823.01 (Ouachita River, La.-Ark.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.50 establishing and governing the use and navigation of a restricted area in Hampton Roads and Chesapeake Bay off Fort Monroe, Virginia, is hereby amended by a change in the title, as follows:

§ 204.50 *Chesapeake Bay off Fort Monroe, Va.; restricted area. U. S. Naval Base and Naval Ordnance Laboratory.*

[Regs., February 27, 1956, 800.2121 (Massachusetts Bay, Mass.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.8 establishing and governing the use of a naval restricted area in the waters of Massachusetts Bay northeasterly of Deer Island, is hereby prescribed, as follows:

§ 207.8 *Massachusetts Bay northeast of Deer Island, Mass.; naval restricted area*—(a) *The area.* The waters within a circular area with a radius of 1,500 feet having its center at latitude 42°21′35″, longitude 70°56′13″.

(b) *The regulations.* (1) No vessel shall, at any time, except in the case of extreme emergency, anchor within the area.

(2) No vessel shall, at any time, fish, tow a drag of any kind, or set traps in the area.

(3) Any vessel anchoring within the area because of emergency shall contact, by visual means, the Signal Station on Deer Island prior to weighing anchor. Visual instructions will be given as to the exact position relative to the restricted area and for any assistance deemed necessary for clearing fouled anchors in order to prevent damage to underwater installations.

(4) The regulations in this section shall be enforced by the Commandant, First Naval District, Boston, Massachusetts, and such agencies as he may designate.

[Regs., February 27, 1956, 800.2121 (Massachusetts Bay, Mass.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 56-1932; Filed, Mar. 13, 1956; 8:46 a. m.]

PART 203—BRIDGE REGULATIONS

BELLAMY RIVER, N. H.; WHITE AND BLACK RIVERS, ARK.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.40 governing the operation of the State of New Hampshire Highway bridge across the Bellamy River at Dover, New Hampshire, is hereby amended to provide for operation of the bridge on 4 hours' advance notice during specified hours of each day during certain months of the year and for closure of the span at all other times except for emergency openings, as follows:

§ 203.40 *Bellamy River, N. H.; bridge (highway) between Cedar Point and Dover Point, N. H.* * * *

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a. m. and 10:00 p. m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

* * * * *

[Regs., 28 February 1956, 823.01 (Bellamy River, N. H.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is amended with respect to paragraph (f) (21), revising the regulations governing the operation of the Missouri Pacific Railroad Company bridge across the White River at Newport, Arkansas, the addition of paragraph (f) (21-a), to govern the operation of the Arkansas Highway bridge across the White River at Batesville and the Missouri Pacific Railroad Company bridge across the White River at Cotter, Arkansas, and revision of paragraph (f) (22), to govern the operation of the Missouri Pacific Railroad Company bridge across the Black River at Paroquet, Arkansas, and revocation of § 203.585 as follows:

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

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

(21) White River, Ark.; Missouri Pacific Railroad Company bridge at Newport. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice required for openings on Saturday and Sunday. Notice to be given to the Station Agent, Missouri Pacific Lines, Newport, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

(21-a) White River, Ark.; Arkansas Highway Department bridge at Batesville and Missouri Pacific Railroad Company bridge at Cotter. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(22) Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet. At least 24 hours' advance notice required. Notice to be given to the Station Agent, Missouri Pacific Lines, Newport, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

* * * * *

§ 203.585 *Black River, Ark.; bridge of Missouri Pacific Railroad near Corning, Ark.* [Revoked.]

[Regs., 28 February 1956, 828.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

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

[F. R. Doc. 56-1957; Filed, Mar. 13, 1956; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 56-217]

[Rules Amdt. 1-3]

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 1.373 and 1.378, deletion of § 1.370, and adoption of a new § 1.379.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1956;

The Commission having under consideration amendment of §§ 1.373 and 1.378, deletion of § 1.370, and adoption of a new § 1.379 which concern the processing of AM, FM and TV applications and a 30-day waiting period on acting on such applications;

It appearing that the amendments herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of Sections 4 (a), (b), and (c) of the Administrative Procedure Act is not required:

It is ordered, That pursuant to sections 4 (i), 5 (e), and 303 (r) of the Communications Act of 1934, as amended, § 1.370 of the Commission's rules and regulations is deleted, and §§1.373 and 1.378 are amended, and a new § 1.379 is adopted, as set forth below, effective March 16, 1956.

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

Released: March 8, 1956.

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

1. Section 1.370 is deleted.

2. Section 1.373 is amended to read as follows:

§ 1.373 *Procedure with respect to processing of standard broadcast applications.* (a) Applications for standard broadcast facilities are divided into two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations (such as changes in frequency, power, hours of operation, station location, or substantial change in directional antenna system). The applications in the first group are acted on by the Commission.

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. The types of applications in the second group are listed in section 0.241 of the Statement of Organization, Delegations of Authority and Other Information and are acted upon by the Chief of the Broadcast Bureau under delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such amendment.

(c) Applications for new stations or for major changes in the facilities of authorized stations are processed as nearly as possible in the order in which they are filed. Such applications will be placed in the processing line in numerical sequence, and are drawn by the staff for study, the lowest file number first. Thus, the file number strictly determines the order in which the staff's work is begun on a particular application. There

is one exception thereto: the Broadcast Bureau is authorized to group together for processing applications which involve interference conflicts where it appears that the applications must be designated for hearing in a consolidated proceeding.

(d) Applications which are acted upon under delegated authority are not placed on the processing line but are handled as expeditiously as the availability of personnel permits.

(e) Applications for modification of license to change hours of operation of a class IV station or to decrease hours of operation of any other class of station or to change station location involving no change in transmitter site will be considered without reference to the processing line.

(f) If, upon examination, the Commission finds that the public interest, convenience and necessity will be served by the granting of an application, the same will be granted subject to protest. If, on the other hand, the Commission is unable to make such a finding and it appears that a hearing may be required, the procedure set forth in § 1.385 will be followed.

(g) When an application which has been designated for hearing has been removed from the hearing docket pursuant to § 1.365 (b), the application will be returned to its proper position (as determined by the file number) in the processing line. Petitions for amendment, removal from the hearing docket, and grant will not be entertained insofar as they request a grant. The Examiner, or Chief Hearing Examiner in acting on such petitions, will dismiss the request for a grant.

(h) An application will continue to be carried under the same file number unless a major amendment is made which involves the substitution of a different application. (Examples: Change in station location so that essentially a new service area is involved; substitution of new parties in the application so that the original applicant no longer holds a majority control).

(i) When an application is reached for processing and it is necessary to address a letter to the applicant asking further information the application will not be processed until the information requested is received. In such an event the application is placed in the pending file to await the applicant's response.

(j) When the Commission places applications that are in a particular category of cases in a pending file it makes a public announcement of its policy and notifies the individual applicant as to why his application is being placed in the pending file.

3. Section 1.378 is amended to read as follows:

§ 1.378 *Procedure with respect to processing of television broadcast applications.* (a) Applications for television broadcast facilities are divided in two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations (such as, changes in frequency, significant increases in power and/or antenna height, significant changes in antenna location and changes in station location).

(2) The second group of applications consists of those which involve relatively minor changes in the facilities of authorized stations. These applications will ordinarily be acted upon by the Chief of the Broadcast Bureau under his delegated authority.

(b) The Commission will not act on applications in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such application. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such amendment.

(c) Applications for television stations will be processed as nearly as possible in the order in which they are filed.

(d) Regardless of the number of applications filed for channels in a city or the number of assignments available in that city, those applications which are mutually exclusive, i. e., which request the same channel, will be designated for hearing. All other applications for channels will, if the applicants are duly qualified, receive grants. For example, if Channels 6, 13, 47, and 53 have been assigned to City X and there are pending two applications for Channel 6 and one application for each of the remaining channels, the latter three applications will be considered for grants without hearing and the two mutually exclusive applications requesting Channel 6 will be designated for hearing. If there are two pending applications for Channel 6 and two applications for Channel 13, separate hearings will be held.

(e) Where applications are mutually exclusive because the distance between their respective proposed transmitter sites is contrary to the station separation requirements set forth in § 3.610 of this chapter, said applications will be processed and designated for hearing at the time the application with the lower file number is processed. If the question concerning transmitter sites is resolved before a decision is rendered in the matter the application with the higher file number will be returned to its appropriate place on the processing line. In order to be considered mutually exclusive with a lower file number application, the higher file number must have been accepted for filing at least one day before the lower file number application has been acted upon by the Commission. If the lower file number application is in hearing status at the time the higher file number application is accepted for filing, the 10-day cut-off date specified in § 1.724 (b) will be applicable.

(f) Where a mutually exclusive application on file becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is completely or substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

4. A new § 1.379 is added to read as follows:

§ 1.379 *Procedure with respect to processing FM and noncommercial educational FM broadcast applications.* (a) Applications for FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations, applications for major modification of authorized facilities, or amendments to such applications requesting a major change in the proposed facilities (such as changes in the class of station, significant increases in power and/or antenna height, and/or a change in station location).

(2) The second group of applications consist of those which involve relatively minor changes in the facilities of authorized stations.

(b) Applications for noncommercial educational FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations.

(2) In the second group are all applications for changes in the facilities of authorized noncommercial educational FM broadcast stations.

(c) Applications delineated in paragraphs (a) (1) and (b) (1) of this section will be acted upon by the Commission. The Commission, however, will not act on applications delineated in paragraph (a) (1) of this section until 30 days have elapsed since the date on which public notice is given by the Commission of acceptance for filing of such applications. If an amendment to such application is filed requesting a major change as defined in paragraph (a) (1) of this section, the Commission will take no action until 30 days have elapsed since the date on which public notice is given of the acceptance for filing of such an amendment. Applications for noncommercial educational FM broadcast stations delineated in paragraph (b) of this section may be acted upon at any time after public notice is given of acceptance for filing of such applications. Applications delineated in paragraphs (a) (2) and (b) (2) of this section will be acted upon by the Chief of the Broadcast Bureau under delegated authority.

[F. R. Doc. 56-1961; Filed, Mar. 13, 1956; 8:53 a. m.]

[Docket No. 10626; FCC 56-210]
[Rules Amdt. 2-15]

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

ALLOCATION OF FREQUENCIES

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4368–4438 kc, 8745–8815 kc, 13130–13200 kc and 17290–17360 kc.

1. At a session of the Federal Communications Commission held at its

offices in Washington, D. C., on the 7th day of March 1956;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that on December 15, 1954, the Commission adopted a Report and Order in this proceeding amending Part 2 of the rules so as to make the bands 8745–8815, 13130–13200 and 17290–17360 kc available only for coast telephone operations in accordance with the Atlantic City table of frequency allocations; and

4. It further appearing that the same Report and Order stated the Commission's intention to make final the allocation in the band 4368–4438 kc as soon as all non-Government out-of-band assignments could be removed therefrom; and

5. It further appearing that all out-of-band services in the band 4368–4438 kc have now been moved to their appropriately allocated bands; and

6. It further appearing that § 2.104 (a) (3) (i) of the Commission's rules need no longer provide for out-of-band services in the band 4368–4438 kc and that the band may therefore be deleted from that section; and

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

8. *It is ordered*, That effective April 18, 1956, Part 2 of the Commission's rules is amended as set forth below and the proceedings in this docket are hereby terminated.

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

Released: March 8, 1956.

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

The table of frequency bands associated with § 2.104 (a) (3) (i) is amended to read as follows:

Kc	*Kc*
2495–2850	4750–5450
3155–3400	7300–8195
4238–4368	8476–8745
4438–4650	11400–11700

[F. R. Doc. 56-1962; Filed, Mar. 13, 1956; 8:53 a. m.]

[Docket No. 11586; FCC 56-209]

[Rules Amdt. 2-14]

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

INTERNATIONAL BROADCASTING SERVICE BY BOTH GOVERNMENT AND NON-GOVERNMENT STATIONS

In the matter of amendment of Part 2 of the Commission's rules to provide for the use of the band 25.6–26.1 Mc in the international broadcasting service by both Government and non-Government stations.

1. At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of March 1956.

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on December 31, 1955 (20 F. R. 10163) and that the period for the filing of comments has now expired; and

4. It further appearing that no comments have been received by the Commission in response to its proposal in this proceeding; and

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

6. *It is ordered*, That, effective April 18, 1956, Part 2 of the Commission's rules is amended as set forth below.

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

Released: March 8, 1956.

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

Part 2 of the Commission's rules is amended, effective April 18, 1956, in the following particulars:

1. Amend § 2.104 (a) (5) by inserting footnote indicator US36 in column 5 for the band 25.33–25.85 Mc and by inserting footnote indicator US37 in column 5 for the band 25.85–26.48 Mc.

2. Amend § 2.104 (a) (5) by inserting the text of the above footnotes in the list of US footnotes following the table of frequency, as follows:

US36 Frequencies in the band 25.6–25.85 Mc may be authorized for use by non-Government international broadcasting stations.

US37 Frequencies in the band 25.85–26.1 Mc may be authorized for use by Government international broadcasting stations.

[F. R. Doc. 56-1963; Filed, Mar. 13, 1956; 8:53 a. m.]

[FCC 56-214]

[Rules Amdt. 3-11]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS; AGANA, GUAM

In the matter of amendment of § 3.606 table of assignments, Television Broadcast Stations. (Agana, Guam.)

1. The Commission has before it for consideration a petition filed on February 24, 1956, by Radio Guam, licensee of Standard Broadcast Station KUAM, Agana, U. S. Territory of Guam, requesting it to amend the Table of Assignments set out in § 3.606 of the Commission's rules and regulations by assigning Television Channel 8 to Agana.

2. Radio Guam has operated a standard broadcast station at Agana since early in 1954. In support of the requested amendment, petitioner urges that the proposed assignment would conform to the Commission's rules and standards, pointing out that Guam is separated geographically by thousands of miles from any other television facility or allocation. Radio Guam represents that it will file an application to construct and operate a television station in Agana if the assignment is made.

3. No television channels are presently assigned to Guam. The Commission believes that the public interest would be served by assigning channels to Guam in order that television service may be afforded to this area. Accordingly, Channels 8 and 10 are being assigned to Agana.

4. Since Guam is presently without any facilities for commercial television service and in light of the desirability of making it possible for Guam to receive television service at the earliest practicable time, the Commission finds, in accordance with section 4 (a) of the Administrative Procedure Act, that notice and public procedure in this proceeding are impracticable, unnecessary and contary to public interest. The Commission, for the same reasons, finds, in accordance with section 4 (c) of the Administrative Procedure Act, that the assignment of television Channels 8 and 10 to Agana should be made effective immediately.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, *It is ordered*, That, effective March 7, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows: Add the following to the assignments listed for the U. S. Territories and Possessions after the Alaska assignments:

Guam:	*Channel No.*
Agana	8, 10

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

Adopted: March 7, 1956.

Released: March 8, 1956.

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

[F. R. Doc. 56-1964; Filed, Mar. 13, 1956; 8:53 a. m.]

[Docket No. 11452; FCC 56-204]

[Rules Amdt. 7-7]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PUBLIC COAST STATION FACILITIES FOR TRANSMISSION AND RECEPTION

In the matter of amendment of Part 7 of the Commission's rules regarding pub-

lic coast station facilities for transmission and reception on 2182 kc.

1. These proceedings were initiated by a notice of proposed rule making published in the FEDERAL REGISTER on July 20, 1955 (20 F. R. 5209). The period for the filing of original and reply comments has expired. The American Merchant Marine Institute, Inc. (AMMI), Central Committee on Radio Facilities of the American Petroleum Institute (API), the American Telephone and Telegraph Company (AT&T) and Radiomarine Corporation of America (RMCA) filed original comments. There were no reply comments.

2. The notice requested comments on the question whether a public coast station which regularly used receivers or transmitters at remote locations for radiotelephone communication on its working frequencies in the 2 Mc band should be required at each such location to provide corresponding facilities for transmission and reception on the international radiotelephone calling and distress frequency 2182 kc.

3. The AMMI "was of the opinion that when any communications company establishes a public communications service the company at the same time should assume the responsibility of providing a safety service in the area served".

4. The API was "of the view that, since 2182 kilocycles is the safety and calling frequency for the 2 Megacycle radiotelephone service, public coast stations should be required to provide the same coverage on that frequency which it elects to provide on the frequencies used to carry the commercial traffic of those public coast stations".

5. RMCA and AT&T filed comments, the gist of which was similar. In effect, both companies pointed out that it might not be necessary to provide transmitting and receiving facilities on 2182 kc which duplicated those provided on the working frequencies in order to achieve adequate parallel coverage on 2182 kc. They stated that in many instances the remote communication facilities for operation on the working frequencies were installed by public coast stations so as to bring the quality of signals on the working frequencies up to standards necessary for public correspondence purposes and connection into the land wire telephone system; while on the frequency 2182 kc, since there was no public correspondence, there was not an equivalent need for similar signal quality. The AT&T also adverted to the "growing network of Coast Guard stations guarding the frequency 2182" and stated that if "subsequent experience indicate(s) in any particular case that augmentation of facilities is desirable this could be accomplished without any change in the Rules". RMCA "requested that remote receiver or transmitter installations designed to improve the quality of received or transmitted signals from or to ships in a station's normal service area be exempt from any rule requiring 2182 kc receiving or transmitting facilities at remote receiver or transmitter locations".

6. It appears from the foregoing that there is agreement with the principle that effective coverage on the frequency 2182 kc should be provided within the associated working frequency service area of public coast stations. The validity of the comments is recognized, however, pointing out that to achieve such coverage it might not be necessary completely to duplicate the working frequency facilities. Therefore, although the amendments to the rules herein ordered do require duplication on 2182 kc of working frequency facilities, they also provide for exceptions to the requirement if a specific showing is made that such duplication is not necessary to achieve effective coverage of 2182 kc within the coast station's normal working frequency service area. In order to provide an adequate opportunity for new and existing stations either to comply with the requirement or to make the showing that compliance is not necessary, the requirement is being made effective after July 1, 1956, to stations which are first licensed or whose licenses are sought to be renewed after that date.

7. In view of the foregoing and pursuant to Article 34 of the International Radio Regulations (Atlantic City, 1947), Article 5 of the Great Lakes Agreement, sections 303 (a) (b) (d) (g) and (r) and 321 of the Communications Act of 1934, as amended: *It is ordered*, That, effective April 13, 1956, Part 7 of the Commission's rules is amended as set forth below.

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

Adopted: March 7, 1956.

Released: March 8, 1956.

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

Part 7 is amended as follows:

1. Section 7.104 (b) (1) is amended by adding new subdivisions (i) and (ii) to read as follows:

(i) Apparatus to comply with the foregoing requirement of this subparagraph shall include transmitting and/or receiving equipment installed at each location where transmitting and/or receiving equipment, respectively, is installed and regularly used by the particular station to provide service on one or more working frequencies within the band 1600 kc to 3500 kc.

(ii) After July 1, 1956, compliance with the requirement of subdivision (i) of this subparagraph shall be a condition precedent to obtaining a new or renewed station license unless the applicant therefor makes a showing satisfactory to the Commission that, for purposes of maritime safety, all or any portion of such apparatus for operation on the 2182 kc channel is not necessary for effective transmission and reception to and from mobile stations within the associated working frequency service area of the coast station.

2. Section 7.189 (c) (1) is amended by changing footnote * thereto to read as follows:

* This watch will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc from mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

[F. R. Doc. 56-1965; Filed, Mar. 13, 1956; 8:54 a. m.]

[Docket No. 11557; FCC 56-207]

[Rules Amdt. 14-6]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

AVAILABILITY OF CERTAIN FREQUENCIES

In the matter of amendment of Part 14 to make available to Alaska, public fixed stations the frequency 3357 kc for communication with the Alaska Communication System fixed station at Anchorage, Alaska.

At a session of the Federal Communications Commission held in its offices at Washington, D. C., on the 7th day of March 1956;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on December 7, 1955 (20 F. R. 8992), and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

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

It is ordered, That, effective April 30, 1956, Part 14 of the Commission's rules is amended as set forth below.

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

Released: March 8, 1956.

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

A. Part 14 is amended as follows:

Section 14.206 (a) (9) is amended to read:

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks, Anchorage, and Juneau. The use of this frequency for communication with Anchorage shall be coordinated as necessary with use of the frequency 3353 kc by United States Government stations so as

to avoid harmful interference to the latter. The use of 3357 kc for communication with Juneau, Fairbanks and Anchorage shall be coordinated as necessary with the use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The ACS station at Anchorage will act as coordinator between the non-Government stations transmitting to Anchorage on 3357 kc and the Government stations operating on 3353 kc.

[F. R. Doc. 56-1966; Filed, Mar. 13, 1956; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1939) Part 408]

EMPLOYEE TAX AND EMPLOYER TAX UNDER FEDERAL INSURANCE CONTRIBUTIONS ACT; APPLICABLE ON OR AFTER JANUARY 1, 1951

SERVICES FOR CERTAIN TAX-EXEMPT ORGANIZATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 178, 467; 26 U. S. C. 1429, 3791) and section 403 of the Social Security Amendments of 1954 (68 Stat. 1098), approved September 1, 1954.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to conform Regulations 128 (26 CFR (1939) Part 408), as amended, relating to the employee tax and the employer tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code of 1939), to the provisions of section 403 of the Social Security Amendments of 1954, such regulations are amended as follows:

PARAGRAPH 1. Section 408.201 is amended by inserting after paragraph (q) the following new paragraph (r):

(r) "Social Security Amendments of 1954" means the act approved September 1, 1954 (68 Stat. 1052).

PAR. 2. There is inserted immediately preceding § 408.216 the following:

SECTION 403 OF THE SOCIAL SECURITY AMENDMENTS OF 1954, APPROVED SEPTEMBER 1, 1954

SERVICE FOR CERTAIN TAX-EXEMPT ORGANIZATIONS PRIOR TO ENACTMENT OF THIS ACT

(a) In any case in which—

(1) an individual has been employed, at any time subsequent to 1950 and prior to the enactment of this act, by an organization which is exempt from income tax under section 101 (6) of the Internal Revenue Code of 1939 but which has failed to file prior to the enactment of this act a waiver certificate under section 1426 (l) (1) of the Internal Revenue Code of 1939;

(2) The service performed by such individual as an employee of such organization during the period subsequent to 1950 and prior to 1955 would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such organization had filed prior to the performance of such service such a certificate accompanied by a list of the signatures of employees who concurred in the filing of such certificate and such individual's signature had appeared on such list;

(3) The taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid with respect to any part of the remuneration paid to such individual by such organization for such service;

(4) Part of such taxes have been paid prior to the enactment of this Act;

(5) So much of such taxes as have been paid prior to the enactment of this Act have been paid by such organization in good faith and upon the assumption that a waiver certificate had been filed by it under section 1426 (l) (1) of the Internal Revenue Code of 1939; and

(6) No refund of such taxes has been obtained,

the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed in such form and manner, and with such official, as may be prescribed by regulations made under subchapter A of Chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939.

(b) In any case in which—

(1) An individual has been employed, at any time subsequent to 1950 and prior to the enactment of this Act, by an organization which has filed a waiver certificate under section 1426 (l) (1) of the Internal Revenue Code of 1939;

(2) The service performed by such individual during the time he was so employed would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such individual's signature had appeared on the list of signatures of employees who concurred in the filing of such certificate;

(3) The taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid prior to the enactment of this Act with respect to any part of the remuneration paid to such individual by such organization for such service; and

(4) No refund of such taxes has been obtained,

the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed on or before January 1, 1957, and in such form and manner, and with such official, as may be prescribed by regulations made under subchapter A of chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939, and such individual shall be deemed to have concurred in the filing of the waiver certificate filed by such organization under section 1426 (l) (1) of the Internal Revenue Code of 1939.

PAR. 3. Section 408.216 is amended as follows:

(A) By revising § 408.216 (a) (1) to read as follows:

(1) Services performed by an employee in the employ of a religious, charitable, educational, or other organization exempt from income tax under section 101 (6) of the Internal Revenue Code are excepted from employment. However, this exception does not apply to services (i) performed during the period for which a certificate, filed pursuant to section 1426 (l) of the act, is in effect if such services are performed by an employee (*a*) whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the list filed by such organization under section 1426 (l) of the act, or (*b*) who became an employee of such organization after the calendar quarter in which the certificate was filed; or (ii) with respect to which the employee and employer taxes have been paid and a request is thereafter filed under the conditions stated in paragraph (c) (1) and (2) of this section.

(B) By revising the first and second sentences of § 408.216 (b) (2) (v) to read as follows:

(v) Services performed in the employ of an organization which has duly filed a certificate are not excepted from employment under section 1426 (b) (9) (B) of the act, during the period for which the certificate is in effect, if such services are performed by an employee (*a*) whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the list filed by the organization on Form SS-15a, or on Form SS-15a Supplement, or (*b*) who becomes an employee of the organization after the calendar quarter in which the certificate is filed. Consequently, the taxes imposed under the Act will apply to the organization and to each employee whose services constitute employment and whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the accompanying list or on any supplemental list or lists filed within the prescribed time, commencing with the first day following the close of the calendar quarter in which the certificate is filed. * * *

(C) By adding at the end of § 408.216 the following new paragraphs (c) and (d):

(c) *Special procedure for coverage of certain services in cases where waiver was not filed prior to September 1, 1954—*

(1) *In general.* Pursuant to section 403 (a) of the Social Security Amendments of 1954, any individual who, as an employee, performed services after December 31, 1950, and prior to September 1, 1954, for an organization exempt from income tax under section 101 (6) of the Internal Revenue Code which had failed to file, prior to September 1, 1954, a valid certificate under section 1426 (l) of the act, may request that the remuneration received by him for services performed in the employ of the organization after 1950 and before 1955 be deemed to constitute remuneration for employment for purposes of the taxes imposed under the act and for purposes of title II of the Social Security Act, if:

(i) Any of the services performed by the individual after December 31, 1950, and prior to January 1, 1955, would have constituted employment, as defined in section 1426 (b) of the act, if a certificate on Form SS–15 filed by the organization under section 1426 (l) of the act had been in effect for the period during which the services were performed and the individual's signature had appeared on the accompanying list on Form SS–15a;

(ii) The employee and employer taxes have been paid with respect to any part of the remuneration received by the individual from the organization for such services;

(iii) A part of such taxes was paid prior to September 1, 1954;

(iv) Such taxes as were paid before September 1, 1954, were paid by the organization in good faith and upon the assumption that it had filed a valid certificate under section 1426 (l) of the act; and

(v) No refund (or credit) of such taxes has been obtained either by the employee or the employer, exclusive of any refund (or credit) which would be allowable if the services performed by the individual had constituted employment.

The provisions of section 403 (a) of the Social Security Amendments of 1954 have no application to remuneration for services performed after 1954.

(2) *Execution and filing of request.* (i) Except where the alternative procedure set forth in subdivision (ii) of this subparagraph is followed, the request of an individual under section 403 (a) of the Social Security Amendments of 1954 shall be made and filed as provided in this subdivision. The request shall be in writing, shall be signed and dated by the individual, and shall include:

(a) The name and address of the organization for which the services were performed;

(b) The name, address, and social security account number of the individual;

(c) A statement that the individual has not obtained refund or credit (other than a refund or credit which would be allowable if the services had constituted employment) from the district director of any part of the employee tax paid with respect to remuneration received by him from the organization for services performed after 1950 and before 1955; and

(d) A request that all remuneration received by him from the organization for such services with respect to which employee and employer taxes have been paid shall be deemed to constitute remuneration for employment to the extent authorized by section 403 (a) of the Social Security Amendments of 1954. The request of an individual shall be accompanied by a statement of the organization incorporating the substance of each of the five conditions listed in subparagraph (1) of this paragraph. The statement of the organization should also show that the individual performed services for the organization after December 31, 1950, and prior to September 1, 1954; that the organization was exempt from income tax under section 101 (6) of the Internal Revenue Code and failed to file, prior to September 1, 1954, a valid certificate under section 1426 (l) of the act; and the district director with whom returns on Form 941 are filed. Such statement must be signed by the president or other principal officer of the organization who shall certify that the statement is correct to the best of his knowledge and belief. If the statement of the organization is not submitted with the individual's request, the individual shall include in his request an explanation of his inability to submit such statement. Other information may be required, but should be submitted only upon receipt of a specific request therefor. No particular form is prescribed for the request of the individual or the statement of the organization required to be submitted with the request. The individual's request should be filed with the district director with whom the organization files returns on Form 941. If the individual is deceased or mentally incompetent and the request filed pursuant to section 403 (a) of the Social Security Amendments of 1954 is made by the legal representative of the individual or other person authorized to act on his behalf, the request must be accompanied by evidence showing such person's authority to make the request.

(ii) An organization which has or had in its employ individuals with respect to whom section 403 (a) of the Social Security Amendments of 1954 is applicable may, if it so desires, prepare a form or forms for use by any such individual or individuals in making requests under such section. Any such form shall provide space for the signature of the individual or individuals and shall contain such information as is required by subdivision (i) of this subparagraph to be included in a request. Any such form used by more than one individual, and any such form used by one individual which is signed and returned to the organization, shall be submitted by the organization, together with its statement (as required in subdivision (i) of this subparagraph), to the district director with whom the organization files returns on Form 941. An individual is not required to use a form prepared by the organization but may, at his election, file his request in accordance with the provisions of subdivision (i) of this subparagraph.

(3) *Optional tax payments by organization.* An organization which, prior to September 1, 1954, has reported and paid taxes under the act with respect to any portion of the remuneration paid to an individual, who is eligible to file a request under section 403 (a) of the Social Security Amendments of 1954, for services performed by him subsequent to 1950 and prior to 1955, may report and pay taxes under the act on or after September 1, 1954, with respect to any remaining portion of such remuneration which would have constituted wages if a certificate had been in effect with respect to such services. Such taxes may be reported as an adjustment without interest in the manner prescribed in Subpart G of the regulations in this part. The statement in explanation of such adjustment should include a reference to section 403 (a) of the Social Security Amendments of 1954.

(4) *Effect of request.* If a request is made and filed under the conditions stated in subparagraphs (1) and (2) of this paragraph with respect to one or more individuals, remuneration for services performed by each such individual subsequent to 1950 and prior to 1955, with respect to which the employee and employer taxes are paid on or before the date on which the request is filed with the district director, will be deemed to constitute remuneration for employment to the extent that such services would have constituted employment as defined in section 1426 (b) of the act if a certificate had been in effect with respect to such services. However, the provisions of section 1426 (a) of the act and §§ 408.226 and 408.227 applicable in determining the extent to which such remuneration for employment constitutes wages for purposes of the employee and employer taxes.

(d) *Special procedure for coverage of certain services in cases where individual failed to sign list of concurring employees*—(1) *In general.* Pursuant to section 403 (b) of the Social Security Amendments of 1954, any individual who, as an employee, performed services after December 31, 1950, and prior to September 1, 1954, for an organization which filed a valid certificate under section 1426 (l) of the act, but who failed to sign the list of employees concurring in the filing of such certificate, may request that the remuneration received by him for such services be deemed to constitute remuneration for employment for purposes of the taxes imposed under the act and for purposes of title II of the Social Security Act, if:

(i) Any of the services performed by the individual after December 31, 1950, and prior to September 1, 1954, would have constituted employment, as defined in section 1426 (b) of the act, if his signature had appeared on the list of employees who concurred in the filing of the certificate;

(ii) The employee and employer taxes were paid prior to September 1, 1954, with respect to any part of the remuneration received by the individual from the organization for such services; and

(iii) No refund (or credit) of such taxes has been obtained either by the employee or the employer, exclusive of any refund (or credit) which would be allowable if the services performed by the individual had constituted employment.

(2) *Effect of request.* An individual who makes and files a request under the conditions stated in subparagraphs (1) and (3) of this paragraph with respect to services performed as an employee of an organization exempt from income tax under section 101 (6) of the Internal Revenue Code will be deemed to have signed the list accompanying the certificate filed by the organization under section 1426 (l) of the act. Accordingly, all services performed by the individual for the organization on and after the effective date of the certificate will constitute employment to the same extent as if he had, in fact, signed the list. The employee tax and employer tax are applicable with respect to any remuneration paid to the employee by the organization which constitutes wages. If less than the correct amount of such taxes has been paid, the additional amount due should be reported as an adjustment without interest within the time specified in Subpart G of the regulations in this part. The statement in explanation of such adjustment should include a reference to section 403 (b) of the Social Security Amendments of 1954.

(3) *Execution and filing of request.* (i) Except where the alternative procedure set forth in subdivision (ii) of this subparagraph is followed, the request of an individual under section 403 (b) of the Social Security Amendments of 1954 shall be made and filed as provided in this subdivision. The request shall be filed on or before January 1, 1957, shall be in writing, shall be signed and dated by the individual, and shall include:

(*a*) The name and address of the organization for which the services were performed;

(*b*) The name, address, and social security account number of the individual;

(*c*) A statement that the individual has not obtained a refund or credit (other than a refund or credit which would be allowable if the services had constituted employment) from the district director of any part of the employee tax paid before September 1, 1954, with respect to remuneration received by him from the organization;

(*d*) A request that all remuneration received by the individual from the organization for services performed after 1950 and before September 1, 1954, with respect to which employee and employer taxes were paid before September 1, 1954, shall be deemed to constitute remuneration for employment to the extent authorized by section 403 (b) of the Social Security Amendments of 1954; and

(*e*) A statement that the individual understands that, upon the filing of such request with the district director, (*1*) he will be deemed to have concurred in the certificate which was previously filed by the organization, and (*2*) the employee and employer taxes will be applicable to all wages received, and to be received, by him for services performed for the organization on or after the effective date of such certificate to the extent that such taxes would have been applicable if he had signed the list on Form SS–15a submitted with the certificate.

The request of an individual shall be accompanied by a statement of the organization incorporating the substance of each of the three conditions listed in subparagraph (1) of this paragraph. The statement of the organization should also show that the individual performed services for the organization after December 31, 1950, and prior to September 1, 1954; that the organization filed a valid certificate under section 1426 (l) of the act; and the district director with whom returns on Form 941 are filed. Such statement must be signed by the president or other principal officer of the organization who shall certify that the statement is correct to the best of his knowledge and belief. If the statement of the organization is not submitted with the individual's request, the individual shall include in his request an explanation of his inability to submit such statement. Other information may be required, but should be submitted only upon receipt of a specific request therefor. No particular form is prescribed for the request of the individual or the statement of the organization required to be submitted with the request. The individual's request should be filed with the district director with whom the organization files returns on Form 941. If the individual is deceased or mentally incompetent and the request filed pursuant to section 403 (b) of the Social Security Amendments of 1954 is made by the legal representative of the individual or other person authorized to act on his behalf, the request must be accompanied by evidence showing such person's authority to make the request.

(ii) An organization which has or had in its employ individuals with respect to whom section 403 (b) of the Social Security Amendments of 1954 is applicable, may, if it so desires, prepare a form or forms for use by any such individual or individuals in making requests under such section. Any such form shall provide space for the signature of the individual or individuals and shall contain such information as is required by subdivision (i) of this subparagraph to be included in a request. Any such form used by more than one individual, and any such form used by one individual which is signed and returned to the organization, shall be submitted by the organization, together with its statement (as required in subdivision (i) of this subparagraph), to the district director with whom the organization files returns on Form 941. An individual is not required to use a form prepared by the organization but may, at his election, file his request in accordance with the provisions of subdivision (i) of this subparagraph.

[F. R. Doc. 56–1928; Filed, Mar. 13, 1956; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55), issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendment would change slightly the character of shell eggs that are permitted to be included in product which bears the official inspection mark; would change the liquid cooling provisions to make them more practical and in line with newer methods of processing egg products; and would make minor changes in the washing and sanitizing requirements applicable to the cleaning of equipment used in processing operations. Many of the changes are for the purpose of rephrasing the requirements in the interest of clarity and continuity.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Services, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (h) of § 55.2 *Terms defined* to read as follows:

(h) "Eggs of current production" means shell eggs which have moved through usual marketing channels since the time they were laid, and have not been held in refrigerated storage in excess of 60 days, except that segregated checks and dirty eggs which have been held in excess of 7 days shall not be considered as "eggs of current production".

2. Delete the last sentence of § 55.35 *Approval of official identification* and insert in lieu thereof the following: "The label shall contain the common or usual name of the product, if any there be, the name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such term as 'packed for,' 'distributed by,' or 'distributors,' the lot number, a statement of the net contents of the container, and if the product is comprised of two or more ingredients such ingredients shall be listed in the order of descending proportions. Effective 90 days following the effective date of this amendment, egg products that are labeled 'Whites and yolks' shall have the total solids content declared on the label if the solids content is less than 25½ percent."

3. Change § 55.37 *Products that may bear the inspection mark* to read as follows:

§ 55.37 *Products that may bear the inspection mark.* Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs of current production or other egg products which bear the inspection mark, and may contain other edible ingredients.

4. Change § 55.39 to read as follows:

§ 55.39 *Products which may bear other official identification.* Egg products which are produced in an official

plant from edible shell eggs of other than current production or from other egg products which bear the rectangular mark set forth in Figure 3 of § 55.38, or shell eggs or egg products described in § 55.37, may bear the identification mark illustrated in Figure 3 of § 55.38 and such products may contain other edible ingredients. None of such products may bear the inspection mark illustrated in Figures 1 and 2 of § 55.36. After freezing and prior to shipping such products shall be drilled and inspected organoleptically by a grader of frozen eggs and those products which are in satisfactory condition may bear the identification set forth in Figure 3 of § 55.38.

5. Change subparagraph (1) of paragraph (a) of § 55.65 *Egg products grading and inspection fees* to read as follows:

(a) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 15 packages or less	$2.00
For 16 to 50 packages, inclusive	3.00
For each additional 100 packages, or fraction thereof, in excess of 50 packages	1.00
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be	.20

6. Change § 55.68 *On a contract basis* to read as follows:

§ 55.68 *On a resident inspection basis*—(a) *Charges.* The charges for grading and inspection of egg products shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading and inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the grading and inspection service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of $75 for the initial survey and examination of blue prints of the designated plant and its premises prior to the performance, by AMS, of the grading and inspection service.

(2) A charge of $100 for the final survey and inauguration of the grading and inspection service including the assignment of one grader or inspector and one alternate grader or inspector, provided they are installed at the same time.

(3) A charge of $50 for each additional grader or inspector or replacement of a previously assigned grader or inspector to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service.

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave; *Provided*, That, no charge is to be made for salary cost for any assigned grader or inspector of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(5) A charge equal to the salary cost, travel expenses and per diem paid by AMS to any grader or inspector whose services are required for relief purposes when regular graders or inspectors are on annual leave or sick leave.

(6) A charge for the actual cost to AMS of any travel or per diem incurred by each grader or inspector assigned to the plant while in the performance of grading or inspection service rendered the applicant.

(7) A charge, at the sole discretion of AMS of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant.

(8) A charge, included in salary cost, equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 20,000 pounds	$25.00
20,001 to 100,000 pounds	38.00
100,001 to 150,000 pounds	42.75
150,001 to 200,000 pounds	47.50
200,001 to 250,000 pounds	52.25
250,001 to 300,000 pounds	57.00
300,001 to 400,000 pounds	61.75
400,001 to 500,000 pounds	66.50
500,001 to 600,000 pounds	71.25
600,001 to 700,000 pounds	76.00
700,001 to 800,000 pounds	80.75
800,001 to 900,000 pounds	85.50
900,001 to 1,000,000 pounds	90.25
1,000,001 pounds and over	95.00

(10) A charge of $5 per hour plus actual cost to AMS for per diem and travel cost incurred in rendering service not specifically covered by this contract such as surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader or inspector exclusive of one regular grader or inspector whose salary is paid by AMS.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the grading and inspection service.

(2) AMS will provide as available an adequate number of graders or inspectors to perform the grading and inspection service.

(3) At the sole discretion of AMS, graders or inspectors may be either Federal or State employees or licensed employees of the applicant.

(4) The grading and inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by

(i) Mutual consent;

(ii) Thirty (30) days written notice, by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the services pursuant to the provisions of the following subdivision (v) of this subparagraph:

(v) Grading and inspection services shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders or inspectors will be required to confine their activities to those duties necessary in the rendering of grading and inspection service and such closely related activities as may be approved by AMS; *Provided*, That, in no instance will the Federally employed grader or inspector assume the duties of management.

7. Change paragraph (m) of § 55.77 *General operating procedures* to read as follows:

(m) All utensils and equipment, except the drying units and in case of albumen driers, the powder conveyors, mechanical powder coolers, blenders and drying unit, shall be cleaned and sanitized at the start of each day's processing operations and, except as otherwise provided in § 55.83 (z), at the resumption of processing operations following any cessation of such operations for 30 minutes or longer. All such equipment and utensils shall be kept clean and sanitary during all processing operations.

8. Change paragraph (e) of § 55.78 *Candling room facilities* to read as follows:

(e) Suitable containers shall be provided for edible leakers.

9. Change paragraph (c) of § 55.79 *Candling room operations* to read as follows:

(c) Wooden spools on mechanical candling machines shall be maintained in a clean condition during operation.

10. Change § 55.79 (d) to read as follows:

(d) Containers for trash and inedible eggs shall be removed from the candling room as often as necessary but at least once daily; and shall be cleaned and treated in such a manner as will avoid off odors or create objectionable conditions in the plant.

11. Delete subparagraphs (4), (5), and (6) of paragraph (g) of § 55.79 *Candling room operations* and substitute in lieu thereof, the following:

(4) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 55.77 (c). Inedible and loss eggs, for the purposes of this section and § 55.83, are defined to include black rots, white rots, mixed rots, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood-ring stage, sour and musty eggs, and any other filthy and decomposed eggs including the following:

(i) Any egg with visible foreign matter, other than removable blood spots, in the egg meat.

(ii) Any egg with a sizable portion of the shell and shell membrane missing and with egg meat adhering to the outside of the shell.

(iii) Any dirty egg with cracks in the shell and shell membrane and with the contents exuding freely.

(iv) Any egg with a large portion of the membrane and shell missing so that the egg, in effect, is a smashed egg.

(v) Any egg with conditions which make washing or breaking without contaminating the contents impossible.

(vi) Open leakers made in the washing operation prior to removal from the machine.

(5) Edible eggs include all eggs which are fit for human food and which are not defined as inedible or loss in §55.79 (g) (4). Edible eggs include eggs from which blood spots (localized clots of blood which can be removed readily) have been removed.

12. Change paragraphs (a) and (b) of § 55.81 *Egg cleaning operations* to read as follows:

(a) All shell eggs with adhering dirt shall be cleaned prior to breaking. If such eggs are washed, they shall be rinsed with a water spray and promptly dried. Such eggs may be immersed in or sprayed with a sanitizing solution immediately following the water rinse, and thereafter promptly dried prior to breaking.

(b) Temperature of the wash water shall be at least 20° F. higher than the temperature of the eggs to be washed.

13. Change paragraph (e) of § 55.82 to read as follows:

(e) There shall be provided adequate hand washing facilities, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

14. Change paragraph (h) of § 55.82 to read as follows:

(h) Conveyors for shell eggs shall be so constructed as will permit them to be operated in a clean and sanitary manner.

15. Delete paragraphs (j) through (p) of § 55.82 and substitute, in lieu thereof, the following:

(j) All liquid-egg containers, including cups, buckets, pipes, pumps and other equipment which come in contact with liquid eggs, shall be free from leaks, excessive dents, rust spots and seams which make cleaning difficult.

(k) Frozen egg containers are not acceptable as liquid-egg buckets.

(l) An inspection station shall be provided for the examination of egg liquid requiring special inspection. A suitable container bearing an identifying mark shall be placed near the inspection station for disposal of rejected liquid.

(m) Strainers, settling tanks, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles, and foreign material, unless specific approval is obtained from the National Supervisor for other mechanical devices.

(n) Separate churn or draw-off rooms, if provided, shall meet requirements that are comparable to those listed under this section.

(o) In the processing of whole eggs or albumen, hashers may be used when preceded by an approved settling tank or strainer, or followed by a centrifugal clarifier.

16. Change paragraph (c) of § 55.83 *Breaking room operations* to read as follows:

(c) Shell egg conveyors shall be maintained in a sanitary condition while in operation.

17. Change paragraphs (e), (f) and (g) of § 55.83 to read as follows:

(e) Paper towels or tissues may be used at breaking tables, but shall not be reused. Cloth towels are not permitted.

(f) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2 hours.

(g) Cups shall not be filled to overflowing.

18. Change paragraph (i) of § 55.83 to read as follows:

(i) Shell particles, meat and blood spots and other foreign material accidentally falling into the cups or trays shall be removed. Breakers shall keep their fingers out of the cups, trays, pails and cans at all times.

19. Change paragraphs (j) and (k) of § 55.83 to read as follows:

(j) Whenever an inedible egg is broken, the affected breaking equipment shall be replaced with a complete set of clean equipment, except that only the cup need be exchanged when bloody whites or blood rings are encountered.

(k) Inedible and loss eggs as defined in § 55.79 (g) (4), apply to this section.

20. Change the first sentence of paragraph (n) of § 55.83 to read as follows:

(n) All inedible egg liquid must be placed in a clearly identified container containing a denaturant. * * *

21. Change paragraphs (q) and (r) of § 55.83 to read as follows:

(q) Edible leakers and checks which are liable to be smashed in the breaking operation shall be broken at a separate station by specially trained personnel.

(r) All egg liquid and ingredient containers and additives such as salt, sugar, and syrups shall be handled in a clean and sanitary manner.

22. Change paragraphs (v), (w), and (x) of § 55.83 to read as follows:

(v) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(w) Belt type shell egg conveyors shall be cleaned and sanitized whenever processing operations have ceased for 30 minutes or longer and shall be cleaned and sanitized at the end of each shift in addition to continuous cleaning during operation.

(x) Cups, knives, racks, separators, trays, spoons, liquid-egg pails, and other breaking receptacles shall be cleaned and sanitized at least every 2 hours. At the end of a shift, this equipment shall be cleaned and immediately prior to use again it shall be immersed in a sanitizing solution and drained.

23. Change paragraph (z) of § 55.83 to read as follows:

(z) Dump tanks, draw-off tanks, low pressure liquid egg lines and surface, tubular, or plate coolers shall be flushed whenever processing operations have ceased for 30 minutes or longer, except when such equipment is used exclusively for preparing blends and mixes of egg products with added ingredients, in which case said equipment shall be flushed whenever processing operations have ceased for 60 minutes or longer. All such equipment, unless cleaned by acceptable in-place cleaning methods, shall be dismantled, cleaned and sanitized after each shift and shall not be reassembled more than 2 hours prior to use. Such equipment shall be flushed with a sanitizing solution for at least one minute prior to placing in use.

24. Change paragraph (aa) of § 55.83 to read as follows:

(aa) Strainers, clarifiers, and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation, and unless gauges are installed which indicate satisfactory operation, pressure strainers shall be cleaned and sanitized at least once each 2 hours of operation.

25. Delete paragraphs (dd) through (ll) of § 55.83 and substitute, in lieu thereof, the following paragraphs:

(dd) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned

after each use. Such equipment shall be clean and shall be sanitized immediately prior to placing in use.

(ee) Tables, shell conveyors and containers, and containers for inedible egg liquid shall be cleaned and sanitized at the end of each shift.

(ff) Mechanical egg breaking equipment shall be flushed with clean water under pressure at lunch periods and shall be thoroughly cleaned and sanitized at the end of each shift.

(gg) All frozen egg products prepared under the Egg Products Inspection Service in official plants shall be examined by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and any official identification mark which appears on any container thereof shall be removed or completely obliterated.

26. Change § 55.85 *Liquid cooling operations* to read as follows:

§ 55.85 *Liquid cooling operations.* (a) Liquid-egg storage rooms, including surface cooler and holding tank room, shall be kept clean, free from objectionable odors and condensation.

(b) All shell eggs shall be precooled to temperatures which will produce liquid eggs at a temperature so that the liquid egg at no time during processing, other than while stabilizing or pasteurizing, will exceed 70° F.

(c) All product which is not subjected to immediate stabilization or pasteurization or is not cooled to 45° F. or less within 1½ hours from time of breaking shall be moved directly and continuously into a sharp freezer maintained at such temperature and with such air circulation as will cool the product to 45° F. or less, within approximately 2 hours.

(d) Liquid egg, other than whites, held for shipment in liquid form, drying, stabilization or pasteurization or which is not moved directly into a freezer shall be cooled to 45° F. within 1½ hours from time of breaking and maintained at temperatures not exceeding 45° F. until loaded for shipment, dried, or frozen. Such liquid eggs if to be held for more than 8 hours shall be reduced to a temperature of less than 40° F. within 1½ hours from time of breaking and held at that temperature or less until stabilizing or pasteurizing operations are begun, or until dried, or frozen, or delivered to the consumer.

(e) Stabilized liquid eggs shall be cooled to 45° F. or less unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately following stabilization and be completed within 3 hours.

(f) Pasteurized liquid egg shall be continuously cooled to 45° F. or less, unless dried or stabilized immediately following pasteurization.

(g) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70° F., provided the stabilization process is begun within 8 hours from time of breaking. If to be held longer than 8 hours prior to stabilization, the liquid whites shall be cooled immediately after breaking to 55° F., and held at that temperature or lower until stabilizing is begun. Drying will be carried out as soon as possible after the removal of the glucose and the capacity of the drier shall be sufficient to handle the volume of product stabilized so that the storage of stabilized liquid white will not be necessary as a regular operating procedure, except as necessary to provide for emergencies and to provide for continuous operations provided the liquid is cooled to 40° F. or lower, immediately following stabilization and maintained at such temperatures until dried.

(h) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(i) Surface coolers must be kept covered at all times unless located in a separate room maintained under sanitary conditions.

(j) Agitators shall be operated in such a manner as will minimize the production of foam.

(k) When ice is used as an emergency refrigerant, by being placed directly into the egg meat, the source of the ice must to certified by the local or State Board of Health. Such liquid shall not be frozen and identified with the Department legend, but it may be dried and so identified. All ice shall be handled in a sanitary manner.

27. Delete paragraph (d) of § 55.89 *Defrosting facilities.*

28. Change paragraph (a), and the introductory paragraph and subparagraph (2) of paragraph (d) of § 55.90 *Defrosting operations,* to read as follows:

(a) Frozen whole eggs, whites and yolks, and yolks shall be turned into a liquid state in a sanitary manner as quickly as possible after the defrosting process has begun.

* * * * *

(d) Frozen whole eggs, whites and yolks, and yolks may be tempered or partially defrosted for not to exceed 48 hours at a room temperature no higher than 40° F., or not to exceed 24 hours at a room temperature above 40° F.: *Provided,* That no portion of the defrosted liquid shall exceed 50° F. while in or out of the container.

* * * * *

(2) The defrosted liquid shall be held at 40° F. or less, except in the case of the product to be pasteurized or stabilized by glucose removal as provided in § 55.85. Defrosted liquid shall not be held more than 16 hours prior to drying.

29. Change paragraph (i) of § 55.91 *Spray process drying facilities* to read as follows:

(i) Sifters of approved construction and sifting screens shall be no coarser than the opening size specified for No. 16 mesh (U. S. Bureau of Standards). Sifters must be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

30. Change paragraph (c) of § 55.92 *Spray process drying operations* to read as follows:

(c) Low pressure liquid egg lines, high pressure pumps, low pressure pumps, homogenizers and pasteurizers, unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each day's operation.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned and sanitized immediately after being removed.

(2) High pressure lines shall be flushed with cool water, flushed with acceptable detergents, and rinsed with a sanitizing solution after each day's operation.

(3) Within 2 hours prior to resuming operations, equipment shall be reassembled and flushed with a sanitizing solution for not less than one minute.

31. Change paragraph (d) of § 55.92 to read as follows:

(d) All powder shall be sifted through a No. 16 or finer mesh screen (U. S. Bureau of Standards); and the screen shall be replaced whenever torn or worn.

32. Change paragraph (g) of § 55.92 to read as follows:

(g) Drying units used for other than drying albumen shall be cleaned and sanitized at least once each week and the primary chamber shall be cleaned whenever wet powder is encountered. Bags for bag collectors shall be dry cleaned or laundered at least once each month. Drying units used for drying albumen shall be operated in a clean and sanitary manner.

33. Change paragraph (h) of § 55.92 to read as follows:

(h) Powder conveyors, mechanical powder coolers, and blenders used in drying other than albumen shall be cleared of product daily and cleaned whenever operations have ceased for 24 hours or longer and at least once each week. Powder sifters shall be cleaned daily. Such equipment, when used in connection with albumen drying operations, shall be maintained in a sanitary condition.

34. Change paragraph (b) (5) of § 55.93 to read as follows:

(5) Dust-house, brush bag, and badly scorched powder and screenings, shall not be blended or officially identified, except that brush bag powder from albumen driers may be blended and officially identified.

35. Change paragraph (h) of § 55.96, to read as follows:

(h) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

36. Change paragraph (c) of § 55.97 *Dried egg storage,* to read as follows:

(c) Spray process dried whole eggs should be placed under refrigeration as soon as possible after packaging. Such products should be placed under refrigeration at 50° F. or below within 24 hours after manufacture.

37. Change § 55.99 to read as follows:

§ 55.99 *Cleaning and sanitizing requirements*—(a) *Cleaning.* (1) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless in-place cleaning is employed) to flush soiled equipment with clean cool water, dismantle it and then wash by brushing with warm water containing a detergent and followed by rinsing with clean cool water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(2) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by subjecting, for not less than one minute, the equipment surfaces to a hypochlorite or other approved sanitizing solution carrying a minimum strength of 200 p. p. m. of chlorine or its equivalent. The solution shall be changed whenever the strength of the solution drops to 100 p. p. m. of available chlorine or its equivalent.

(2) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents.

38. Change the title and first sentence of § 55.101 *Pasteurization of liquid whole eggs* to read as follows:

§ 55.101 *Pasteurization of liquid eggs.* When liquid whole eggs, whites and yolks and yolks are pasteurized the provisions of this section shall apply. * * *

39. Change the first sentence of § 55.101 (b) *Pasteuirzing operations* to read as follows: "The strained or filtered liquid egg shall be flash heated to not less than 140° F. and shall be held at not less than 140° F. for not less than 3 minutes and not more than 4 minutes."

40. Change the title and provisions of § 55.122 to read as follows:

§ 55.122 *Application for grading and inspection service with respect to egg products.* Application is hereby made, in accordance with the applicable provisions of the regulations governing the grading and inspection of egg products, for grading and inspection of egg products at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing grading and inspection of products as may be issued, from time to time, by the Administrator). This application is made for grading and inspection services to be performed on a resident inspection basis pursuant to § 55.68 and such other provisions of the aforesaid regulations which are applicable.

_____
(Applicant [1])
By _____
_____
(Street)
_____
(City) (State)
_____
(Date)

Application granted:

_____
(Date)

_____
_____
(Title)

[1] No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 9th day of March, 1956.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 56-1941; Filed, Mar. 13, 1956; 8:48 a. m.]

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U. S. C. 1281 et seq., is considering revising and amending the regulations governing the holding of referenda on marketing quotas as published in Title 7, Code of Federal Regulations, Supplement as of January 1, 1955, §§ 717.1 to 717.14, each inclusive and as amended in 20 F. R. 3930, 8621, in the following respects:

1. Include § 717.1 with the following amendment: Insert after paragraph (g) paragraph (h) as follows:

(h) *Engaged in production.* The term "engaged in production" shall include planting a crop even though the crop is not harvested, if such failure to harvest is not caused by the neglect of the farmer.

2. Include without change §§ 717.2, 717.4, 717.5, 717.8, 717.9, 717.10, 717.11, 717.12, 717.13, and 717.14.

3. Include § 717.3 and amend said section to read as follows:

§ 717.3 *Voting eligibility*—(a) *Special eligibility requirements with respect to particular commodities*—(1) *Upland cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton shall not be eligible to vote in the upland cotton referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(4) *Wheat.* Farmers who will be engaged in the production of wheat for harvest in the calendar year in which the marketing year with respect to which the referendum is held begins on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for the marketing year with respect to which the referendum is held and who intends to harvest in any manner in excess of fifteen acres of wheat for grain on the farm and who is entitled to share in the proceeds of such wheat crop as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, shall be eligible to vote in a referendum with respect to wheat. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice or in the production of nonirrigated rice on a farm on which more than three acres of nonirrigated rice were planted, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who engaged in the production of peanuts in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, on a farm on which the picked and threshed acreage of peanuts (i. e. peanuts harvested for nuts) in such year is more than one acre. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(b) *General eligibility requirements which apply to referenda on any commodity.* (1) A person as defined in § 717.1 (f) may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which the person is interested: *Provided, however,* That an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a partnership which is also eligible as a voter and entitled to one vote.

(2) Where a group of several persons, such as husband, wife, and children, have participated or will participate in the production of a commodity under a single lease or cropping agreement only the person or persons who signed and entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons have produced or will produce a commodity not as members of a partnership but as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified.

(3) Subject to the provisions of § 717.7 (c) no farmer shall be eligible to vote in any community other than the community in which he resides at the time of the referendum, except that any farmer who will not vote in such community may vote at the polling place in the community in which he was engaged, or will be engaged, in the production of the commodity which will qualify him as a voter.

(c) *Register of eligible voters.* The county committee shall cause to be prepared on form MQ–4 a register of eligible voters for each community or neighborhood in the county. The register shall contain, insofar as can be ascertained prior to the holding of the referendum, the names and addresses of all persons shown on the records of the county committee or known to it as persons eligible to vote in the referendum in the community or neighborhood. Each register of eligible voters shall be furnished by the county office manager to the chairman (or, in his absence, the vice chairman) of the appropriate community referendum committee prior to the time the polls in the county are opened for the acceptance of ballots. Any person who, on the basis of the eligibility requirements set out in paragraph (b) of this section, believes he is eligible to vote in a referendum should notify the county committee of the county in which he intends to vote and is eligible to vote, and request that his name be entered on the register of eligible voters, however, a person on the register may be challenged by the community referendum committee as provided in § 717.7 (d) (3), and a ballot may be issued to a person not on the register as provided in § 717.9.

4. Include § 717.6 with the following amendment:

Revise the second sentence to read as follows: "The notice shall contain information concerning the commodity and marketing year or years, or crops for which the referendum is to be held, a summary of the rules governing eligibility to vote, the location of the polling places in the community or neighborhood, the date of the referendum and the hours when the polls will be opened and closed."

5. Include § 717.7 with the following amendment:

Delete the first sentence of paragraph (c) and insert in lieu thereof the following: "Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may, as early as five days prior to the date of the referendum, obtain a ballot at the most conveniently located county committee office and cast his ballot by mail."

All persons who desire to submit written data, views, or arguments in connection with the above proposals or wish to suggest other changes in the present regulations should file the same with the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of March 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56–1979; Filed, Mar. 13, 1956; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11647; FCC 56–211]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

STANDARD FREQUENCY SERVICE

In the matter of amendment of Part 2 of the commission's rules to make the band 4995–5005 kc available only to the standard frequency service.

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

2. In a small number of the bands allocated to services under the Atlantic City table of frequency allocations, the Commission has found it necessary to permit continued operation by a scattered few out-of-band assignments pending the clearance of the appropriately allocated bands for these assignments.

3. Recognition of such out-of-band assignments is provided for in § 2.104 (a) (3) (i) which sets forth the bands in which these assignments are permitted. The band 4995–5005 kc, allocated to the standard frequency service, is one of the bands so designated in § 2.104 (a) (3) (i).

4. All out-of-band services provided for in the band 4995–5005 kc have now been moved to their appropriately allocated bands. Therefore it is proposed to amend § 2.104 (a) (3) (i) by deleting the band 4995–5005 kc therefrom.

5. The proposed amendment to the rules is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final acts of the International Telecommunication Radio Conference (Atlantic City, 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951).

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 18, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, brief or comments filed shall be furnished the Commission.

Adopted: March 7, 1956.

Released: March 8, 1956.

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

[F. R. Doc. 56–1967; Filed, Mar. 13, 1956; 8:54 a. m.]

[47 CFR Part 2]

[Docket No. 11648; FCC 56–212]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

In the matter of amendment of § 2.104 (a) of the Commission's rules and regulations concerning the bands 2495–2850 kc, 3155–3400 kc and 4438–4650 kc.

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

The bands 2495–2850 kc, 3155–3400 kc and 4438–4650 kc, as contained in the Commission's table of frequency allocations, are allocated to the fixed and mobile services. Prior to this time a scattered few non-conforming services were operating in these bands. In recognition of these services, § 2.104 (a) (3) (i) permitted continuance of such operations pending their move to appropriate bands. The above-mentioned bands have now been cleared of all these non-conforming services.

It is therefore proposed to amend § 2.104 (a) (3) (i) by deleting therefrom the bands 2495–2850 kc, 3155–3400 kc and 4438–4650 kc.

The proposed amendment to the rules is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication Radio Conference (Atlantic City 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951).

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 18, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, brief or comments filed shall be furnished the Commission.

Adopted: March 7, 1956.

Released: March 8, 1956.

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

[F. R. Doc. 56-1968; Filed, Mar. 13, 1956; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943; 1956; 129th Supp.]

CELINA MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MARCH 8, 1956.

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 $325,000.00 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: The Celina Mutual Insurance Company, Celina, Ohio.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 56-1927; Filed, Mar. 13, 1956; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 04645]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 23, 1956.

The Department of Agriculture has filed an application, Serial No. Oregon 04645, for the withdrawal of the lands described below, from location or entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for use by the United States Forest Service as a public recreation area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

SISKIYOU NATIONAL FOREST, CURRY AND JOSEPHINE COUNTIES

T. 33 S., R. 8 W.,
Sec. 32: Lots 1 to 7 incl., NW¼SW¼;
Sec. 34: Lots 1, 3 to 10 incl., SE¼NW¼, SW¼SW¼, SE¼SW¼.
T. 33 S., R. 9 W.,
Sec. 8: S½S½;
Sec. 16: Lots 1 to 5 incl., NW¼NW¼, SE¼NW¼, SW¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 18: Lots 1 to 13 incl., excluding patented land in portions of Lots 3, 4, 5, N½NE¼, NE¼NW¼;
Sec. 22: Lots 1 to 8 incl., Lot 10, NW¼NW¼, SE¼NE¼, NW¼SW¼;
Sec. 26: Lots 1 to 9 incl., NW¼NE¼;
Sec. 36: Lots 1, 2, 3.
T. 33 S., R. 10 W.,
Sec. 9: Lots 3 to 6 incl.;
Sec. 10: Lots 1, 2, 6 to 10 incl., NE¼NE¼, SE¼NW¼NE¼, W½NE¼NW¼, NW¼NW¼, NE¼SE¼S½S½;
Sec. 12: Lots 1, 2, N½SW¼, NW¼SE¼, S½SE¼;
Sec. 14: Lots 1, 2, 3, NE¼NW¼, S½NE¼;
Sec. 16: Lots 1 to 8 incl., W½NE¼, NW¼NW¼, NE¼SW¼;
Sec. 18: Lots 2 to 8 incl., Lots 13 to 15 incl., Lots 17 and 20, N½NE¼, NE¼NW¼, S½SE¼, N½NE¼NW¼SW¼, NE¼NW¼NW¼SW¼;
Sec. 20: Lots 1 to 4 incl.;
Sec. 30: Lots 1, 2, 3, NE¼NW¼.
T. 33 S., R. 11 W.,
Sec. 35: Lots 1 to 6 incl., S½NE¼, NE¼SW¼;
Sec. 36: Lots 1 to 10 incl., N½NE¼, NE¼NW¼, SW¼NW¼.
T. 34 S., R. 8 W.,
Sec. 6: Lots 1 to 12 incl., NE¼SW¼, NW¼SE¼;
Sec. 12: Lots 1 to 8 incl., NW¼SW¼;
Sec. 13: Lots 3, 13;
Sec. 24: Lots 1, 3, 4, 5, 8;
Sec. 25: Lots 1, 2, 3, 6, 8, NE¼NW¼.
T. 34 S., R. 9 W.,
Sec. 2: Lots 1, 2, 3.
T. 34 S., R. 11 W.,
Sec. 1: Lots 1, 2, 3, 4;
Sec. 2: Lots 2 to 9 incl., SE¼NE¼, NE¼SW¼;
Sec. 10: Lots 1, 3, 4, NW¼NE¼, SE¼NW¼, E½SW¼NW¼.
T. 35 S., R. 11 W.,
Sec. 5: Lots 6, 7;
Sec. 8: Lot 1.
T. 35 S., R. 12 W.,
Sec. 21: Lots 1, 3, 4, 6.
T. 36 S., R. 13 W.,
Sec. 1: Lot 8, and unsurveyed SW¼SW¼;
Sec. 2: Lots 7, 10, 11, 12, NE¼SW¼;
Sec. 3: Lot 2.

7,870.67 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 56-1958; Filed, Mar. 13, 1956; 8:52 a. m.]

Bureau of Reclamation

SALT RIVER PROJECT, ARIZONA

CHANGE IN FORM OF WITHDRAWAL

JANUARY 26, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby change the form of withdrawal affecting the following described lands withdrawn in the second form by Departmental order of July 2, 1902, to the first form, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 6 E.,
Sec. 28, N½, N½SW¼, those portions south of the Fort McDowell Indian Reservation;
Sec. 33, SE¼NW¼.
T. 2 N., R. 7 E.,
Sec. 5, Lot 7;
Sec. 7, Lots 6 to 9, incl.;
Sec. 8, Lots 5, 6, 7, SE¼NW¼, E½SW¼, SE¼;
Sec. 17, Lots 1 to 4 incl.; NE¼, E½W½;
Sec. 18, Lots 9 to 19, incl., N½SE¼;
Sec. 19, Lots 1 and 2, NE¼, E½NW¼;
Sec. 20, NW¼.
T. 4 N., R. 7 E.,
Secs. 4 and 8, those portions lying north of the Fort McDowell Indian Reservation.

The above area aggregates approximately 2,343 acres.

E. G. NIELSEN,
Acting Commissioner.

[70787]

MARCH 8, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Salt River Project, Arizona

MARCH 8, 1956.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order changing the form of withdrawal of certain described lands in Oregon withdrawn in the second form to the first form, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 56-1934; Filed, Mar. 13, 1956; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LYKES BROS. STEAMSHIP CO., INC., AND GRACE LINE INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8065, between Lykes Bros. Steamship Co., Inc., and Grace Line Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to ports on the West Coast of the United States, with transshipment at Cristobal, Canal Zone.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 9, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1951; Filed, Mar. 13, 1956; 8:50 a. m.]

SKINNER CORP. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 7539-1, between Skinner Corporation (formerly Alaska Steamship Company), Lomen Commercial Company, and Alaska Steamship Company (formerly Alaska Trainships, Inc.), is an assignment and novation of Agreement No. 7539, between Alaska Steamship Company (now Skinner Corporation) and Lomen Commercial Company, whereby Skinner Corporation assigns all right, title and interest it has in said agreement to Alaska Steamship Company (formerly Alaska Trainships, Inc.), its wholly owned subsidiary, and the latter assumes all obligations so assigned. Agreement No. 7539 is an arrangement whereby Lomen agress to collect for account of Alaska all freight charges and/or advance charges due Alaska for or on account of all freight delivered by Alaska to Lomen's lighters at ship's anchorage at Nome, Alaska, and other places from Norton Sound to Kotzebue Sound, Alaska, for transportation by Lomen to shore for delivery to consignee.

(2) Agreement No. 7799-1, between Skinner Corporation (formerly Alaska Steamship Company, Northern Commercial Company, and Alaska Steamship Company (formerly Alaska Trainships, Inc.), is an assignment and novation of Agreement No. 7799, between Alaska Steamship Company (now Skinner Corporation) and Northern Commercial Company, whereby Skinner Corporation assigns all right, title and interest it has in said agreement to Alaska Steamship Company (formerly Alaska Trainships, Inc.), its wholly owned subsidiary, and the latter assumes all obligations so assigned. Agreement No. 7799 covers the transportation of cargo under through bills of lading between Seattle and Tacoma, Washington, and ports in Alaska, with transshipment at St. Michael (anchorage).

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 9, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1952; Filed Mar. 13, 1956; 8:51 a. m.]

MONTSHIP LINES LTD. AND GESTIONI ESERCIZIO NAVI SICILIA—G. E. N. S.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733 46 U. S. C. 814.

Agreement No. 8069, between Montship Lines Limited and Gestioni Esercizio Navi Sicilia—G. E. N. S., provides for the establishment and maintenance of a joint cargo service under the trade name "Montship-Capo Great Lakes Service", in the trade between ports on the Great Lakes of the United States, on the one hand, and ports in the Mediterranean Sea, Iberian Peninsula and North Africa, on the other hand. Agreement No. 8069, upon approval, will supersede and cancel approved joint service agreement No. 8035, between Montship Lines Limited and Gestioni Esercizio Navi—G. E. N., in the same trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 9, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1953; Filed, Mar. 13, 1956; 8:51 a. m.]

MEMBER LINES OF TRANS-PACIFIC PASSENGER CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to

section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 131–220, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law D–12 of the conference agreement (No. 131), which provides that members shall not change the designation of the accommodations of their ships from a higher class to a lower class, or from a lower class to a higher class, except upon giving six weeks notice to the other members notwithstanding the notice requirement in By-Law D–1 (b). The notice requirement in By-Law D–1 is contained in paragraph now identified as paragraph (c) rather than paragraph (b). The purpose of the modification is to correct the designation of said paragraph as referred to in By-Law D–12.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 9, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-1954; Filed, Mar. 13, 1956; 8:51 a. m.]

Office of the Secretary

JOSEPH P. CROSBY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Joseph P. Crosby.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: February 24, 1956.
4. Title of position: Director, Metalworking Equipment Division.
5. Name of private employer: The LaPointe Machine Tool Company.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Lapointe Machine Tool Company.
United Aircraft.
Dun & Bradstreet.
Standard Oil of Ohio.
International Paper.
Southern Pacific Railroad.
Chance Vought Corporation.
Food Machinery Company.
General Telephone Company.
New England Electric.
International Harvester.
United Stockyards.
Republic Natural Gas.
Lincoln Life Insurance.
Holly Sugar.
Union Oil Company.
American Investment Co. of Illinois.
Public Service of Indiana.
General Electric Company.
Nuclear Corp. of America.
Colonial Life Insurance Company.
Boston Edison.
North Indiana Public Service.
Continental Assurance Company.
Pacific Gas & Electric.
Castle & Cooke, Ltd.
Framingham Trust Company.
Hollinger Consolidated Gold Mines.
Fairbanks-Morse Company.
Carborundum Company.
Copperweld Steel.
York Corporation.
Bank deposits.

Dated: February 28, 1956.

JOSEPH P. CROSBY.

[F. R. Doc. 56-1924; Filed, Mar. 13, 1956; 8:45 a. m.]

JOHN A. CLAUSSEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: John A. Claussen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: February 23, 1956.
4. Title of position: Consultant.
5. Name of private employer: American Iron and Steel Institute.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Iron & Steel Institute.
American Can Company.
E. W. Bliss Company.
Blue Ridge Mutual Fund.
Bullard Company.
Cleveland Electric Illuminating Company.
Corn Products Refining Company.
Curtis-Wright Corp.
Endicott-Johnson Company.
First National Bank of Westwood, N. J.
Consolidated Fenimore Iron Mines.
General Electric Company.
General Motors Co.
Hat Corp. of America.
International Telegraph & Telephone Co.
Kansas Power & Light Co.
Moore & McCormack.
National Biscuit Co.
Nickel Rim Mines.
New Jersey Zinc Co.
Otis Elevator Co.
Pacific Gas & Electric Co.
Pennroad Corp.
Pennsylvania R R. Co.
Potomac Electric Light & Power Co.
Radio Corp. of America.
Socony-Mobil Oil Co.
Union Electric Co. of Missouri.
United States Steel Co.
West Kentucky Coal Co.
Wisconsin Electric Power Co.
Bank Deposits.

Dated: March 2, 1956.

JOHN A. CLAUSSEN.

[F. R. Doc. 56-1926; Filed, Mar. 13, 1956; 8:46 a. m.]

JOHN H. CLEMSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: John H. Clemson.
2. Employing agency: Department of Commerce, Defense Air Transportation Administration.
3. Date of appointment: March 1, 1956.
4. Title of position: Consultant (Air Transportation).
5. Name of private employer: Trans-World Airlines, Inc.

[SEAL] JOHN F. LUKENS,
Deputy Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Vice President, Trans-World Airlines, Inc.
Stock—Trans-World Airlines, Inc.

Dated: March 1, 1956.

JOHN H. CLEMSON.

[F. R. Doc. 56-1925; Filed, Mar. 13, 1956; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6630 et al.]

PAN AMERICAN-GRACE AIRWAYS, INC., ET AL.; PACIFIC SERVICE MAIL RATE CASE

NOTICE OF HEARING

In the matter of service mail rates for Pan American-Grace Airways, Inc., over its entire system; Braniff Airways, Inc., Delta Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., over their foreign and overseas routes; and Pan American World Airways, Inc., over its entire system exclusive of Alaskan routes.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, and Reorganization Plan No. 10 of 1953, that a hearing in the above-entitled proceeding is assigned to be held on April 9, 1956, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues of this proceeding, particular attention will be directed to the following question:

Does the mileage equalization proposal contained in the Statement of Provisional Findings and Conclusions, Order No. E-9608, served on October 3, 1955, with respect to the service mail rates proposed for Pan American's operations between San Francisco and Tokyo and between Seattle and Tokyo, to be effective on and after April 1, 1955, render such proposed rates not fair and reasonable; and, if so, what appropriate adjustments should be made to the mail rates proposed for the transpacific services of Pan American?

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before April 9, 1956, a statement setting forth the matters of fact or law that he desires to advance.

Dated at Washington, D. C., March 9, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-1981; Filed, Mar. 13, 1956; 8:57 a. m.]

[Docket No. 7480 et al.]

NORTH CENTRAL AIRLINES, INC., AND LAKE CENTRAL AIRLINES, INC.; LIMA-DETROIT SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of North Central Airlines, Inc., Docket No. 7480 and Lake Central Airlines, Inc., Docket No. 7588, for authority to conduct air transportation service between Lima, Ohio, and Detroit, Mich., via Toledo, Ohio.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 of the said act and the applicable regulations thereunder, that a hearing in the above entitled proceeding is assigned to be held on March 27, 1956, at 10:00 a. m., e. s. t., in Hearing Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the applications consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of an existing certificate or the issuance of a new certificate of public convenience and necessity to either North Central Airlines, Inc., or Lake Central Airlines, Inc., so as to authorize the air transportation of persons, property, and mail between Lima, Ohio, and Detroit, Mich., via Toledo, Ohio.

2. Are the applicants fit, willing, and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this proceeding must file with the Board on or before March 27, 1956, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., March 8, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 56-1982; Filed, Mar. 13, 1956; 8:57 a. m.]

[Docket No. SA-317]

ACCIDENT INVOLVING AIRCRAFT AT MIDWAY AIRPORT, CHICAGO, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 7404, which occurred at Midway Airport, Chicago, Illinois, February 20, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, March 29, 1956, at 9:30 a. m. (local time) in the Hotel Shoreland, 5454 South Shore Drive, Chicago, Illinois.

Dated at Washington, D. C., March 8, 1956.

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

[F. R. Doc. 56-1983; Filed, Mar. 13, 1956; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8730 etc.; FCC 56-201]

WWSW, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits.

WWSW, Inc., Pittsburgh, Pennylvania, Docket No. 11644, File No. BMPCT-3486; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of March 1956;

The Commission having under consideration the above-entitled application of WWSW, Inc., requesting modification of construction permit to increase effective radiated power and tower height, to change transmitters and antenna, to change studio location and to make other antenna changes; and a petition filed by Telecasting, Inc., on November 4, 1955, opposing a grant of said application and requesting that the application be designated for hearing; and

It appearing that on November 25, 1955, the Commission ordered that the record in Dockets 8730 and 8840 be reopened and the applications therein be designated for further hearing on certain specified issues; that Telecasting, Inc. (permittee of television Station WENS, Channel 16, Pittsburgh), was made a party to the rehearing with respect to all the matters placed in issue; that the hearing in this matter commenced on January 18, 1956; and that the record in this hearing was closed on January 25, 1956; and

It further appearing that pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, WWSW, Inc., was advised by letter dated January 4, 1956, of all objections to its application for modification of construction permit, that the Commission was unable to determine that a grant of said application would be in the public interest, and was afforded an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application, the Commission's letter of January 4, 1956, the applicant's reply thereto filed on January 25, 1956, and the letter from Telecasting, Inc., dated January 27, 1956, the Commission is unable to find that a grant of the application would be in the public interest and concludes that a hearing is necessary; and

It further appearing that consolidation of the hearing upon the above-entitled modification application with the pending hearing in the above-entitled Dockets Nos. 8730 and 8840 would best conduce to the proper dispatch of the Commission's business and to the ends of justice;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, said application of

WWSW, Inc., for modification of construction permit (BMPCT-3486) is designated for hearing in a consolidated proceeding with the applications of WWSW, Inc. (Docket No. 8730, File No. BPCT-254) and Pittsburgh Radio Supply House, Inc. (Docket No. 8840, File No. BPCT-345) at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether WWSW, Inc., has constructed any of the facilities for which it requests a permit in its application (BMPCT-3486) and if so, whether a grant of said application would be contrary to the provisions of section 319 (a) of the Communications Act of 1934, as amended.

2. To determine whether WWSW, Inc., has changed the location of its main studio contrary to the provision of § 3.613 (b) of the Commission's rules.

3. To determine, in light of the evidence adduced on the above issues and the issues specified in the Commission's Order of November 25, 1955, whether a grant of the application (BMPCT-3486) of WWSW, Inc., for modification of construction permit would be in the public interest.

It is further ordered, That the record in Dockets Nos. 8730 and 8840 is reopened to receive testimony on the additional issues hereinabove specified, and that Telecasting, Inc., is made a party to the proceeding.

Released: March 9, 1956.

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

[F. R. Doc. 56-1969; Filed, Mar. 13, 1956; 8:54 a. m.]

[Docket No. 11412; FCC 56-196]

WJR, GOODWILL STATION, INC. (WJRT)

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of WJR, The Goodwill Station, Inc. (WJRT), Flint, Michigan, Docket No. 11412, File No. BMPCT-2689; for modification of construction permit.

1. The Commission has under consideration the following pleadings filed in the above-entitled proceeding: (1) Joint Petition for Partial Reconsideration filed on June 15, 1955, by Sparton Broadcasting Company (hereinafter called "Sparton") permittee of Station WWTV, Cadillac, Michigan and Inland Broadcasting Company (hereinafter called "Inland"), licensee of Station WTOM-TV, Lansing, Michigan; (2) Petition for Repudiation or Clarification filed on December 20, 1955, by Lake Huron Broadcasting Corporation (hereinafter called "Lake Huron"), permittee of Station WKNX-TV, Saginaw, Michigan and petition in support thereof filed on December 29, 1955, by Sparton; (3) Petition For Review of Examiner's Ruling filed on January 10, 1956, by Lake Huron; (4) Joint Petition For Remand, Reopening of Record and Further Relief filed on January 20, 1956, by Lake Huron and Sparton; and (5) the various Comments, Oppositions and Replies filed to these pleadings.

2. The instant proceeding arose as a result of the Commission's action of April 14, 1955, granting without hearing the application of WJR, The Goodwill Station, Inc. (hereinafter called "WJR"), for modification of construction permit authorizing construction of a new television broadcast station to operate on Channel 12 at Flint, Michigan, to change transmitter location from a point 20 miles southeast of Flint to a point approximately 23 miles northeast of Flint, to change studio location and make antenna changes. Trebit Corporation and W. S. Butterfield Theatres, Inc. unsuccessful applicants in the comparative hearing proceeding which resulted in a grant of the said construction permit for Station WJRT, requested reconsideration of this action and other specified relief. Sparton, Lake Huron and Inland each protested the grant pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended. Sparton and Lake Huron also requested reconsideration under the provisions of section 405. By Memorandum Opinion and Order adopted on June 8, 1955, the Commission denied the joint petition for reconsideration filed by Trebit and Butterfield and the petitions of Sparton and Lake Huron insofar as they requested reconsideration of the Commission's action of April 14, 1955, pursuant to section 405. However, it was held that Sparton, Lake Huron and Inland had established themselves as parties in interest under the provisions of section 309 (c) and, in conformance with the requirements of that section, had specified with particularity the facts, matters and things relied upon. Effective date of grant of the application was therefore stayed and the application designated for hearing on the issues specified in the protests, except as to requested issues "1" and "2". The following were requested as issues (1) and (2):

(1) To determine the effect of a grant of the above-styled application upon the existing operations of Stations WWTV, Cadillac, Michigan, WKNX-TV, Saginaw, Michigan and other television stations in the area.

(2) To determine the areas and populations to be served by the applicant's proposed television station and to determine whether the type and character of the applicant's proposed program service will meet the needs of such areas and populations.

It was held that issue (1) could not be adopted as framed as there were no allegations relating to the effect of a grant upon any stations other than WWTV and WKNX-TV and that issue (2) was not acceptable as framed by protestant to the extent it provided for a determination of the areas and population to be served by the proposed station. Reasons therefor were those set forth in Westinghouse Radio Stations, Inc., 8 RR 381. Accordingly, these requested issues were modified to read as follows:

(f) To determine whether the consequences of a grant of such application would be to impair the ability to Stations WKNX-TV and WWTV to compete effectively with the station proposed by WJR in said application for MP or to deprive the public of the service of WKNX-TV or WWTV.[1]

(a) To determine whether the type and character of the proposed program service will meet the needs of the communities and areas within the Grade A and Grade B field intensity contours of the television station proposed in the above-entitled application.

PETITION FOR PARTIAL RECONSIDERATION

3. Sparton Broadcasting Company and Inland Broadcasting Company on June 16, 1955, filed the above joint petition for partial reconsideration requesting reconsideration of the Commission's action modifying issues (1) and (2) and further that issue (f) as adopted (petitioners' issue 1) be modified to specify Inland's Station WTOM-TV in addition to Stations WKNX-TV and WWTV. In support of the requested modification, in order to place in issue the effect on all stations in the area, petitioners contend that the advent of this VHF station in the area will so adversely affect the conversion of television receivers (to permit reception of UHF stations) as to force the closing of all such stations including "educational" station WKAR-TV. It is also asserted that the possible effect on Inland's Station WTOM-TV is particularly pertinent since this licensee is a party to the proceeding. Relative to the restriction by the Commission of requested issue (2) to Grade A and B contours (issue (a) above), rather than adopting the general language requested, it is asserted that such restriction denies protestants a full and fair hearing as WJRT's service beyond its Grade B contours is of particular consequence in this proceeding because of the effect resulting therefrom upon protestants. It is contended that Columbia Broadcasting System, with which applicant proposes to affiliate and with which Sparton and Lake Huron are both presently affiliated, recognizes that UHF stations offer a satisfactory signal at distances beyond the calculated Grade B contour and therefore utilizes other criteria in arriving at network commitments. Petitioners state that in view of this consideration "it is the height of unreality to prohibit such showing of service and network affiliation practices."

PETITION FOR REPUDIATION OR CLARIFICATION

4. There are presently pending in the United States Court of Appeals for the District of Columbia Circuit the cases of W. S. Butterfield Theatres, Inc. v. FCC, case Nos. 12527, 12666 and 12752 and Trebit Corporation v. FCC, case Nos. 12528, 12667 and 12753 involving appeals of the original grant of the WJR application and denial of the applications of appellants; appeals of the Commission's denial of appellants' petitions for rehearing; appeals of denial of appellants' petitions for reargument and for stay of effective date, reopening of the record,

[1] In view of the request therefor, this issue was necessarily, under the provisions of section 309 (c) of the Communications Act of 1934, as amended, included although the Commission stated "It should be noted, however, that inclusion of this issue does not constitute a determination that the competitive effect of a grant upon existing stations is a relevant consideration."

rehearing and further relief; and appeals of the Commission's aforesaid action of June 8, 1955, denying appellants' petition for reconsideration of grant of the instant application for modification of construction permit. The Commission through its General Counsel has submitted its brief in those cases. Lake Huron, through its instant petition for repudiation or clarification, and Sparton, through its petition in support thereof, request repudiation or clarification by the Commission of footnote 62 contained in the said brief. This footnote takes issue, on the basis of the various facts and matters pleaded in the cases on appeal, with the contention of appellant Butterfield in connection with the application for modification of license here involved to the effect that WJR has engaged in "active concealment of facts which should have been made known to the Commission" and that as a consequence a serious question is raised as to WJR's fitness to be a licensee. Petitioners point out that issue (c) in the instant proceeding is as follows:

(c) To determine whether WJR misrepresented and concealed from the Commission material facts with respect to its intentions to construct and operate the television station in its original application for construction permit.

Lake Huron and Sparton assert that the said footnote submitted in the Court proceedings constitutes a determination by the Commission on an ex parte basis of one of the primary issues in the instant proceeding. On the basis of this assertion it is contented that, this brief having come to the attention of the Examiner, the footnote will prejudice any fair-minded consideration by him of the evidence introduced by petitioners in the instant proceeding on this issue. It is urged that this matter introduces error into the instant proceeding that can only be cured by a public statement from the Commission repudiating the position expressed in the said brief and making it clear that such position is not that of the Commission, the Commission never having undertaken to pass upon or to determine the issue of WJR's concealment, misrepresentations or bad faith. Sparton asserts that refusal of the Commission to repudiate or clarify its position on the question of misrepresentation would be in violation of the provisions of sections 309 and 409 of the Communications Act and section 5c of the Administrative Procedure Act, all of which provide that a party shall have a full and fair hearing.

PETITION TO REVIEW EXAMINER'S RULING

5. On December 20, 1955, Lake Huron Broadcasting Corporation filed before the Examiner in the instant proceeding a motion requesting that he withhold issuance of his Initial Decision until the Commission had ruled on the aforesaid joint petition for partial reconsideration and the aforesaid petitions for repudiation or clarification. On January 10, 1956, the Examiner denied this motion and on this same date Lake Huron Broadcasting Corporation filed its above petition requesting review of the Examiner's action. Reversal of the Examiner is requested on the ground that issuance of an Initial Decision would prejudice petitioner by rendering moot the said petitions for partial reconsideration and for repudiation or clarification.

JOINT PETITION FOR REMAND, REOPENING OF RECORD AND FURTHER RELIEF

6. On January 17, 1956, the Examiner released his Initial Decision in this proceeding proposing to deny the protests and reinstating grant of the application involved. As a consequence thereof, Lake Huron and Sparton on January 20, 1956, filed the above joint petition requesting remand and reopening of the record. As a basis for the remand petitioners allege that it is now perfectly clear from the decision issued that their contentions first set forth in the petitions for repudiation or clarification have been fully vindicated and that their fears were well-founded that the position taken by the Commission in its brief before the said Court of Appeals would prejudice petitioners before the Examiner and deprive them of the full hearing required by section 309 (c) of the Communications Act. Grant of the said petition for repudiation or clarification is therefore requested with directions to the Examiner that he independently pass upon issue (c) in the light of such repudiation. It is further asserted that the Examiner failed to make findings and conclusions thereon on the basis of the evidence of record relative to issue (e) in the instant proceeding[1] as from the decision "it is clear that the Examiner has completely abdicated his function and has refused to make any conclusion with respect to that issue other than a bald conclusion blindly reaffirming the position taken in the Commission's decision of April 1, 1955." It is therefore also requested that upon remand the Examiner be directed to make "his own independent and de novo conclusions upon issue (e) in these proceedings without regard to the prior determinations of the Commission with respect to the matters raised by such issue in connection with the previous denial of the Trebit and Butterfield petitions."

7. Petitioners request reopening of the record to permit the introduction of additional evidence relative to filing by WJR of an Application For Additional Time to Construct Station (FCC Form 701) to permit a showing that, due to the circumstances surrounding its filing, there was no official filing of this application until after December 6, 1954. Petitioners claim surprise in the matter on the ground that the Form 701 was introduced into evidence by them "for the purpose of showing alleged additional misrepresentations made by WJR in that Form" and that "no party to these proceedings could ever have remotely suspected that the assertions in that form would or could be used by the Examiner for the purpose of making a conclusion exculpating WJR for its previous misrepresentations concerning its studios."

CONCLUSIONS

8. In view of the request made in the Joint Petition for Partial Reconsideration to modify issue (f) to permit a showing as to the consequences of a grant of the application herein to Station WTOM–TV, we believe the instant proceeding must be remanded to the Examiner and the record reopened to afford an opportunity for the introduction of evidence thereon. This determination is based on the adverse effects previously asserted in Inland's original protest. We see no valid reason for further enlargement of issue (f) to include other or all stations within the area. If there are other stations in the area which might be affected adversely by a grant of this application the licensees or permittees thereof have not filed timely petitions appropriately alleging their interests in this regard nor have petitioners brought to our attention in this regard any matters requiring our consideration in the public interest. The sole point now raised is that a grant of the instant application may possibly affect the receiver conversion problem in the area. We are not apprised of any specific station other than those of intervenors herein that may be so affected except Station WKAR–TV.[2] That this station may be forced to close due to lack of an audience is the unsupported allegation. We are presented with no allegations of fact as to why this may be true. We therefore have no pleading before us in this respect more specific than those of the assertions in the original protests, and the request for enlargement of issue (f) to include all stations in the area must be denied for failure to specify with particularity the facts, matters and things relied upon in this regard.

9. Similarly the request for modification of issue (a) to adopt the general language requested in the original protests must be denied. Two basic considerations are here involved. The Commission has repeatedly held that in the absence of an adequate preliminary engineering showing it will not enlarge hearing issues to show coverage because without this showing evidence relying upon the field intensity curves to show areas and populations to be served by a proposed station is too speculative to be of probative value. Westinghouse Radio Station, Inc., 8 RR 381; St. Louis Telecast, Inc., 10 RR 998; Louis Wasmer, 9 RR 713. The factors leading to this determination are fully discussed in the cited cases and will not be repeated here. However, we believe it should be pointed out that what is defined as constituting "service" within the Grade A and Grade B field intensity contours is defined by the Sixth Report only in terms of statistical probabilities; i. e., a signal of sufficient quality to be acceptable to the

[1] Issue (e) is as follows: To determine whether a grant of the said application is precluded by the provisions of § 1.319 or § 1.387 (b) of the Commission's rules or the doctrine of Ashbacker Radio Corp. v. FCC, 326 U. S. 327.

[2] Although licensed to an educational institution, Station WKAR–TV operates on a commercial channel at East Lansing, Michigan. Commission records show no other UHF stations within the Grade A contour of Station WJRT operating as proposed other than WTOM–TV, WKNX–TV and WKAR–TV.

median observer is expected to be available at the outer limits of service for at least 90 percent of the time at the best 70 percent of receiver locations to constitute Grade A service and at the best 50 percent of receiver locations for Grade B service. Issue (a) as now framed permits a showing as to whether the type and character of the applicant's proposed program service will meet the needs of the communities and areas within the Grade A and B contours. Modification of this issue is requested to specify generally the areas and populations to be served, rather than confining the showing to Grade A and B contours. The only factual allegation offered here is that Columbia Broadcasting System for its purposes considers that service is rendered to a point beyond the Grade B contour. Such an allegation, if established, would be of such tenuous validity as to have no probative value whatever. A second consideration here is that petitioners have made no showing that the needs of any communities or areas beyond the Grade B contour of Station WJRT operating as proposed differ from those within the Grade A and Grade B contours. We therefore can see no useful purpose to be served by enlargement of this issue as requested.

10. We turn now to the petition for repudiation or clarification. Primarily this petition involves charges that the Commission, by the position taken in the brief filed in the said cases of W. S. Butterfield Theatres, Inc. v. FCC and Trebit Corporation v. FCC has determined on an ex parte basis issue (c) of the instant proceeding and thereby has precluded the Examiner from giving impartial consideration to the evidence submitted in this proceeding on that issue. We believe this position to be completely unwarranted both as to the Commission and the Examiner. The Commission's brief in the said cases was based solely on the various facts and matters before it in those cases. In the instant proceeding issue (c) must be resolved in turn by the Examiner and the Commission on the basis of the evidence of record adduced herein. Moreover, should petitioners believe the findings or conclusions or both the findings and conclusions of the Examiner on this issue are in disregard of the record and therefore in error, they have their remedy in the filing of exceptions to the Initial Decision with oral arguments thereon before the Commission. We see no merit in the petition for repudiation or clarification and the relief requested therein will be denied.

11. The said petition for review of Examiner's ruling involves appeal of the Examiner's refusal to delay issuance of his Initial Decision until after Commission action on the interlocutory pleadings filed prior thereto. In view of the issuance on January 17, 1956, of the Initial Decision, this petition has become moot and must be dismissed.

12. The joint petition for remand and reopening of the record must also be denied. The errors alleged to have been committed by the Examiner upon which the request for remand is based are properly matters for exception, not remand. Similarly, the error alleged to have been committed by the Examiner in his Initial Decision relative to the Form 701 introduced into evidence by petitioners upon which the request for reopening of the record is based, is a matter for exception, not remand. Insofar as the contention as to the official filing date of this form is involved, such date is very prominently shown by stamp of the Office of the Secretary on the face of the form. The filing date was stamped on this form at the time of its introduction into evidence by petitioners. The conclusions reached by the Examiner on the basis of what petitioners term "the assertions in that form" can be fully objected to by exceptions and brief in support thereof. The fact that the Examiner did not conclude that this evidence introduced by petitioners failed to prove that which petitioners believed it would constitutes no basis for now reopening the record to permit them to introduce additional evidence.

13. *Accordingly, it is ordered,* That the said Joint Petition For Partial Reconsideration is granted insofar as it requests modification of issue (f) to permit a showing as to the consequences of a grant of the application herein to Station WTOM–TV and is denied in all other respects and issue (f) is modified to read as follows:

(f) To determine whether the consequences of a grant of such application would be to impair the ability of Stations WKNX–TV, WWTV and WTOM–TV to compete effectively with the station proposed by WJR and in said application for modification of construction permit or to deprive the public of the service of WKNX–TV, WWTV or WTOM–TV.

14. *It is further ordered,* That the said Petition for Repudiation or Clarification and petition in support thereof are denied; that the said Joint Petition For Remand, Reopening of Record and Further Relief is denied; and that the said Petition For Review of Examiner's Ruling is dismissed as moot;

15. *It is further ordered,* On the Commission's own motion, that the proceeding herein is remanded to the Examiner and the record reopened for the limited purpose of permitting the introduction of evidence relative to Station WTOM–TV under issue (f) as amended.

Adopted: March 7, 1956.

Released: March 9, 1956.

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

[F. R. Doc. 56–1970; Filed, Mar. 13, 1956; 8:55 a. m.]

[Docket Nos. 11508, 11509; FCC 56–197]

MIDWESTERN BROADCASTING CO. AND STRAITS BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Midwestern Broadcasting Company, Cheboygan, Michigan, Docket No. 11508, File No. BPCT–1992; R. E. Hunt, d/b as Straits Broadcasting Company, Cheboygan, Michigan, Docket No. 11509, File No. BPCT–1998; for construction permits for new television stations.

1. Midwestern Broadcasting Company and Straits Broadcasting Company are competing applicants for construction permits for new television stations at Cheboygan, Michigan to operate on Channel 4. Midwestern filed on October 19, 1955, a Motion to Enlarge the Issues to permit a determination of the comparative coverage of the two proposals. Oppositions were filed by the Chief of the Commission's Broadcast Bureau and by Straits on November 10, 1955. The applications were designated for hearing by Commission order of September 29, 1955 without the inclusion of any issue which would permit the comparison proposed. This followed the usual Commission practice in such cases.

2. To make clearer the basis of petitioner's request there follows a tabular comparison of the engineering details of the two applications on the basis of which petitioner hopes to show that a grant to him would provide the most efficient utilization of the frequency by providing service to the greatest area and the largest number of people.

	Midwestern	Straits
Effective radiated power (visual).	21.300 kw.	1.293 kw.
Effective radiated power (aural).	11.000 kw.	1.293 kw.
Transmitter (visual)	5.0 kw.	0.5 kw.
Transmitter (aural)	3.0 kw.	0.5 kw.
Antenna height above average terrain.	652 feet.	281 feet.[1]
Height of antenna radiation center above mean sea level.	1,278 feet.	911 feet 4 inches.
Overall height above mean sea level.	1,312 feet.	931 feet.
Overall height above ground.	572 feet.	344 feet.

[1] The Midwestern antenna site is located about 8 miles east of the Hunt antenna site.

3. Midwestern contends that the public interest requires a determination as to which applicant will serve the largest number of people and that section 307 (b) of the Communications Act requires the Commission to recognize efficient utilization of the frequency not only when different communities are involved but also when the same community is involved. According to petitioner, where substantial differences exist between proposals the Commission is required to give consideration to these differences and a denial of a request to show these differences will deprive Midwestern of a full and fair hearing under section 309 of the act.

4. Also, it is argued by Midwestern that its technical proposal and the technical proposal of Straits are substantially different; that neither the Wasmer nor the Petersburg cases (paragraphs 8 and 9, infra) presented a factual situation similar to the instant one; and that the motion is supported by data which satisfies the requirements which were specified by the Commission in its Wasmer and Petersburg opinions. Further, petitioner states that if the issues are enlarged as requested, engineering testimony and additional engineering data

will be furnished. A substantial amount of such engineering data was submitted with Midwestern's reply to the oppositions. The engineering statement purports to show that the use of the propagation date set forth in the Commission's rules is applicable in a comparison of coverage and service between the applications of Midwestern and Straits. Attached to the engineering reply are data which show that the average of the distances to the measured Grade A contours for 12 licensed television stations is 11.3 percent greater than the predicted distance to the Grade A contours, and that the average of the distances to the measured Grade B contours is about 1.3 percent lower than the predicted distances to the Grade B contours. The computed distances were determined according to the Commission's rules. In this connection, petitioner has shown a correlation between the terrain in the Cheboygan area and the terrain in other areas for which measurement data have been analyzed.

5. The Broadcast Bureau in its opposition submits that the principles of the Wasmer and Petersburg cases are applicable here and urges, therefore, that the petitions be denied. It is the Bureau's position, as it was at the time of the Petersburg opinion, that the Commission's rules specify minimum and maximum heights and powers; that these rules also specify a minimum signal to be placed over the city to be served; and that, if an applicant meets these requirements, the minimum criteria have been satisfied and a reasonable guarantee of service to the community has been afforded.

6. Also in opposition, Straits claims that the petition lacks merit because the Commission has repeatedly held that the location of the Grade A and Grade B contours does not determine that the people therein do or do not receive service. It is also maintained that no comparison as to coverage can be made since the populations and areas which will be served by either applicant can not be determined and that, lacking such a comparison, it would be impossible for the Commission to determine the issue requested by Midwestern. Straits also relies upon Commission's opinions in Wasmer and in Westinghouse, infra.

7. Before disposing of the petition it is advisable to review briefly our opinions in the three cases to which reference has been made. In Westinghouse Radio Stations, Inc., 8 Pike and Fischer RR 381 (released October 7, 1952) the Commission had before it petitions which in substance requested that the Commission require a showing of the area and population residing in the predicted Grade A and B signal intensity contours and any differences existing among the applicants with respect thereto shown in this regard. Although refusing to require the introduction of such evidence, the Commission held that offers of such evidence might be made at the discretion of the parties to the proceeding with the admissibility of evidence and the weight to be given to it left first to the discretion of the hearing officer, and then to the Commission's consideration, without any prejudgment. Various cautionary observations were stressed, and the Commission pointed out that there are many grave problems to be carefully considered in the submission, admission and evaluation of such evidence.

8. In Louis Wasmer, 9 Pike and Fischer RR 713 (released July 31, 1953), the Commission considered once again the question of comparative coverage. The Commission stated that while it continued to hold the belief that although there are grave problems in the submission, in the admission, and in the evaluation of comparative coverage evidence, it could not categorically deny to an applicant the opportunity to establish the superiority of his coverage proposal; and that it was then of the opinion, upon further consideration of the multifarious problems involved, that an applicant should be permitted to offer evidence of coverage for comparative purposes only if he can establish that such evidence will have more than tenuous validity. The Commission then went on to note that the figures submitted by the petitioner in that case appeared to be accurate computations based on the Commission's rules but that the petitioner had not shown that it would be able to offer proof which would overcome or account for the various error factors or that it would be able, by any means, to substantiate the accuracy of the coverage data it proposed to introduce.

9. In Petersburg Television Corporation, 10 Pike and Fischer RR 537, the Commission had before it a petition to enlarge issues based upon engineering data consisting of maps and population and area computations apparently based upon the Commission's television propagation curves. The only indication the Commission had that consideration would be given to the errors which might arise in the application of these curves to specific situations was petitioner's statement that it intended to call witnesses who were qualified to give expert opinions concerning these matters. The Commission then stated as follows:

> In our previous opinions rejecting requests for enlargement of issues to show comparative coverage of competing applicants in television hearing proceedings we have made it clear that we have not foreclosed consideration of coverage differences. We so specifically and explicitly stated in Wasmer, and our views in this respect have not changed. What we have stated is that before we will grant enlargement to show differences in coverage petitioners must make preliminary showings that they "will be able to offer proof which will overcome or account for the various error factors or that [they] will be able, by any means, to substantiate the accuracy of the coverage data [they propose] to introduce."[1] Petersburg has failed to make such a preliminary showing. As indicated in the Wasmer case, supra, we noted our recognition in the Sixth Report and Order that predictions as to the precise location of field intensity contours, in the present state of the art, are subject to manifest error and are highly unreliable at best. We concluded that for almost all situations, we were unaware of "any techniques or measuring devices which can be applied so as to establish persuasively that the areas and populations to be served will differ significantly among applications for the same facilities"; and we held that "* * * an applicant should be permitted to offer evidence of coverage, for comparative purposes, only if he can establish that such evidence will have more than tenuous validity." Having in mind the constant vigilance of this Commission in keeping abreast of developments in the television art and the many variables which must be taken into consideration in making a comparison of coverages of proposed stations, petitioner's failure to make the type of preliminary showings which we believe are entirely reasonable to require, justifies, in our judgment, denial of the instant petition.

Since release of the Petersburg opinion, the Commission in numerous cases has ruled that petitions requesting enlargement of the issues to show comparative coverage have failed to make the necessary preliminary showing to justify addition of the issue in accordance with the terms of Wasmer and Petersburg.

10. A careful consideration of the facts and date of the instant case in terms of the preliminary showing made by Midwestern requires us to conclude that in this instance a sufficient preliminary showing has been made to justify addition of a comparative coverage issue. The petitioner has demonstrated by measurements which he has analyzed and by the remainder of his engineering showing, that the evidence he would introduce at the hearing is likely to possess more than tenuous validity, particularly in the circumstance of this case where the technical differences between the two proposals are so substantial.[1] We note particularly that measurements have been made by means of which petitioner appears to have been able to substantiate with some accuracy its prediction of the locations of Midwestern's and Straits' A and B contours.[2]

11. Lest there be any misunderstanding on the matter, all we are deciding here is that in the circumstances of this case, and on the basis of the data submitted, we believe that Midwestern has made a preliminary showing that is adequate to constitute a basis for adding a coverage issue. Our ruling is not to be construed to mean anything more than this, and we have not abandoned the view that there are many grave problems to be carefully considered in the submission, admission and evaluation of coverage data. See Westinghouse and Wasmer, supra. Our ruling does not constitute a prejudgment as to the admissibility of evidence that may be offered at the hearing, the weight to be given to it, or the decisional significance of any finding that ultimately may be made with respect to coverage differences. These judgments are for the Examiner initially to make.

12. Regarding petitioner's request for oral argument, the Commission is of the view that such argument is unnecessary.

Accordingly, it is ordered, This 7th day of March 1956, that the petition of Mid-

[1] Wasmer, 9 Pike & Fischer RR 713, 717.

[1] See paragraph 2 supra. On the basis of these differences Midwestern has computed that the populations within Straits' A and B contours will be 20.2 percent and 18.8 percent as large, respectively, as the populations within the A and B contours of Midwestern.

[2] Thus the instant matter differs significantly from the proposal considered in connection with a protest matter in Gross Telecasting, Inc., FCC 56-75, released January 24, 1956.

western Broadcasting Company for enlargement of the issues is granted as hereinafter indicated and that the hearing issues herein are enlarged to add the following issue:

4. (d) The engineering proposals of the applicants, including the areas and populations which may be expected to receive service within the Grade A and Grade B contours of the operations proposed.

Released: March 9, 1956.

By the Commission.[1]

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

[F. R. Doc. 56-1971; Filed, Mar. 13, 1956; 8:55 a. m.]

[Docket No. 11518 etc., FCC 56-203]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of American Telephone and Telegraph Company, Docket No. 11518; charges, classifications, regulations and practices for and in connection with multiple private line services and channels. American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with domestic leased facility service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1956;

The Commission having under consideration Tariffs F. C. C. Nos. 134, 135, 140, 145, 208, and 220 of the American Telephone and Telegraph Company (A. T. & T.), which contain charges, classifications, regulations and practices for and in connection with the furnishing of private line services and channels for telephone, teletypewriter and Morse, telephotograph and remote metering and miscellaneous signaling communication; its Order of October 19, 1955, in Docket No. 11518 suspending the operation of, and ordering an investigation into, the lawfulness of certain tariff schedules of the American Telephone and Telegraph Company applicable to Multiple Private Line Services and Channels; a letter dated December 14, 1955 from counsel for A. T. & T. in Docket No. 11518 addressed to counsel for the Commission's Common Carrier Bureau in that proceeding, wherein A. T. & T. undertakes in connection therewith to conduct a study to determine the costs involved in furnishing private line services and channels; and Tariff F. C. C. No. 237 of The Western Union Telegraph Company containing charges, classifications, regulations and practices for and in connection with Leased Facility Services; and

It appearing that questions are presented as to the lawfulness under the provisions of the Communications Act of 1934, as amended, of the charges, classifications, regulations, and practices set forth in the aforementioned Tariffs F. C. C. Nos. 134, 135, 140, 145, 208, and 220 of A. T. & T.; that the aforementioned cost study, as well as other evidence adduced in connection with the issues in Docket No. 11518, may bear upon the lawfulness of said tariff schedules; and that it is desirable to determine in a single proceeding the lawfulness of all tariff schedules applicable to private line services and channels of A. T. & T.;

It further appearing that questions are also presented as to the lawfulness of the charges, classifications, regulations, and practices set forth in the aforementioned Tariff F. C. C. No. 237 of The Western Union Telegraph Company under which it furnishes Leased Facility Services in competition with the private line telegraph services and channels furnished by A. T. & T.; and that such tariff schedules should be made the subject of investigation to determine their lawfulness;

It is ordered, That, pursuant to the provisions of sections 201, 202, 203, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned tariff schedules of A. T. & T. and The Western Union Telegraph Company;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended.

2. Whether any of the charges, classifications, regulations or practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended.

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules under investigation herein, and, if so, what charges, classifications, regulations and practices should be prescribed.

It is further ordered, That American Telephone and Telegraph Company, The Western Union Telegraph Company, and all carriers listed in the tariff schedules under investigation as concurring carriers are hereby made parties respondent to this proceeding; and that a copy of this order shall be served on all such parties respondent;

It is further ordered, That hearings herein shall be held in a consolidated proceeding with Docket No. 11518 at a time and place to be specified hereafter by the examiner in said proceeding; and that the examiner shall certify the record in the consolidated proceeding to the Commission without preparing either an Initial Decision or a Recommended Decision.

Released: March 9, 1956.

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

[F. R. Doc. 56-1972; Filed, Mar. 13, 1956; 8:55 a. m.]

[Amdt. 0-18; FCC 56-205]

CHIEF OF SAFETY AND SPECIAL RADIO SERVICES BUREAU

REQUESTS FOR WAIVER OR EXCEPTION WITH RESPECT TO CERTAIN COAST STATION FACILITIES AND WATCH

In the matter of amendment of section 0.292 of the Commission's statement of delegations of authority: Amdt 0-18.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1956;

The Commission having under consideration the necessity for amending section 0.292 of the Commission's statement of delegations of authority to authorize the Chief of the Safety and Special Radio Services Bureau or, in his absence, the Acting Chief of said Bureau, to act upon requests filed pursuant to §§ 7.104 (b) and 7.189 (c) for exception or waiver of the requirements of those sections concerning 2182 kc coast station facilities and watch;

It appearing that such amendment is designed to improve the internal administration of the Commission and will facilitate the prompt and orderly handling of the above-described requests; and

It further appearing, that the amendment herein ordered relates to internal Commission organization and procedure and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (d) of the Administrative Procedure Act is not required; and

It further appearing that authority for the proposed amendment is contained in sections 4 (i) and 5 (d) of the Communications Act of 1934, as amended;

It is ordered, That, effective April 13, 1956 section 0.292 of the Commission's statement of delegations of authority is amended by adding a new subparagraph (g) to read as follows:

(g) Requests pursuant to the provisions of §§ 7.104 (b) (1) and 7.189 (c) (1) for waiver or exception to the requirements of those sections concerning

[1] Commissioner Webster dissenting.

2182 kc coast station facilities and watch.

Released: March 9, 1956.

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

[F. R. Doc. 56-1973; Filed, Mar. 13, 1956; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9187 etc.]

WILLIAM E. ESFELD ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 8, 1956.

In the matters of William E. Esfeld and Frances A. Esfeld, Docket No. G-9187; Transcontinental Gas Pipe Line Corporation, Docket No. G-9263; G. A. Kane, Docket No. G-9528; Devonian Gas & Oil Co., Docket No. G-9633; Freedom Minerals, Inc., Docket No. G-9645; Hughes River Oil and Gas, Docket No. G-9683; The Texas Company, Docket No. G-9690; Fairfield Oil Company, Docket No. G-9700; Oliver Jenkins, Trustee, Docket No. G-9720.

Notice is hereby given that on February 28, 1956, the Federal Power Commission issued its findings and orders adopted February 23, 1956, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1945; Filed, Mar. 13, 1956; 8:49 a. m.]

[Project No. 2197]

CAROLINA ALUMINUM CO.

NOTICE OF APPLICATION FOR LICENSE

MARCH 8, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Carolina Aluminum Company, of Badin, North Carolina, for license for a hydroelectric Project No. 2197 on the Yadkin River, a tributary of the Peedee River, a navigable waterway of the United States, in Stanley, Montgomery, Davidson, and Rowan Counties, North Carolina, in the vicinity of Badin, High Rock and Salisbury, North Carolina. The project would have an initial hydroelectric installation of 134,500 kilowatts and an ultimate installation of 174,500 kilowatts, and would develop about 345 feet of powerhead in about 38 miles of the Yadkin River. The project would comprise:

(1) The constructed High Rock Development located about 16 miles upstream from Badin, North Carolina. A concrete dam about 936 feet long composed of a powerhouse section, a gated spillway section and two nonoverflow abutment sections; a reservoir about 19 miles long with a normal full pool elevation of 655 feet, an area of 15,180 acres and useful storage of 234,866 acre-feet at a drawdown of 30 feet; a powerhouse with an installation of three 14,700-horsepower turbines direct-connected to three 11,000-kilowatt generators; a set-up substation; an operator's village; and appurtenant electrical and mechanical facilities;

(2) The proposed Tuckertown Development to be located 8 miles upstream from Badin, North Carolina. A dam about 1,255 feet long composed of a concrete powerhouse section, a concrete gated spillway section and two concrete nonoverflow sections, and an earth and rockfill nonoverflow abutment section; a reservoir, about 9 miles long extending to High Rock dam, with a normal pool elevation at 596 feet, an area of 2,560 acres and a usable storage of 6,897 acre-feet at a 3-foot drawdown; a powerhouse with an installation of three 18,300 horsepower turbines direct-connected to three 13,333-kilowatt generators; a step-up substation; two short 100 kv tap lines to the High Rock-Badin transmission line; an operator's village; and appurtenant electrical and mechanical facilities;

(3) The constructed Narrows Development located about 2 miles from Badin, North Carolina. A concrete dam composed of a gated spillway section, a nonoverflow section and an intake section; a concrete by-pass spillway section separate from the main dam composed of a gated section and nonoverflow section; a concrete by-pass spillway channel about 1300 feet long on the left bank around the powerhouse; a reservoir, about 7½ miles long extending to the proposed Tuckertown dam, with normal pool elevation of 541.1 feet, an area of 5,355 acres and a usable storage of 128,937 acre-feet at a drawdown of 31.1 feet; four steel penstocks about 340 feet long; a separate powerhouse containing four 27,000-horsepower turbines each direct-connected to generators having a total capacity of 81,200 kilowatts (Units 1 and 2—17,100 kw; Unit 3—25,000 kw, and Unit 4—22,000 kw); four transmission circuits operating at generator voltage (13,200 volts) connecting with the Badin substation; and appurtenant electrical and mechanical equipment;

(4) The constructed Falls Development located about 3 miles from Badin, North Carolina. A concrete gravity dam composed of a powerhouse section; a gated spillway section and a nonoverflow section; a reservoir about 2 miles long extending to the Narrows dam with a normal pool elevation of 364 feet, an area of 204 acres, and usable storage of 1824 acre-feet at a drawdown of 10 feet; a powerhouse containing three 9,660-horsepower turbines, each direct-connected to generators having a capacity of 20,300 kilowatts (Unit 1—7,000 kw and Units 2 and 3—6,650 kw each); one step-up transformer; two transmission circuits operating at generator voltage (13,200 volts) connecting Units 2 and 3 with the Badin substation; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is April 30, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1946; Filed, Mar. 13, 1956; 8:49 a. m.]

[Docket No. G-8472]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Southern Natural Gas Company (Applicant), a Delaware corporation, with its principal place of business in Birmingham, Alabama, filed on February 14, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of additional natural gas transmission facilities, as hereinafter described.

Applicant states that it proposes to construct and operate a measuring and regulating station at a point near Clearwater, South Carolina, on its existing 4½-inch lateral line which extends in a northwesterly direction from Applicant's 16-inch Augusta-Aiken line to the Clearwater plant of United Merchants and Manufacturers, Inc.

Applicant further states that by means of the proposed facilities it intends to transport and sell interruptible gas to Marine Minerals, Inc. (Marine) for use in a heavy mineral separation plant presently under construction by Marine near Clearwater, South Carolina, and that Marine will construct a pipe line, approximately 8,000 feet in length, connecting the metering station with its plant.

Applicant estimates the total cost of the measuring and regulating station to be $9,000 which it proposes to finance from funds on hand.

Applicant estimates the net operating revenues to be derived from this sale at $3,076 per year. This is based on the sale of an estimated annual volume of 40,000 Mcf at 40 cents per Mcf and a cost of gas at 21.5 cents per Mcf (Southern's proposed I-4 rate for interruptible excess gas in Zone 4) and allowing for operating expenses, depreciation, ad valorem taxes and state and federal income taxes on the proposed facilities.

Applicant alleges that it has entered into a contract with Marine, expiring December 31, 1964, for the entire fuel requirements of Marine's plant. Deliveries of gas under the contract will be subject to curtailment or interruption by Applicant at any time. Marine's requirements are estimated not to exceed 130 Mcf per day or 40,000 Mcf per year.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 16, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1947; Filed, Mar. 13, 1956; 8:50 a. m.]

[Docket No. G-8679]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation whose address is Birmingham, Alabama, filed on March 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces gas from the Maxie Pistol Ridge Field in Forrest County, Mississippi, which it proposes to sell to United Gas Pipe Line Company for transportation in interstate commerce for resale.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 16, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 30, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1948; Filed, Mar. 13, 1956; 8:50 a. m.]

[Docket No. G-8806]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Tennessee Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed on April 27, 1955, as supplemented on July 25, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate certain gas facilities as hereinafter described.

Applicant states that it proposes to construct and operate approximately 1.2 miles of 3-inch and 4-inch pipelines and appurtenant facilities in nine gas fields in Texas and approximately 1.7 miles of 4-inch and 4½-inch pipelines and appurtenant facilities in three gas fields in Louisiana.

Applicant also states that the estimated cost of all the facilities is $24,500 of which $13,800 represents cost of facilities in Texas and $10,700 cost of facilities in Louisiana. Applicant plans to finance construction from cash on hand.

Applicant further states that the purpose of the project is to connect various producers' acreage with Applicant's main pipelines at three points in each of the states of Louisiana and Texas, enabling Applicant to supplement its existing gas supply through purchases from the producers.

Applicant alleges that the gas reserves available to Applicant from all the fields are estimated to be 76,851,000 Mcf (14.73). The initial prices in the 15 contracts involved vary from 9.04 cents to 13.23 cents per Mcf (14.73 psia).

Applicant also alleges that the estimated cost, $24,500, of the facilities for the total recoverable reserves of 76,851,000 Mcf represents a unit facility cost of 0.03 cent per Mcf.

Applicant states that the 15 producers related to the proposed connections are listed below together with their respective docket numbers and status. Twelve of these producers have been granted certificates, and action is pending in three other dockets.

Producer	Producer's Docket No.	Status
Sultex [1] Oil & Gas Corp.	G-2718	(2)
Sunray Oil Corp.	G-8903	(2)
Mississippi River Fuel Corp.	G-8575	Authorized.
Albert C. Plummer	G-2578	Do.
Southwest Gas Producing Co., Inc., et al.	G-8583	Do.
H. R. Smith, et al.	G-7342	(2)
Shell Oil Co.	G-8566	Authorized.
G. B. Howell	G-6099	Pending.
Phillips Petroleum Co.	G-2504	Do.
Salt Dome Producing Co.	G-3629 and G-3649.	Authorized.
Carl V. Benz, et al.	G-4794	(2)
L. D. French	G-2077	Authorized.
Fremont Gas Gathering System, Inc.	G-4841	(2)
Batex Oil Co.	G-3196	Pending.
Oil Dr lling, Inc.	G-7332	Authorized.

[1] Applicant requested change from Sotex to Sultex Oil & Gas Corp.
[2] Temporary authorization issued.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 17, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56-1949; Filed, Mar. 13, 1956; 8:50 a. m.]

[Docket No. G-9194]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of the Columbia Gas System, with its principal place of business in Columbus, Ohio, filed on August 3, 1955, its

application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities and permission approving abandonment of facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 7.0 miles of 16-inch O. D. pipeline between Bowling Green and Toledo, Ohio, together with regulators, valves, and incidental facilities. The proposed pipeline will replace 5.9 miles of 10¾-inch O. D. line and 1.1 miles of 12¾-inch O. D. line between Bowling Green and Toledo, Ohio, comprising a portion of its Line "T". Applicant states that approximately 2.0 miles of the present line will be abandoned in place and the remainder salvaged.

Applicant also states that the new transmission facilities are needed by it in order to meet increasing market demands of the Toledo area and because the planned improvement of Mercer Road in Wood County, Ohio, by the State Highway Department requires the relocation of 5.9 miles of 10-inch line "T" involved herein. The new line will be built in approximately the same location as the old line but under private right-of-way.

Applicant further states that it desires to initiate construction of the 16-inch replacement line north of Bowling Green in order to install the increased capacity necessary to supply the Toledo area. Line "T", with the replacement, is expected to furnish an estimated 37 MMcf of gas to the Toledo area to help the area meet total peak day requirements for the 1955–56 winter season estimated at a total of 206.5 MMcf.

Applicant alleges that the facilities to be replaced were installed in 1900 and are limited to operating pressures insufficient to meet its requirements. Applicant also alleges that the replacement facilities should be completed and in operation within thirty days subsequent to the date of the Commission's order issuing the certificate. No interruption or abandonment of service to Applicant's existing customers will occur by reason of the proposed replacement.

Applicant further alleges that it has on hand 90 percent of the 16-inch replacement pipe and the total cost of the new facilities is estimated at $307,000 which will be financed by the Columbia Gas System, Inc.

Applicant refers to Exhibit N in Docket No. G–9053 for its overall revenues and expenses estimated for the next three years, which includes the effect of the proposed facilities.

Applicant states that the estimated requirements of the Toledo area involved herein, and the gas supply needed to meet such requirements, have been included in the Columbia System's June 1955 "Blue Book" submitted as an exhibit in Docket No. G–9053.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 56–1950; Filed, Mar. 13, 1956; 8:50 a. m.]

[Docket No. G–8577]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of the Columbia Gas System, with its principal place of business in Columbus, Ohio, filed on March 14, 1955, as supplemented on May 17, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following facilities:

(1) A one-well storage project in the Zane Field in Salt Creek Township, Muskingum County, Ohio, including a 125-horsepower compressor station; approximately 0.2 mile of 6⅝-inch O. D. storage line together with measurement facilities, connecting the storage field with the proposed compressor station and Applicant's existing line "O". Estimated cost of the construction is $56,200.

(2) Approximately 2 miles of 10¾-inch O. D. transmission line "0–187" to replace the existing 6⅝-inch O. D. transmission line "0–187" extending from Applicant's line "0" northerly to the existing town border measuring station at Zanesville, Ohio. Estimated cost of construction is $57,000.

Applicant states that the total estimated cost of the two projects is $113,200, which it plans to finance the cost of construction through the sale of 25-year installment notes and common stock to the Columbia Gas System, the parent company.

Applicant also states that increasing market demands of the Zanesville area coupled with pressure and physical limitations to gas flow accruing both from size and age of pipe operate to cause an increasingly difficult supply problem on this portion of Applicant's system. The storage project will relieve this local supply and line flow problem.

Applicant further states that the proposed Zanesville storage is comprised of only one active well, in an area containing several wells.

Applicant alleges that the Clinton (storage) sand appears to consist of non-communicating lenses. While a monoclinal dip exists the areas of productivity in the several lenses are governed by porosity-permeability pinch-outs. Of the possible 3,500 acre area including six wells only a portion appears to be physically involved in the single storage well. Analysis of the production history of the six wells, which varied in original pressures, indicates the non-communication of the storage well with the other five wells.

Applicant further alleges that the original reserve of the storage well is estimated at 150,000 Mcf at original pressure of 1145 psig in the specific lense believed to be the involved. The original open flow was 12,000 Mcf, and actual initial deliveries were 6,563 M/Day for a 1½-day period. The storage output capacity for the first day is estimated at 6,000 Mcf and peak day availability at 5,000 Mcf. It is planned to use the storage only during periods of peak demand and to maintain high deliverability by injection during off-peak winter periods, such as weekends or other days when possible.

Applicant also alleges that it plans to store approximately 80,000 Mcf of approximately 1,030 B. t. u. gas at 1100 psig and that it controls the contemplated storage area by contracts permitting storage operations.

Applicant has stated its willingness to accept the conditions that the 1100 psig proposed storage pressure be not exceeded and that operational reports be submitted until gas tight integrity of the storage reservoir is confirmed.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 12, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the proce-

dure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 56-1936; Filed, Mar. 13, 1956; 8:47 a. m.]

[Docket No. G-8927]

NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Natural Gas Company of West Virginia (Applicant), a West Virginia corporation and a subsidiary of the Columbia Gas System, with its principal place of business in Pittsburgh, Pennsylvania, filed on May 19, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain gas facilities and to transport gas for sale to two direct industrial interruptible customers from its existing transmission system in eastern Ohio, as hereinafter more fully described:

To construct and operate approximately 900 feet of 4-inch pipeline to serve Kaiser Aluminum and Chemical Corporation (Kaiser) and 40 feet of 2-inch line to serve Youngstown Sheet and Alloy Company (Youngstown), together with meters and appurtenant facilities in each case.

Applicant states that the estimated capital cost of its proposed facilities is $5,440 and that the annual revenue from both sales is estimated at $42,650. Applicant estimates the increase in operating expenses as $300 exclusive of cost of gas purchased, overhead and fixed charges.

Applicant further states that the rate proposed to be charged each industrial customer is 50 cents per Mcf according to a tariff on file with the Ohio commission.

Applicant alleges that Kaiser expects to require 81,000 Mcf per year and a maximum of 250 Mcf per day and Youngstown expects to require a need of 4,300 Mcf per year and a maximum of 20 Mcf per day.

Applicant further alleges that these sales are interruptible to protect the supply to domestic and commercial customers and that these sales are included in Columbia's requirements as shown in its backup data to its latest "Bluebook."

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 56-1937; Filed, Mar. 13, 1956; 8:47 a. m.]

[Docket No. G-9434]

CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 8, 1956.

Cumberland and Allegheny Gas Company (Applicant), a West Virginia corporation, and a subsidiary of the Columbia Gas System, with its principal place of business in Pittsburgh, Pennsylvania, filed on October 4, 1955, its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to construct and operate gas facilities as hereinafter described.

Applicant states that it intends to install a temporary, 350-horsepower compressor unit on its Line No. 8062 near Belington, West Virginia, to enable it to transmit the 4,900 Mcf per day from its existing connection with Atlantic Seaboard Corporation to its eastern system and that its existing pipelines are inadequate for handling the volumes required without the proposed compression.

Applicant states that it requires 41,094 Mcf of natural gas in order to meet the estimated 1955-56 peak day requirements of its existing retail markets supplied by its system east of the Town of Belington, including Cumberland, Maryland. Of the 41,094 Mcf, Applicant states it can curtail 2,100 Mcf of industrial load, leaving 38,994 Mcf to be served.

Applicant estimates the following volumes of gas to be available to meet its eastern system's 1955-56 peak day requirements of 38,994 Mcf from the sources tabulated below:

	Mcf
(1) Terra Alta and Deer Park Fields, Union and Portland Districts, Preston County, W. Va., and Deer Park and Mountain Lake Districts, Garrett County, Md.	5,300
(2) Manufacturers Light & Heat Co.	20,206
(3) Applicant's field in Dry Fork and Davis Districts, Tucker County, W. Va.	300
(4) Applicant's Thomas Compressor Station, Hacker's Creek District, Lewis County, W. Va.	8,288
(5) Atlantic Seaboard Corp.	4,900
Total	38,994

Applicant alleges that the proposed station is estimated to cost $74,000. Applicant and Columbia Gas System, Inc., have jointly obtained authorization from the Securities and Exchange Commission for financing Applicant's 1955 construction, including that of the compressor unit. Applicant further alleges that authorization for such financing has been obtained from the Public Service Commission of West Virginia.

Applicant finally states that the proposed installation herein will be temporary until it is able to plan, obtain approval for, and install permanent replacement facilities for those now inadequate to transport the volumes of gas required for its eastern system and that it intends to remove the unit upon completion of future permanent facilities. In the event the temporary installation is removed after one year's service, the estimated salvage value of the main unit and other salvage equipment is $63,000.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concur-

rence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. D. Doc. 56-1938; Filed Mar. 13, 1956; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

PYRETHRUM HELD IN NATIONAL STOCK FILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 75,000 pounds of pyrethrum (20 percent) extract now held in the National Stock Pile.

This quantity of pyrethrum is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that pyrethrum extract is obsolescent for use in time of war because of the development of new and better materials.

It is proposed to channel the pyrethrum to be disposed of to the pyrethrum processors at current market prices over a twelve month period. It is believed that this plan will protect the United States against avoidable loss and also protect producers, processors and consumers against avoidable disruption of their usual markets.

This material will be available for disposition on and after September 17, 1956.

Dated: March 9, 1956.

R. A. HEDDLESTON,
Acting Commissioner,
Emergency Procurement Service.

[F. R. Doc. 56-1959; Filed, Mar. 13, 1956; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3453]

NATIONAL FUEL GAS CO.

ORDER PURSUANT TO SECTION 1081 (f) OF THE INTERNAL REVENUE CODE

MARCH 8, 1956.

National Fuel Gas Company ("National") is a registered holding company under the Public Utility Holding Company Act of 1935 ("act"). Among its subsidiaries is Provincial Gas Company, Limited ("Provincial"), a gas utility company organized and doing business under the laws of the Province of Ontario, Canada. National Fuel owns 16,902 shares (75.12 percent) of the common stock of Provincial and 13 of Provincial's promissory notes each in the principal amount of $20,000, aggregating $260,000, and bearing interest at the rate of 3.375 percent.

National has advised the Commission that it has entered into a contract with The Consumers' Gas Company of Toronto, a non-affiliated company, with respect to the sale by National of the stock and notes of Provincial. The sale price is $3,211,380 ($190 per share) for the stock and $260,000, plus accrued interest, for the notes. National proposes to reinvest the net proceeds of the sale, together with other funds, in the purchase of promissory notes of two of its wholly owned subsidiaries, United Natural Gas Company and Iroquois Gas Corporation.

The proposed sale by National of the securities of Provincial is excepted from the requirements of Rule U-44 (a) under the act by reason of subparagraph (b) (4) of that rule and the Commission has advised National that the Commission will take no action under Rule U-100 (b) to terminate the exemption now available with respect to the proposed sale.

National has requested that the Commission find that the sale, transfer and delivery of all the shares of common stock of Provincial owned by it and of the promissory notes issued to it by Provincial to The Consumers' Gas Company of Toronto is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the Commission enter an order with respect to said sale, transfer and delivery conforming to the requirements of section 1081 (f) of the Internal Revenue Code of 1954.

National has further requested that the Commission find that the investment of the net proceeds of the sale, transfer and delivery of all the shares of common stock of Provincial owned by it and of the promissory notes issued to it by Provincial to The Consumers' Gas Company of Toronto, together with other funds of National, in promissory notes of National's subsidiaries, United Natural Gas Company and Iroquois Gas Corporation, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the Commission enter an order with respect to said purchase of said promissory notes conforming to the requirements of section 1081 (f) of the Internal Revenue Code of 1954.

The Commission having considered the requests of National and deeming it appropriate that an order, as requested, should issue:

It is ordered and recited, That the transactions hereinafter specified and itemized are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The sale, transfer and delivery by National Fuel Gas Company to The Consumers' Gas Company of Toronto of the following certificates, representing common stock of Provincial Gas Company, Limited, a Canadian corporation:

Certificate No. 2, representing 32 shares.
Certificate No. 3, representing 10,500 shares.
Certificate No. 156, representing 56 shares.
Certificate No. 180, representing 10 shares.
Certificate No. 274, representing 1 share.
Certificate No. 289, representing 91 shares.
Certificate No. 358, representing 5,345 shares.
Certificate No. 359, representing 859 shares.
Certificate No. 360, representing 8 shares.

(2) The sale, transfer and delivery by National Fuel Gas Company to The Consumers' Gas Company of Toronto of the following promissory notes issued by Provincial Gas Company, Limited and payable to National Fuel Gas Company or order, each in the principal amount of $20,000.00 and each bearing interest at the rate of 3.375 percent per annum:

Note No. 1, issued August 1, 1955, maturity date June 1, 1956.
Note No. 2, issued August 1, 1955, maturity date June 1, 1957.
Note No. 3, issued August 1, 1955, maturity date June 1, 1958.
Note No. 4, issued September 19, 1955, maturity date June 1, 1959.
Note No. 5, issued September 19, 1955, maturity date June 1, 1960.
Note No. 6, issued September 19, 1955, maturity date June 1, 1961.
Note No. 7, issued October 17, 1955, maturity date June 1, 1962.
Note No. 8, issued October 17, 1955, maturity date June 1, 1963.
Note No. 9, issued October 17, 1955, maturity date June 1, 1964.
Note No. 10, issued November 14, 1955, maturity date June 1, 1965.
Note No. 11, issued November 14, 1955, maturity date June 1, 1966.
Note No. 12, issued November 14, 1955, maturity date June 1, 1967.
Note No. 13, issued November 14, 1955, maturity date June 1, 1968.

It is further ordered, That said transactions be carried out and completed by National Fuel Gas Company not later than March 21, 1956.

It is further ordered and recited, That, subject to the obtaining of the necessary approval by this Commission pursuant to the applicable sections of the act and the rules thereunder, the transactions hereinafter specified and itemized are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to the integration or simplification of the holding company system of which National Fuel Gas Company is a member:

(1) The purchase by National Fuel Gas Company of a series of installment promissory notes issued by Iroquois Gas Corporation up to an aggregate principal amount of $1,400,000, each of such notes to be in the principal amount of $200,000, bearing interest at a rate per annum equivalent to the prime commercial rate in New York City currently in force on the date of issue of each such note, subject to adjustment to a rate equal to the coupon rate applicable to the next debenture issue of National Fuel Gas Company, such interest to be payable semi-annually on May 1 and November 1 of each year until such note is paid in full, the first of such notes to mature May 1, 1959, and each succeeding note in the series to mature on May 1 of the calendar year following the maturity date of the next prior note.

(2) The purchase by National Fuel Gas Company of a series of installment promissory notes issued by United Natural Gas Company up to an aggregate principal amount of $2,800,000, each of such notes to be in the principal amount of $200,000, bearing interest at a rate per annum equivalent to the prime commercial rate in New York City currently in force on the date of issue of each such note, subject to adjustment to a rate equal to the coupon rate applicable to the next debenture issue of National Fuel Gas Company, such interest to be pay-

able semi-annually on May 1 and November 1 of each year until such note is paid in full, the first of such notes to mature May 1, 1959, and each succeeding note in the series to mature on May 1 of the calendar year following the maturity date of the next prior note.

It is further ordered, That said purchases of said promissory notes by National Fuel Gas Company be carried out and completed on or before December 31, 1956.

By the Commission.

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

[F. R. Doc. 56-1939; Filed, Mar. 13, 1956; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 103]

MOTOR CARRIER APPLICATIONS

MARCH 9, 1956.

Protest consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2229 Sub 76, filed February 27, 1956, RED BALL MOTOR FREIGHT, INC., 1210 S. Lamar St., P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excepting those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Birthright, Tex. and the junction of Texas Highways 24 and 154 over Texas Highway 154 as an alternate route for operating convenience only, serving no intermediate points but serving the termini for joinder only. Applicant is authorized to conduct operations in Texas, Louisiana, and Oklahoma.

No. MC 3341 Sub 14, filed February 27, 1956, LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Indiana. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Indiana. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Ford Motor Company, Lincoln Division, in Lyon Township, Oakland County, Mich., located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive), north of U. S. Highway 16, as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Ohio, Michigan, Illinois and Indiana.

No. MC 3419 Sub 7, filed March 1, 1956, THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland, Ohio. Applicant's attorney: Charles H. Ayres, 512 Union Commerce Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, small arms ammunition, currency, bullion, commodities exceeding ordinary equipment and loading facilities, commodities injurious or contaminating to other lading, and all other commodities expressly prohibited by law, serving the site of the Ford Motor Car Company Plant, Parts and Equipment Division, located near the unincorporated village of Rawsonville, Mich., at or near the southeast intersection of Huron River Drive (Textile Road) and McKean Road in Washtenaw County, Mich., as an off-route point in connection with carrier's authorized regular-route operations between Detroit, Mich., and Toledo, Ohio, and between Detroit, Mich., and Perrysburg, Ohio. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan, Ohio, and West Virginia.

No. MC 3566 Sub 36, filed March 2, 1956, GENERAL EXPRESSWAYS, INC., 221 West Roosevelt Road, Chicago 5, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company (Lincoln Division) Plant, located at the intersection of Michigan Highway 218 (known as Wixom Road) and unnumbered highway known as West Lake Drive, north of U. S. Highway 16 in Lyon Township, Oakland County, Mich., approximately 15 miles northwest of the limits of Detroit, Mich., and the site of the Ford Motor Company (Parts and Equipment Division) Plant, located near the unincorporated village of Rawsonville at the intersection of Huron River Drive (Textile Road) and McKean Road in Ypsilanti Township, Washtenaw County, Mich., as off-route points in connection with applicant's authorized regular-route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, New York, and New Jersey.

No. MC 8907 Sub 3, filed March 1, 1956, GARDNER TRUCKING COMPANY, INC., P. O. Box 3066, Odessa, Texas. Applicant's attorney: Rollo E. Kidwell, Empire Bank Building, Dallas 1, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof (excepting the picking up or stringing of main or trunk pipe lines), between points in Ector, Ward and Winkler Counties, Texas, on the one hand, and, on the other, points in Chaves, McKinley, Rio Arriba and San Juan Counties, New Mex.

No. MC 19013 Sub 7, (amended) published Page 705, issue of February 1, 1956, filed January 13, 1956, GEORGE HILLMAN TRUCKING CO., INCORPORATED, 7305 River Road (Skyline Drive), North Bergen, New Jersey. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Machinery, materials*, and *supplies* used in the installation of electrical cable systems, from Passaic and Paterson, N. J., to points in New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland and Delaware within 175 miles of Passaic and Paterson; *Returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland and Delaware.

No. MC 19201 Sub 88, Filed March 2, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, W. E., Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities in bulk, and*

commodities requiring special equipment, but excluding Class A and B explosives, and household goods, as defined by the Commission, in service auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad Company, (1) between Philipsburg, Pa., and Clearfield, Pa., from Philipsburg over U. S. Highway 322 to Clearfield, and return over the same route, serving all intermediate points which are stations on the line of The Pennsylvania Railroad, (2) between junction U. S. Highway 322 and unnumbered Pennsylvania Highway and Wallaceton, Pa., from junction U. S. Highway 322 and unnumbered Highway, thence over unnumbered Highway to Wallaceton, and return over the same route, serving all intermediate points which are stations on the line of The Pennsylvania Railroad, and (3) between junction U. S. Highway 322 and Pennsylvania Highway 153 and Bigler, Pa., from junction U. S. Highway 322 and Pennsylvania Highway 153, thence over Pennsylvania Highway 152 to Bigler, and return over the same route, serving all intermediate points which are stations on the line of The Pennsylvania Railroad. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

No. MC 25567 Sub 36, filed March 1, 1956, HANCOCK-TRUCKING, INCORPORATED, SHELDON A. KEY, TRUSTEE, 1917 West Maryland Street, Evansville 4, Ind. Applicant's attorney: Key & Latham, Bankers Trust Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Ford Motor Company plant located at the southeast corner of the intersection of Huron River Drive (Textile Road) and McKean Road in Washtenaw County, Mich., near the village of Rawsonville, as an off-route point in connection with carrier's authorized regular-route operations between Detroit, Mich., and Ypsilanti, Mich., over U. S. Highway 112 and Michigan Highway 112. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania and Wisconsin.

No. MC 28658 Sub 5, filed February 23, 1956, INTER-CITY TRUCKING SERVICE, INC., 1800 Abbott St., Detroit 16, Mich. Applicant's attorney: Robert E. DesRoches, 572 Hollister Bldg., Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals in bulk), and commodities requiring special equipment, serving the site of the plant of the Ford Motor Company, Chassis Parts Division, Sterling Plant, located at the intersection of Mound Road and Seventeen Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 28658 Sub 6, filed February 23, 1956, INTER-CITY TRUCKING SERVICE, INC., 1800 Abbott St., Detroit 16, Mich. Applicant's attorney: Robert E. DesRoches, 575 Hollister Bldg., Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving (1) the site of the Lincoln Motor Division, Ford Motor Company plant located on Michigan Highway 218 between Novi and New Hudson as an off-route point in connection with applicant's authorized regular route operations to and from Detroit and the Commercial Zone thereof; (2) the site of the Ford Motor Company Parts and Equipment Division located near Rawsonville, Mich. as an off-route point in connection with applicant's authorized regular route operations to and from Ypsilanti, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 29977 Sub 5, filed February 27, 1956, BARNEY'S TRANSFER INC., 2 Grove Street, Burlington, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, from North Haverhill, N. H., to points in New Hampshire, Vermont, Massachusetts, and New York, within 150 miles of North Haverhill. Applicant is authorized to conduct operations in New Hampshire, New York and Vermont.

NOTE: The above transportation is to be for persons (as defined in section 203 (a) of the Interstate Commerce Act), who operates wholesale, retail and chain grocery and food business houses.

No. MC 31600 Sub 398 (amended) published page 1057, issue of February 15, 1956, filed February 1, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Massachusetts. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dichlorodifluoromethane, dichlorodifluoromethane - monofluorotrichloromethane mixture*, and *monofluorotrichloromethane*, in bulk, in tank vehicles, from Edgewater, N. J., to Norristown, Pa., Baltimore, Md., and Cleveland, Ohio.

No. MC 31600 Sub 401, filed March 2, 1956, P. B. MUTRIE TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic Resin*, and *Liquid Sizing*, in bulk, in tank vehicles, from Chicopee, Mass., to Waterford, N. Y.

No. MC 31879 Sub 6, filed February 27, 1956, EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorneys: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo., and Stanley Garrity, 1000 Federal Reserve Bank Building, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cut flowers* and *potted plants*, between points in the Kansas City, Mo.-Kans. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in that part of Missouri west and north of a line beginning at the Iowa-Missouri State line and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to junction U. S. Highway 65, thence along U. S. Highway 65 to Springfield, Mo., thence along U. S. Highway 66 to junction U. S. Highway 166, thence along U. S. Highway 166 to the Missouri-Kansas State line, and those in Kansas north and west of a line beginning at the Missouri-Kansas State line, and extending along U. S. Highway 54 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line, including points on the indicated portions of the highways specified.

No. MC 32525 Sub 2, filed February 28, 1956, J. HUBERT UNDERHILL AND EMILY C. UNDERHILL, A PARTNERSHIP, doing business as UNDERHILL TRANSFER, 265 Madison Avenue, Yuma, Arizona. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *machinery*, between Yuma, Ariz., and points in Arizona within 25 miles of Yuma, on the one hand, and, on the other, Boulder City, Nev., points on U. S. Highway 95 between Blythe, Calif. and the California-Nevada State Line, and points in California and Arizona within 25 miles of such highway. Applicant is authorized to conduct operations in Arizona and California.

No. MC 35628 Sub 197, filed February 27, 1956, INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metals in bulk), and those requiring special equipment, serving the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Akron and Cleveland, Ohio over Ohio Highway 8. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Kentucky, West Virginia, Maryland, New York, Massachusetts, New Jersey, and the District of Columbia.

No. MC 35628 Sub 198, filed February 27, 1956, INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commod-*

ities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (excepting scrap metals in bulk), and those requiring special equipment, serving Webster, N. Y., as an off-route point in connection with applicant's authorized regular route operations to and from Rochester, N. Y. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Kentucky, West Virginia, Maryland, New York, Massachusetts, New Jersey, and the District of Columbia.

No. MC 41432 Sub 72, filed February 28, 1956, EAST TEXAS MOTOR FREIGHT LINES, A CORPORATION, 623 North Washington Ave., Dallas 10, Texas. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Texas. For authority to operate as a *common carrier*, transporting: *Ammunition* (explosives, incendiary, or gas, smoke or tear producing), also *manufactured ingredients and component parts of ammunition*, and *general commodities*, except those of unusual value, Class A and B explosives (other than ammunition and manufactured ingredients and component parts of ammunition), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Ferrels Bridge Reservoir, Marion County, Tex., located approximately 9 miles west of Jefferson, Tex., as an off-route point in connection with applicant's authorized regular route operations between Jefferson, Tex., and Daingerfield, Tex., over Texas Highway 49. Applicant is authorized to conduct operations in Illinois, Missouri, Texas, Arkansas, and Tennessee.

No. MC 42487 Sub 303, filed January 30, 1956, published in the February 15, 1956, issue, page 1058, amended, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg. Applicant's attorneys: Donald A. Schafer 803 Public Service Bldg., Portland 4, Oreg., and W. S. Pilling, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving Forest Fibre Products Company plant at Seghers, Oreg., as an off-route point in connection with applicant's authorized regular route operations to and from Portland, Oreg.; *building, wall, and insulating boards*, made of vegetable or wood fibre, over irregular routes, from points which applicant is authorized to serve in Oregon and the Forest Fibre Products Company plant as Seghers, Oreg., to points in California. Applicant is authorized to conduct operations in Washington, Oregon, California, Utah, Montana, Idaho, Nevada, Minnesota, North Dakota, Wisconsin, and Illinois.

No. MC 42487 Sub 308, filed February 21, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Chicago and Rockdale, Ill., (1) from Chicago over U. S. Highway 34 to the junction of U. S. Highway 65, thence over U. S. Highway 65 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 6, thence over U. S. Highway 6 to Rockdale, (2) from Chicago over U. S. Highway 66 to junction U. S. Highway 6, and thence over U. S. Highway 6 to Rockdale, (3) from Chicago over U. S. Highway 66 and Alternate U. S. Highway 66 to Joliet, Ill., and thence over U. S. Highway 6 to Rockdale, serving the Welco Service Station parking lot at the junction of U. S. Highways 66 and Alternate U. S. Highway 66 as an intermediate point, and serving Roy Cartage Company's parking lot on Caton Farm Road at a point approximately three-fourths of a mile west of the junction of Caton Farm Road and U. S. Highway 66A which junction is approximately two miles north of Joliet, Ill., as an off-route point in connection with operations between Chicago and Rockdale over the above-specified routes.

NOTE: Applicant seeks the right to join the above regular routes with its present alternate route over U. S. Highways 34, 65, and 30 (held under its Sub No. 251) at the junction of U. S. Highways 30 and 65 near Aurora, Ill. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California, Nevada, Montana, North Dakota, Minnesota, Illinois, Wisconsin, Utah, Wyoming, Nebraska, Iowa, and South Dakota.

No. MC 46737 Sub 28, filed March 2, 1956, GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant located at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive in Lyon Township, Oakland County, Mich., and near the village of Wixom, as an off-route point in connection with applicant's regular route operations between Detroit, Mich., and Lansing, Mich., over U. S. Highway 16. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 52458 Sub 133, filed February 23, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, excepting gasoline, fuel oil, benzene, kerosene, and raw milk, in bulk, in tank vehicles, between points in West Virginia, on the one hand, and, on the other, points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Texas, and the District of Columbia. Applicant is authorized to transport specified liquid commodities in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, and Virginia.

No. MC 52458 Sub 134, filed February 23, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, excepting gasoline, fuel oil, benzene, kerosene, and raw milk, in bulk, in tank vehicles, between points in Delaware, on the one hand, and, on the other, points in Connecticut and Rhode Island. Applicant is authorized to transport specified liquid commodities in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, and Virginia.

No. MC 52458 Sub 135, filed February 23, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, excepting gasoline, fuel oil, benzene, kerosene, and raw milk, in bulk, in tank vehicles, between points in West Virginia, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware. Applicant is authorized to transport specified liquid commodities in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont and Virginia.

No. MC 52657 Sub 480, filed February 14, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Ave., Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors, with loading or grading attachments*, combined, *with or without trailers*, and *parts necessary to assemble the tractors or trailers*, from Churubusco, Ind. to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 63865 Sub 6, filed February 27, 1956, HARRY A. BLADES, INC., 440 West 24th Street, New York, N. Y. Applicant's representative: William D. Traub, 60 East 42nd Street, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, (including flour, cereals, dog biscuits, potato chips) *carbracing material*, and *machinery, materials, supplies*, and *equipment*, (including office furniture and supplies) used in or incidental to the production, packing, and sale of bakery products, between Fair Lawn, N. J., and Albany, Kingston, Middletown, Beacon, Newburgh, New York, N. Y., Poughkeepsie, Schenectady, and Troy, N. Y., Allentown, Forty Fort, Harrisburg, Philadelphia, Pottsville, Reading, Port Providence, Lancaster, Hershey, Elizabethtown, Scranton, and York, Pa., Baltimore, Hagerstown, and Salisbury, Md., Wilmington, Del., and the District of Columbia.

NOTE: Applicant states that proposed operations are to be conducted under special and individual contracts or agreements with persons (as defined in section 203 (a) of the Interstate Commerce Act who operate bakeries, or whose business is the production, packing or sale of bakery products. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Maryland, Delaware and the District of Columbia.

No. MC 66562 Sub 1276, filed February 27, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, c/o Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Building, Atlanta, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Florence, S. C., and Myrtle Beach, S. C., from Florence over U. S. Highway 76 via Pee Dee to junction with U. S. Highway 501, thence over U. S. Highway 501 to Myrtle Beach, and return over the same route, serving the intermediate point of Conway, S. C. RESTRICTIONS: (a) Proposed service shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; (b) shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail; and (c) such further specific conditions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 68100 Sub 8, filed February 29, 1956, D. P. BONHAM TRANSFER, INC., 318 South Adeline, Bartlesville, Okla. Applicant's attorney: W. T. Brinson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Well-pumping units*, and *materials, equipment* and *supplies*, used in the installation, operation, and maintenance of such units (other than those in use by the oil industry), between Bartlesville, Okla., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma, and Texas. Applicant is authorized to conduct operations in Michigan and Oklahoma. NOTE: Applicant states in Certificate No. MC 68100 it has authority to transport these commodities for use by the oil industry.

No. MC 70451 Sub 178, filed February 24, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. Applicant's representative: W. H. Thickett, General Traffic Manager (same address as applicant). For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Class A, B and C explosives, ammunition* and *component parts thereof*, (1) between Los Angeles, Calif., and U. S. Air Force Base, near Yuma, Ariz., from Los Angeles over U. S. Highway 60 to junction U. S. Highway 99, thence over U. S. Highway 99 to junction U. S. Highway 80, thence over U. S. Highway 80 to Yuma, thence over irregular routes to U. S. Air Force Base, near Yuma, and return over irregular routes to Yuma, thence over U. S. Highway 80 to junction U. S. Highway 99, thence over U. S. Highway 99 to junction U. S. Highway 60, thence over U. S. Highway 60 to Los Angeles, serving no intermediate points, and (2) between Gallup, N. Mex., and U. S. Air Force Base, near Yuma, Ariz., from Gallup over U. S. Highway 66 to junction Arizona Highway 77, thence over Arizona Highway 77 to junction U. S. Highway 60, thence over U. S. Highway 60 to Phoenix, Ariz., thence over U. S. Highway 80 to Yuma, thence over irregular routes to U. S. Air Force Base, near Yuma, and return over irregular routes to Yuma, thence over U. S. Highway 80 to Phoenix, Ariz., thence over U. S. Highway 60 to junction Arizona Highway 77, thence over Arizona Highway 77 to junction U. S. Highway 66, thence over U. S. Highway 66 to Gallup, serving no intermediate points, with service at Gallup as joinder to other authorized routes between Denver, Colo., and Los Angeles, Calif.

No. MC 72140 Sub 33, filed February 27, 1956, SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend 24, Ind. Applicant's attorney: Matheson, Dixon & Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the plant of the Ford Motor Company at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive in Lyon Township, Oakland County, Mich., near the village of Wixom, as an off-route point in connection with carrier's authorized regular route operations between Detroit, Mich., and Fort Wayne, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

No. MC 72140 Sub 34, filed February 27, 1956, SHIPPERS DISPATCH, INC., AN INDIANA CORPORATION, 1216 W. Sample Street, South Bend 24, Indiana. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Ford Motor Company plant, near the unincorporated village of Rawsonville located at intersection of Huron River Drive (Textile Road) and McKean Road, Washtenaw County, Mich., as an off-route point in connection with applicant's authorized regular route operations from and to Detroit, Mich. via U. S. Highway 112 and Michigan Highway 112. Applicant is authorized to conduct operations in Indiana, Ohio, Illinois and Michigan.

No. MC 76564 Sub 53, filed February 27, 1956, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Applicant's attorney: Morris G. Cobb, P. O. Box 1750, Amarillo, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, and *commodities in bulk*, but excluding articles of unusual value, household goods as defined by the Commission, and those requiring special equipment, between Amarillo, Tex., and Moriarty, N. Mex., over U. S. Highway 66, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations between Albuquerque, N. Mex., and Amarillo, Tex. Applicant is authorized to conduct operations in New Mexico, and Texas.

No. MC 78400 Sub 3, filed February 27, 1956, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER CO., Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Belle, Mo., and the plant of Kingsford Charcoal Company, located near Belle, Mo., from Belle, over Missouri Highway 28 to an unmarked private road approximately five (5) miles south of Belle, thence over unmarked private road approximately one (1) mile west to Kingsford Charcoal Company, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Missouri and Illinois.

No. MC 78913 Sub 1, filed February 29, 1956, L. J. JOHANNSEN, Dixon, Iowa. For authority to operate as a *common carrier*, over irregular routes. Applicant applies to change the provisions of Certificate No. MC 78913 authorizing operations over regular routes, to permit applicant to conduct the same operations as a common carrier by motor vehicle over irregular routes. Applicant is presently authorized in Certificate No. MC 78913 to perform operations as a common carrier by motor vehicle in interstate or foreign commerce over regular routes, in the transportation of *Livestock*, between Dixon, Iowa, and Chicago, Ill., from Dixon over unnumbered highway to junction Iowa Highway 150, thence over Iowa Highway 150 to Davenport, Iowa, thence over U. S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U. S. Highway 34, thence over U. S. Highway 34 to Chicago. Service is authorized from intermediate and off-route points within 20 miles of Dixon, Iowa, restricted to pick-up only. *Livestock, feed, agricultural machinery and parts, lumber, binder twine, and hay*, from Chicago over the above-specified route to Dixon. Service is authorized to intermediate and

off-route points within 20 miles of Dixon, restricted to delivery only.

No. MC 92983 Sub 159, filed February 9, 1956, ELDON MILLER, INC., Box 232, E. Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes transporting: *Vegetable oils and blends thereof*, and *vegetable oil products*, in bulk, in tank vehicles, between Evadale, Ark., and New York City, N. Y. Applicant is authorized to conduct operations in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

NO. MC 92983 Sub 160, filed February 15, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, acids and chemicals*, as defined by the Commission, *cement, vegetable oils and blends thereof, vegetable oil products, malt syrup, fly ash, slag, feed* (in bulk, dry), *fertilizer*, (dry), *tallows, sugars* (both liquid and dry), *shortening, paint* and *paint ingredients, lard, corn oil, cooking oil*, and *fish oil*, in bulk, in tank vehicles, or other special equipment, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, except no authority is being sought to render service between any two points located in the same State. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 97264 Sub 13, filed February 27, 1956, M & M OIL and TRANSPORTATION, INC., P. O. Box 2050 2000 E. Yellowstone, Casper, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from all producing, refining and distributing points in Wyoming to points in Jackson County, Colo., and (2) from points in Jackson County, Colo., to points in Wyoming.

No. MC 97264 Sub 14, filed February 27, 1956, M & M OIL and TRANSPORTATION, INC., P. O. Box 2050, 2000 East Yellowstone, Casper, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from all producing, refining, and distributing points in Nebraska, located on and west of U. S. Highway No. 183 to points in Colorado.

No. MC 104819 Sub 95, filed January 23, 1956, published in the February 8, 1956 issue, page 882, amended, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201 First Ave., North, P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foods* and *food products* requiring the use of temperature controlled vehicles, from Providence, R. I. and points in Maine and Massachusetts to points in Alabama, Tennessee, Mississippi, and Louisiana; Little Rock, Ark.; Dallas, Forth Worth, Houston, and San Antonio, Tex.; and Tulsa and Oklahoma City, Okla.

No. MC 107403 Sub 218, filed February 27, 1956, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pennsylvania. Applicant's attorney: Paul F. Barnes, 811–19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pennsylvania. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between South Danville, Pa., on the one hand, and, on the other, points in Virginia. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, Maryland, West Virginia and Ohio.

No. MC 107515 Sub 208, filed January 27, 1956, published in the February 15, 1956 issue page 1060, amended, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, *frozen foods, fresh dressed, ice packed, and frozen poultry, dairy products*, as defined by the Commission, and *fresh fruits and vegetables*, when transported in the same vehicle with non-exempt commodities, in temperature-controlled vehicles, between points in California, Arizona, and New Mexico, on the one hand, and, on the other, points in Mississippi, Alabama, Tennessee, except Memphis, Tenn., Georgia, Florida, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Minnesota, Oklahoma, Texas, Kansas, Nebraska, and Arkansas.

No. MC 107636 Sub 1, filed February 27, 1956, M. M. CAMPION and GEORGE KINGSHOTT, doing business as C & K TRANSPORT, 585 West Laketon Ave., Muskegan, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Stone*, broken, ground, crushed or pulverized; and *lime*, common, hydrated, quick or slaked, in bulk or in bags, with a minimum load of 40,000 pounds, from the Chicago, Ill., Commercial Zone to points in the Lower Peninsula of Michigan lying south of the Straits of Mackinac, and points in Lake, Porter, LaPorte, St. Joseph, Elkhart, Lagrange and Steuben Counties, Ind.

No. MC 109435 Sub 5, filed January 19, 1956, (Amended) LEVOY C. ELLSWORTH, CHARLES R. ELLSWORTH, AND JOHN A. ELLSWORTH, doing business as ELLSWORTH BROTHERS TRUCK LINES, Box 423, Stroud, Okla. Applicant's attorney: Richard James, Lincoln County, Stroud, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid asphalt* and *asphaltic products*, in bulk, in tank vehicles, from Stroud, Okla., and points within 30 miles thereof, to points within 150 miles of Fort Smith, Ark., including Fort Smith. RESTRICTION: Applicant shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation, except and only when such vehicle is at rest and off the highway. Applicant is authorized to conduct operations in Arkansas, Kansas, and Oklahoma.

No. MC 109584 Sub 28, filed February 29, 1956, ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Ave., Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene glycol, diethylene glycol, polyethylene glycol* (carbonwax), and *propylene glycol*, in bulk, in tank vehicles, from Los Angeles, Calif., to points in Colorado and New Mexico.

No. MC 110252 Sub 37, filed February 23, 1956, JAMES J. WILLIAMS, INC., North 1108 Pearl St., Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers* and *dry fertilizers*, and *materials used in manufacturing fertilizers*, in bulk, in tank or hopper-type vehicles or in containers of not less than 10,000 pounds capacity each, between (1) points in Washington on and east of U. S. Highway 97, on the one hand, and, on the other, points in Oregon on and east of U. S. Highway 97; (2) points in Washington on and east of U. S. Highway 97 and points in Idaho on and north of the southern boundary of Idaho County, Idaho, excepting liquid fertilizers in tank vehicles destined to or originating at points in Canada. Applicant is authorized to transport liquid fertilizers in bulk, in tank vehicles in the territory sought herein under (2).

No. MC 111758 Sub 22, filed February 23, 1956, LIQUID CARRIERS, INC., a Corporation, P. O. Box 241, Bay Minette, Ala. (also Stapleton, Ala.). For authority to operate as a *common carrier*, over irregular routes, transporting: *Refined tall oil* and *tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla., to Atlanta and Macon, Ga. *Muriatic acid*, in bulk, in tank vehicles, (a) from Weeks Island, La., to Marshall and Texas City, Tex., (b) from Baton Rouge, La., to Hattiesburg and Natchez, Miss. *Denatured alcohol solvents*, in bulk, in tank vehicles, from New Orleans, La., to Elsa, Tex. *Acetone*, in bulk, in tank vehicles, from New Orleans, La., to Velasco, Tex. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

No. MC 111812 Sub 26, filed March 1, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Omak, Wash., and points within three miles thereof, to Sioux Falls, S. Dak. Applicant is authorized to conduct operations in Minnesota and South Dakota.

No. MC 113271 Sub 9, filed February 27, 1956, CHEMICAL TRANSPORT, 712 Central Ave., West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527-29 Ford Bldg., Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Finley, Wash. to points in Montana and those in Idaho north of the southern boundary of Idaho County. Applicant is authorized to transport the named commodities from specified origin points to points in Montana, Wyoming, and North Dakota.

No. MC 113410 Sub 6, filed February 27, 1956, DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitrogen solutions, nitrogen solids*, and *other fertilizer* and *fertilizer ingredients* in liquid or compounded form, *liquid sulphur* and *sulphur products*, in bulk, in tank vehicles or other specialized equipment, from points in Ramsey and Dakota Counties, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Illinois, Wisconsin, and to all ports of entry located in North Dakota and Minnesota on the International Boundary line between the United States and Canada.

No. MC 114045 Sub 15, filed October 21, 1955, published in the November 30, 1955 issue, page 8800, amended, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz St., P. O. Box 5842, Dallas 22, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen cakes, cookies, and pies*, from Lake City, Pa., to Oklahoma City, Okla. and Tulsa, Okla.; Little Rock and Ft. Smith, Ark.; Dallas, Houston, Fort Worth, Austin, Waco, San Antonio, El Paso, Lubbock, Amarillo, Midland, Odessa, Victoria, Laredo, and Brownsville, Tex.; and Shreveport, New Orleans, and Baton Rouge, La. Applicant is authorized to conduct operations from stated points to points in New York, Pennsylvania, Virginia, Kentucky, Louisiana, Oklahoma, Texas, Massachusetts, Connecticut, New Jersey, Maryland, and the District of Columbia.

No. MC 114045 Sub 21, (Amended), filed February 27, 1956, published March 7, 1956, on page 1475, R. L. MOORE & JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, Dallas, Texas. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, (1) from points in Texas, Oklahoma, Arkansas, and Louisiana, to points in Tennessee, except Memphis, Kentucky, Pennsylvania, New York, Massachusetts, Virginia, West Virginia, Maryland, Delaware, Rhode Island, Connecticut, New Jersey, and the District of Columbia, (2) from points in Maine to points in Oklahoma, Louisiana, Arkansas, and Texas, (3) from points in Tennessee, except Memphis, to points in Texas and Oklahoma, and (4) from points in New York to points in Oklahoma, Arkansas, Louisiana, Texas, and Nashville and Memphis, Tenn. Applicant is authorized to conduct operations in Arkansas, Virginia, Maryland, New Jersey, New York, Pennsylvania, Louisiana, Oklahoma, Texas, Massachusetts, Kentucky, and West Virginia.

No. MC 114637 Sub 2, filed March 1, 1956, J. PRESTON WOODBURN, JR., doing business as PEOPLES MARINE SERVICE, Solomons, Md. Applicant's attorney: Glenn F. Morgan, 404-406 International Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, (40 feet or less in length), *and parts thereof* when transported with boats: Between Solomons and Dundalk, Md., Buffalo and North Tonawanda, N. Y., Jacksonville, and Miami, Fla. on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 114969 Sub 4, filed February 29, 1956, PROPANE TRANSPORT, INC., 27 East Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Meade County, Ky., to points in Kentucky, Ohio, Indiana, Illinois, Michigan, Pennsylvania and Tennessee.

No. MC 114969 Sub 5, filed March 1, 1956, PROPANE TRANSPORT, INC., 27 E. Water Street, Milford, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, and Lima, Ohio, to points in Indiana.

No. MC 115291 Sub 3, filed February 6, 1956, WALTHALL LITTLEPAGE, doing business as LITTLEPAGE TRUCKING COMPANY, 1710 Sweet St., Tahoka, Tex. Applicant's attorney: John W. Carlisle, 316 Rio Grande National Bldg., Dallas, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Black strap molasses*, in bulk, in tank vehicles, from Beaumont, Houston, Port Arthur, Sugar Land, Corpus Christi, and El Paso, Tex. to points in New Mexico, excepting Roswell, N. Mex.; *commercial fertilizer*, in containers, from Houston, Fort Worth, Dallas, San Antonio, Sulphur Springs, Lubbock, Corpus Christi, and Harlingen, Tex. and Pryor, Okla., and *insecticides and fungicides*, powder, liquid and dust, in containers, from Houston, Fort Worth, Dallas, Sulphur Springs, Lubbock, Corpus Christi, El Paso, San Antonio, and Harlingen, Tex. and Pryor, Okla. to points in New Mexico except those within an area bounded by a line beginning at the New Mexico-Texas State line near Endee, N. Mex., thence south and west along the New Mexico-Texas State line to its intersection with U. S. Highway 54, thence north along U. S. Highway 54 to junction U. S. Highway 66, and thence east along U. S. Highway 66 to point of beginning; *fish meal*, in bulk and in containers, from Houston and Fort Arthur, Tex. to points in New Mexico; *tankage, steam bone meal*, and *spent bone black*, in bulk and in containers, from Houston, Dallas, and Fort Worth, Tex. and Oklahoma City, Okla. to points in New Mexico; *mile gluten meal*, in bulk and in containers, from Corpus Christi and Houston, Tex. to points in New Mexico; *cotton seed oil meal*, in bulk and in containers, from Houston, Corsicana, Fort Worth and Lubbock, Tex. and points in Oklahoma to points in New Mexico; *soy bean oil meal*, in bulk and in containers, from Houston, Tex. and points in Oklahoma to points in New Mexico; *sulphur*, in bulk, from Houston, Tex. and points in Harris, Galveston, Brazoria, and Ft. Bend Counties, Tex. to points in New Mexico; *rice bran hulls*, in bulk and in containers, from Houston and Bay City, Tex. to points in New Mexico.

No. MC 115646 Sub 1, filed February 27, 1956, BRINK'S EXPRESS COMPANY OF CANADA, LIMITED, 1111 Bleury St., Montreal, Quebec, Canada. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Currency, coin*, and *negotiable and non-negotiable securities*, in armored car service, between the International Boundary of the United States and Canada at the Ports of Entry at Niagara Falls, N. Y. and Buffalo, N. Y. and the cities of Niagara Falls and Buffalo, N. Y.

No. MC 115796, filed February 6, 1956, W. C. HARTZELL, Belle Fourche, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock feed*, and *poultry feed*, from Sioux City, Iowa, to points in Butte, Pennington, Meade, Lawrence, and Harding Counties, S. Dak., and points in Crook County, Wyo.

No. MC 115810, filed February 15, 1956, HERMAN TRANSPORT, Box 113, Kim-MELVIN HERMAN, doing business as bell, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers* or *mobile homes*, between points in New Mexico, Colorado, South Dakota, Montana, Wyoming, Texas, Oklahoma, Kansas, and Nebraska.

No. MC 115816, filed February 15, 1956, GEORGE WILLIS, doing business as WILLIS TRANSFER CO., 2633 18th

Street, Tuscaloosa, Ala. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Building, 1111 E. Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials* and *supplies* (including pipe, roofing materials and asphalt), from Tuscaloosa, Ala., and points within ten miles thereof, to points in Florida, and *junk and/or scrap iron, steel*, and *metals* on return.

No. MC 115818, filed February 17, 1956, EMANUEL J. CASAMASSIMA, 28 Chester Place, New Rochelle, New York. Applicant's attorney: J. A. Lieberman, 1776 Broadway, New York 19, New York. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Household furnishings*, between New York, N. Y., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex and Union Counties, N. J.

No. MC 115822, filed February 20, 1956, HAROLD BEATTY, Box 375, Marion Center, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, sewer pipe*, and *clay products*, from points in Armstrong and Indiana Counties, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

No. MC 115823, filed February 20, 1956, ROBERT F. ALEY, doing business as ALEY TRANSPORT, Box 216, Snyder, Okla. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Texas to points in Oklahoma.

No. MC 115833, filed February 27, 1956, OREN D. EMBRY, 1910 North 28th Street, Boise, Idaho. Applicant's attorney: John M. Hickson, Yeon Building, Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *lumber products*, from points in Grays Harbor, Thurston, Pierce, King and Clarke Counties, Washington, and Tillamook, Washington, Multnomah, Clackamas, Marion, Benton, Lane, Douglas, Josephine, Jackson and Klamath Counties, Oreg., to points in Cache, Weber, Davis, Morgan, Salt Lake, and Utah Counties, Utah.

No. MC 115843, filed February 28, 1956, TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Stickney, Ill. Applicants' attorney: Richard J. Hardy, One North La Salle Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid chemicals and acids*, including *anhydrous ammonia* and *ammoniating solutions*, in bulk, in tank vehicles, from points in the Commercial Zones of Chicago, Ill., Joliet, Ill., Lemont, Ill., and Millsdale, Ill., as defined by the Commission, to points in Michigan, Illinois, Wisconsin, Indiana, Minnesota, Missouri, Iowa and Ohio.

No. MC 115844, filed February 27, 1956, EDWARD J. ZIFCAK, doing business as EDDIE'S TOWING SERVICE, Chapel Street, Harrisville, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, in truckaway service, and *repossessed motor vehicles*, in truckaway and driveaway service, between points in Kent and Providence Counties, Maine, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

No. MC 115851, filed March 2, 1956, GLEN DE HART, doing business as DE HART BROS., General Delivery, Cayuga, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *clay products*, from Cayuga, Ind., to points in Illinois and Indiana, points in Hamilton, Butler, Preble and Montgomery Counties, Ohio, points in Michigan on and south of U. S. Highway 12 and on and west of U. S. Highway 127, points in Wisconsin on and south of U. S. Highway 18 and on and east of Wisconsin Highway 69, including Madison; and Louisville, Ky., and St. Louis, Mo., and *damaged or unclaimed shipments* on return.

CORRECTION

No. MC 72231 Sub 2, published February 22, 1956, on page 1261, should read: from Youngstown, Ohio, *to* points in Summit and Medina Counties, Ohio.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12567 Sub 1, filed February 28, 1956, GLENN E. BAILEY, G. M. BAILEY AND FRED J. BAILEY, doing business as BAILEY TRAVEL SERVICE, 123 East Market St., York, Pa. For a license (BMC 5) authorizing operations as a *broker* at York, Pa., in arranging for transportation in interstate or foreign commerce by motor vehicle of *passengers and their baggage* in the same vehicles with passengers, in round-trip special or charter all-expense tours beginning and ending at York, Pa. and extending to points in the United States.

No. MC 12639, filed January 27, 1956, THEODORE C. RADTKE, R. R. 1, Box 412, Sturtevant, Wis. Applicant's representative: W. E. Palmer, Palmer Agency, 36 Second St., Sturtevant, Wis. For a License (BMC 4) authorizing operations as a *broker* at Sturtevant, Wis., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *automobiles*, from manufacturing plant of American Motors of Kenosha, Wis., to points in Iowa, Nebraska, Missouri, Illinois, Indiana, Kansas, Colorado and Minnesota.

No. MC 12641, filed March 1, 1956, ALAN AARON PENN, doing business as PEN-WAY BROKERS, 1656 W. Jonquil Terrace, Chicago, Ill. For a License (BMC 4) authorizing operations as a broker at Chicago, Ill., in arranging for the transportation in interstate or foreign commerce by motor vehicle of *general commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, other than refrigeration, between points in the United States.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 265 Sub 20, filed February 28, 1956, QUAKER CITY BUS CO., A Corporation, 1313 Arch Street, Philadelphia, Pa. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Newark, N. J., and Jersey City, N. J., from junction of the New Jersey Turnpike and Newark Bay-Hudson County Extension of the New Jersey Turnpike in Newark, N. J., over the Newark Bay-Hudson County Extension of the New Jersey Turnpike to junction U. S. Highway 1 in Jersey City, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

No. MC 59237 Sub 7, filed February 27, 1956, MID-CONTINENT COACHES, INC., 1206 Exchange Ave., Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between the North Junction of Oklahoma Highway 36 and the South Junction of Oklahoma Highway 36, from the North Junction of Oklahoma Highway 36 to the South Junction of Oklahoma Highway 36 over U. S. Highway 277, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oklahoma, Kansas, and Texas.

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

No. MC–F 6147, published in the December 7, 1955, issue of the FEDERAL REGISTER on page 9005. By Amendment filed March 1, 1956, RAYMUND F. KOLOWICH and JOHN C. FINAN seek to join in the application as co-executors of the Estate of GEORGE J. KOLOWICH. Application assigned for hearing March 14, 1956, at Denver, Colo.

No. MC–F 6151, published in the December 14, 1955, issue of the FEDERAL REGISTER on page 9356. By amendment filed March 1, 1956, RAYMUND F. KOLOWICH and JOHN C. FINAN seek to join in the application as co-executors of the Estate of GEORGE J. KOLOWICH. Application assigned for hearing March 14, 1956, at Denver, Colo.

No. MC–F 6203. Authority sought for control and merger by E. & L. TRANSPORT COMPANY, 14201 Schaden Ave., Dearborn, Mich., of the operating rights and property of CENTRAL TRUCKAWAY SYSTEM, INC., 1401 Southwestern Parkway, Louisville, Ky., and for acquisition by ANTHONY J. D'ANNA, LLOYD LAWSON, and EFFIE M. LAWSON, all of Dearborn, of control of such

operating rights and property through the transaction. Applicant's attorneys: George S. Dixon, 2150 Guardian Bldg., Detroit 26, Mich., and Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis, Ind. Operating rights sought to be controlled and merged: *Automobiles, trucks, trailers, bodies, cabs, chassis, automobile parts and accessories, tires, tubes, flanges, automobile cushions, tractors, busses,* and *trackless trolleys,* as a *common carrier* over irregular routes from, to and between points and areas, varying with the commodity transported, in the United States; *airplane parts,* between Louisville, Ky., and points within one mile of Louisville, on the one hand, and, on the other, Robertson, Mo., Cincinnati, Columbus and Dayton, Ohio, Buffalo, N. Y., and points within ten miles of Buffalo, from Chicago, Ill., Indianapolis, Ind., and St. Louis, Mo., to Louisville, Ky., and points within one mile of Louisville; *jigs fixtures and layouts* used in the manufacture and assembly of airplanes, and *airplane parts and assemblies,* between Louisville, Ky., and points within one mile of Louisville, on the one hand, and, on the other, Robertson, Mo. Vendee is authorized to operate in Michigan, Ohio, West Virginia, Pennsylvania, Virginia, Kentucky, New York, Indiana, Illinois, Wisconsin, Missouri, West Virginia, North Carolina, Tennessee, Iowa, Alabama, Louisiana, Mississippi, and Texas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6212. Authority sought for purchase by GORDY FREIGHT LINES, INC., 1621 S. Canal St., Chicago, Ill., of the operating rights of CARL TIMM, doing business as TIMM TRANSIT, 1038 S. Jackson, Janesville, Wis., and for acquisition by M. J. CONROY and J. F. LaMERE, both of Chicago, of control of such operating rights through the purchase. Applicants' attorney: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be transferred: *General commodities,* with certain exceptions not including household goods, as a *common carrier* over regular routes, between Madison, Wis., and Rockford, Ill., between Beloit, Wis., and Rockford, Ill., between Madison, Wis., and Janesville, Wis., and between Madison, Wis., and Stoughton, Wis., serving certain intermediate and off-route points. Vendee is authorized to operate in Iowa, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6213. Authority sought for purchase by C. E. LIZZA, INCORPORATED, 315 Depot St., Latrobe, Pa., of the operating rights of DOVE EXPLOSIVE SERVICE, INC., 209 N. 19th St., Pottsville, Pa., and for acquisition by C. E. LIZZA, also of Latrobe, of control of such operating rights through the purchase. Applicants' attorney: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. Operating rights sought to be transferred: *Explosives, materials* used or useful in the manufacture of explosives, and *blasting supplies,* as a *contract carrier,* over irregular routes, from Pottsville, Pa., to certain points in New Jersey; *explosives* and *blasting supplies,* from Kenvil, N. J., to Catasauqua, Pa., and points in Pennsylvania within 100 miles of Catasauqua, and from Bath, Pa., to certain points in New Jersey. Vendee is authorized to operate in Pennsylvania, Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Arkansas, Delaware, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont and Maine. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6214. Authority sought for control and merger by MID-AMERICAN TRUCK LINES, INC., 1002 Atchison St., St. Joseph 1, Mo., of the operating rights and property of WICHITA FORWARDING COMPANY, 1700 W. 9th St., Kansas City, Mo., and for acquisition by LEE SHALHOPE and CECIL SHALHOPE, both of Chicago, LEROY WOLFE and HELEN I. WOLFE, both of Kansas City, Mo., of control of such operating rights and property through the transaction. Applicants' attorneys: W. E. Griffin, 1012 Baltimore, Kansas City 5, Mo., Kenneth M. Myers, 1010 Insurance Exchange Bldg., Kansas City 5, Mo., and Frank P. Barker and Jack E. Smith, both of 1100 Waltower Bldg., Kansas City 5, Mo. Operating rights sought to be controlled and merged: *General commodities,* with certain exceptions, including household goods, as a *common carrier,* over regular routes, between Kansas City, Mo., and Wichita, Kans., and between Kansas City, Mo., and Ottawa, Kans., serving certain intermediate and off-route points; *general commodities,* with certain exceptions, including household goods, over irregular routes, from Kansas City, Mo., to certain points in Kansas; *grain,* from St. Joseph, Mo., to Emporia, Kans.; *poultry crates, mapes pods* and *egg case materials,* from Kansas City, Mo., to Mariona, Kans.; *agricultural implements and agricultural implement parts,* from Kansas City, Mo., to Strong City, Kans., and from St. Joseph, Mo., to Emporia, Kans.; *fencing and roofing materials,* from Kansas City, Mo., to Strong City, Kans.; *household goods,* as defined by the Commission, between Cedar Point, Kans., and points within 15 miles of Cedar Point, on the one hand, and, on the other, points in Missouri. MID-AMERICAN TRUCK LINES, INC., is authorized to operate in Missouri, Illinois, Kansas, Nebraska, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6215. Authority sought for purchase by SALT TRANSPORT, INC., 19555 Toledo Ave., Wyandotte, Mich., of a portion of the operating rights of HECK DE TAVERNIER, INC., (JOHN M. STIVASON, RECEIVER), 21262 Telegraph Road, Detroit, Mich., and for acquisition by PAUL W. WILLS, Grosse Isle, Mich., of control of such operating rights through the purchase. Applicants' attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit, Mich. Operating rights sought to be transferred: *Salt,* in bulk, in dump vehicles, as a *common carrier,* over irregular routes, from Detroit, Mich., to points in Illinois and Indiana and those in Ohio (except points in Lucas and Ottawa Counties). Vendee holds no authority from this Commission but is affiliated with PAUL W. WILLS, INC., which is authorized to operate in Michigan and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6218. Authority sought for purchase by HICKERSON BROS. TRUCK CO., INC., 826 Pine St., Great Bend, Kans., of a portion of the operating rights of RAYMOND NYE, 1423 W. Frank Phillips Blvd., Bartlesville, Okla., and for acquisition by E. L. HICKERSON and T. L. HICKERSON, both of Great Bend, of control of such operating rights through the purchase. Applicants' attorney: W. T. Brunson, 508 Leonhardt Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *Oilfield commodities,* as a *common carrier,* over irregular routes, between points in Kansas, on the one hand, and, on the other, points in Texas. Vendee is authorized to operate in Kansas, Oklahoma, Colorado, Nebraska, and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6219. Authority sought for purchase by COOK TRUCK LINES, INC., 25 E. Virginia Ave., Memphis, Tenn., of the operating rights and property of H. S. STEPHENS, doing business as STEPHENS RELIABLE EXPRESS, Commerce St., Laurel, Miss., and for acquisition by VIKING FREIGHT COMPANY, ELMER WEILBACHER, and C. F. WEILBACHER, all of St. Louis, Mo., and LEO A. WEILBACHER, of Columbia, Ill., of control of such operating rights and property through the purchase. Applicants' attorney: B. W. LaTourette, 1230 Boatmen's Bank Bldg., St. Louis, Mo. Operating rights sought to be transferred: *General commodities,* with certain exceptions, including household goods, as a *common carrier,* over regular routes, between New Orleans, La., and Meridian, Miss., serving all intermediate and certain off-route points; *petroleum, petroleum products, canned goods, masonite,* and *mason and masonite supplies,* from, to and between points, varying with the commodity transported, in Louisiana and Mississippi; *cotton,* over irregular routes, from Carthage, Newton and Taylorsville, Miss., to New Orleans, La. Vendee is authorized to operate in Tennessee, Mississippi, Louisiana and Alabama. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 56–1944; Filed, Mar. 13, 1956; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 67]

GENESEE AND WYOMING RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Genesee and Wyoming Railroad Company, because of flood conditions is unable to transport traffic routed over its lines via Pittsburgh and Lehigh

Junction or Genesee and Wyoming Junction: *It is ordered*, That:

(a) Rerouting traffic: The Genesee and Wyoming Railroad Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. 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 railroads 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: The carriers 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 carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments 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 said 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 12:01 p. m., March 7, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., March 20, 1956, 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., March 7, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 56-1974; Filed, Mar. 13, 1956; 8:56 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31794: *Corn oil to Cardinal, Ontario, Canada.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on corn oil, in packages, carloads, and in tank-car loads from Chicago, Ill., and other specified points in Illinois, Akron, Ohio, Battle Creek, Mich., Milwaukee, Wis., and St. Louis, Mo., to Cardinal, Ont., Canada.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 74 to Agent Hinsch's I. C. C. 4460.

FSA No. 31795: *Motor-water and motor-water-motor class rates—Pan-Atlantic Steamship.* Filed by Pan Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on commodities, various, moving under class rates between points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and points in Texas, on the other.

Grounds for relief: Competition with rail-water, water-rail, and rail-water-rail carriers and circuity.

FSA No. 31796: *All water class and commodity rates—Pan Atlantic Steamship Corporation.* Filed by Pan Atlantic Steamship Corporation, for itself. Rates on various commodities, including those described in exhibit "A" of the application from, to or between Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., Georgetown and Charleston, S. C., Jacksonville, Miami, Tampa, Port St. Joe, Panama City, and Pensacola, Fla., Mobile, Ala., New Orleans, La., Galveston and Houston, Tex.

Grounds for relief—Competition with all-rail carriers in connection with rates made with relation to the all-rail rates.

FSA No. 31797: *Commodities to Canada, official and southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on crude sugar of milk, carloads, and building, wall or insulating boards, carloads from specified points in western trunk-line territory to specified points in Canada, official and southern territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31798. *All freight—East to Florida.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from specified points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island to Ft. Myers and Sarasota, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 7 to Agent Boin's I. C. C. A-1069.

FSA No. 31799: *All freight—East to Florida.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from specified points in Connecticut, Maryland, Massachusetts, New York and Pennsylvania to Dewey and Port Tampa, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 7 to Agent Boin's I. C. C. A-1069.

FSA No. 31800: *Soap—Edgewater, N. J., to South Atlantic ports.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on cleaning, scouring or washing compounds, soap, noibn, and soap powders, carloads from Edgewater, N. J., to Charleston, S. C., Jacksonville and South Jacksonville, Fla.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 9 to Agent Boin's I. C. C. A-1079.

FSA No. 31801: *Butyl alcohol—Philadelphia, Pa., to Kingsport, Tenn.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on butyl alcohol, tank-car loads from Philadelphia, Pa., to Kingsport, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to Agent Boin's I. C. C. A-1079.

FSA No. 31802: *Sand—Official territory to Norton, Ala.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on Sand, carloads from specified points in New Jersey, Pennsylvania, and West Virginia to Norton, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 9 to Agent Boin's I. C. C. A-1079.

FSA No. 31803: *Class rates between official territory and Canada.* Filed by H. R. Hinsch, for interested rail carriers. Rates on commodities moving on first-class rates, and class rates made percentages of first-class rates, between points in the United States in official territory, on the one hand, and points in eastern central Canada, in the Provinces of Ontario and Quebec, on the other.

Grounds for relief: Modified short-line distance formulas, grouping and circuity.

FSA No. 31804: *Non-ferrous scrap metals in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on non-ferrous scrap metals, carloads, also scrap brass, bronze, copper, etc., carloads, minimum weight 80,000 pounds, between points in official territory.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 24 to Agent Boin's I. C. C. A-1059.

FSA No. 31805: *Cottonseed products—August, Ga., to Gainesville, Ga.* Filed by Southern Railway Company, for itself locally. Rates on cottonseed or peanut oil cake or meal or soybean oil cake or meal, carloads from Augusta, Ga., to Gainesville, Ga.

Grounds for relief: Circuitous route through South Carolina.

Tariff: Supplement 47 to Agent Spaninger's I. C. C. 1411.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

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