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TITLE 6—AGRICULTURAL CREDIT

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

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

The regulations in this subpart govern the conservation reserve part of the Soil Bank Program.

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AUTHORITY: §§ 485.150 to 485.182 issued under sec. 124, 70 Stat. 198. Interpret or apply secs. 107-123, 125, 126, 70 Stat. 191-198.

§ 485.150 *Definitions.* As used in this subpart and in all contracts, forms, documents, and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 Stat. 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator, ACPS," means the Administrator or Acting Administrator of the Agricultural Conservation Program Service, United States Department of Agriculture.

(d) "Administrator, CSS," means the Administrator or Acting Administrator of the Commodity Stabilization Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Director" means the Director, or Acting Director, of the Soil Bank Division, Commodity Stabilization Service, United States Department of Agriculture.

(g) "State" means any one of the continental United States.

(h) "County" means county or parish.

(i) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(j) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(k) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(l) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(m) "Cash tenant," "standing-rent tenant," or "fixed-rent tenant" means a person who rents land from another for

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(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) ($2.25)

Title 38 ($2.00)

Titles 44–45 ($1.00)

Title 50 ($0.60)

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 6 ($1.75); Title 7: Parts 1–209 ($1.25), Parts 210–899 (Rev., 1955) with Supplement ($4.50), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Titles 47 and 48 ($2.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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a fixed amount of cash or a fixed amount of a commodity to be paid as rent.

(n) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(o) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(p) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(q) "Producer" means any person who is an owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on the farm, and includes a person who furnishes water for a share of the crop or proceeds thereof.

(r) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, machinery, and labor substantially separate from that for any other land, and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(s) "Cropland" means farm land which was tilled or was in regular crop-rotation during the year immediately preceding the first year of the contract period, including also land which was established in permanent vegetative cover, other than trees, since 1953, and which was classified as cropland at the time of seeding, but excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, an erosion hazard to the community.

(t) "Acreage reserve" means the tract of land on a farm which is designated by a producer under the Acreage Reserve Program as being withdrawn from the production of a particular commodity.

(u) "Conservation reserve" means the tract or tracts of land on a farm which is designated by a producer in his conservation reserve contract as being set aside for soil-, water-, wildlife-, or forest-conserving uses for a period of years specified in the contract.

(v) "Producer unit" means a tract of land farmed by (1) a landlord, owner, cash tenant, or fixed-rent tenant, with his own labor or with hired labor (not with tenants or sharecroppers), or (2) a share tenant without the aid of any sharecropper, or (3) a sharecropper.

(w) "Tame hay" means a stand of perennial grass or legumes which normally requires preparation of the land seeding and from which hay was harvested during either of the 2 years preceding the first year of the contract period. The stands of grass or legumes which will be classified as tame hay in a State will be determined by the State committee in consultation with the Land Grant College.

(x) "Contract" means a Soil Bank Conservation Reserve Contract (Form CSS-811 (Soil Bank)).

(y) "Farm Soil Bank base" means the acreage established as the Soil Bank base for the farm pursuant to § 485.158 (e).

(z) "Soil Bank base crops" means the crops included in establishing the farm Soil Bank base.

§ 485.151 *Administration.* (a) The conservation reserve program will be administered in the field by State and county committees under the general direction and supervision of the Administrator, CSS. Members of county committees are hereby authorized to sign "Conservation Reserve Contracts" Form CSS-811 (Soil Bank) on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto, and do not have authority to modify or waive any of the provisions of any contract entered into hereunder except to the extent specifically authorized in this subpart.

(b) The State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having responsibility for farm forestry in the State shall be responsible for developing, within national authorizations, recommendations and requirements needed to adapt the conservation practices to the conditions in the State. The President of the Land Grant College, the State Director of the Farmers Home Administration, the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, State Foresters, State Fish and Game Departments, Federal Fish and Wildlife Service and other appropriate State and Federal agencies within the State shall be invited to designate representatives to participate in the deliberations on these State recommendations and requirements.

(c) The county committee (including the county agricultural extension agent), the local Soil Conservation Service technician, and the Forest Service representative having responsibility for farm forestry in the county, in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county, shall be responsible for developing, within national and State authorizations, recommendations and requirements needed to adapt the conservation practices to the conditions in the county. The community committeemen, the governing body of the Soil Conservation District, the County Supervisor of the Farmers Home Administration, representatives of the State Fish and Game Department, and representatives of other appropriate State and federal agencies within the county shall be invited to participate in the deliberations on the county recommendations and requirements. The work plans of the Soil Conservation District and of the federal agencies involved shall be considered in developing the county recommendations and requirements.

§ 485.152 *Purpose.* The conservation reserve program is a long-term program designed to carry out the policy of the act by assisting farmers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities and to carry out soil, water, forest, and wildlife conservation practices. In carrying out this program, the Secretary will enter into contracts with producers (a) to share the costs of establishing approved conservation practices on the conservation reserve and (b) to make annual payments to such producers for maintaining the conservation uses for the term of the contract.

§ 485.153 *Land eligible for conservation reserve.* Land eligible to be designated as the conservation reserve is limited to cropland, land devoted to tame hay which does not require annual tillage, and land which was tilled or was in regular crop-rotation during the year immediately preceding the first year of the contract period which constitutes, or will constitute if tillage is continued, an erosion hazard to the community, but excluding land designated as acreage reserve and land owned by the Federal Government, including any corporation wholly owned by the Federal Government. Eligible land shall include land which is devoted to crops, such as tame hay, alfalfa, or clovers, which do not require annual tillage. The total acreage of land on a farm which may be devoted to the conservation reserve shall be not less than 5 acres, except that (a) in case the conservation reserve is to be planted to trees the minimum acreage shall be two acres and (b) in any county recommended by the county committee and approved by the State committee where the average tillable acreage on farms in the county is relatively small, the minimum may be reduced to not less than one acre for any farm if the county committee determines that such action will promote the purposes of the program and that the total tillable acreage on the farm is too small to warrant a larger minimum.

§ 485.154 *Geographical applicability.* The conservation reserve program will be applicable only in the continental United States.

§ 485.155 *National and State conservation reserve goals.* National conservation reserve goals for 1956 and 1957 are hereby established as follows: 1956, 4,000,000 to 6,000,000 acres; 1957, 20,000,000 acres. Goals for later years will be announced not later than February 1 of each year. The National conservation reserve goals are hereby apportioned among States as follows:

State	1956	1957
	1,000 acres	*1,000 acres*
Alabama	75 to 110	360
Arizona	10 to 15	50
Arkansas	85 to 130	435
California	100 to 150	495
Colorado	130 to 200	640
Connecticut	5 to 9	27
Delaware	5 to 10	18
Florida	25 to 35	125
Georgia	80 to 120	390
Idaho	50 to 75	265
Illinois	130 to 200	680
Indiana	100 to 150	505
Iowa	180 to 270	900
Kansas	275 to 415	1,385
Kentucky	115 to 175	585
Louisiana	55 to 85	280
Maine	15 to 20	70
Maryland	20 to 30	100
Massachusetts	6 to 10	35
Michigan	100 to 150	485
Minnesota	150 to 225	735
Mississippi	70 to 100	355
Missouri	165 to 250	830
Montana	150 to 225	700
Nebraska	160 to 235	790
Nevada	3 to 5	17
New Hampshire	5 to 9	24
New Jersey	10 to 15	50
New Mexico	30 to 40	135
New York	90 to 135	450
North Carolina	50 to 75	275
North Dakota	240 to 360	1,200
Ohio	100 to 150	480
Oklahoma	140 to 210	710
Oregon	50 to 75	260
Pennsylvania	75 to 110	365
Rhode Island	1 to 2	4
South Carolina	40 to 60	195
South Dakota	125 to 185	620
Tennessee	100 to 150	520
Texas	350 to 525	1,680
Utah	15 to 25	85
Vermont	15 to 20	70
Virginia	50 to 75	260
Washington	85 to 125	430
West Virginia	20 to 30	110
Wisconsin	125 to 190	640
Wyoming	25 to 35	120

§ 485.156 *Conservation reserve contract*—(a) *Required signatures.* In order for producers on a farm to participate in the conservation reserve program, a Soil Bank Conservation Reserve Contract (Form CSS-811 (Soil Bank)) must be entered into by the producers having control of the farm. The farm owner or owners must sign the contract, except that a farm operator who is a cash tenant, standing-rent tenant, or fixed-rent tenant (but not a share tenant) for the entire contract period may sign the contract in lieu of the owner upon presentation of evidence satisfactory to the county committee of his control of the farm for such period. The farm operator if other than the owner must also sign the contract. Where parts of the farm are separately owned, each owner, or the farm operator in lieu thereof as provided above, must execute the contract. If an owner or a tenant-operator who enters into a contract loses control of the farm before the end of the contract period, his successor, if any, as owner or tenant-operator, as the case may be, during the contract period may upon his request be substituted under the contract as owner or tenant-operator by executing a form prescribed by the Administrator, CSS for such purposes. Sharecroppers and other producers on a farm who do not have any control thereof are not required to sign the contract.

(b) *Closing dates.* A contract which includes 1956 as a part of the contract period must be signed by all the producers who are required to sign the contract and filed with the county committee not later than October 15, 1956. A contract under which the contract period begins with any year subsequent to 1956 must be signed by all the producers who are required to sign the contract and filed with the county committee not later than March 15 of the first year of the contract period or such earlier date as may be established by the State committee, except that contracts starting with the year 1961 must be entered into not later than December 31, 1960, and no contract can be entered into after this date. However, a contract entered into by that date may be extended as provided in this subpart.

(c) *Contract period.* The contract period shall be not less than three calendar years or more than fifteen calendar years, as follows:

(1) If the county committee determines that the acreage on the farm designated as the conservation reserve is adequately covered by approved protective vegetative cover, the contract period shall be three years or five years, at the election of the producer: *Provided*, That no contract shall expire prior to December 31, 1959.

(2) If the county committee determines that the acreage on the farm designated as the conservation reserve requires the establishment of protective vegetative cover (other than trees or shrubs), water storage facilities, or other soil-, water-, or wildlife-conserving uses, the contract period shall be five years, except that it may be ten years at the election of the producer in the case of grass or legume cover established under practice A-2, but may not extend beyond December 31, 1969.

(3) If the contract provides that the conservation reserve is to be established in tree cover under practice A-7, the contract period shall be 10 years: *Provided*, That if recommended by the State committee and approved by the Administrator, ACPS, as necessary to obtain the land use objectives of the Soil Bank Program, the contract period may be 15 years, but may not extend beyond December 31, 1974.

(4) If 1956 is included as a part of the contract period, the contract period shall be considered as beginning with the calendar year 1957 for the purpose of computing the minimum contract period: three years for cover already established, five years for practices other than tree cover, and ten years for tree cover.

(5) If more than one tract of land on the same farm is designated as the conservation reserve, the contract may provide for different contract periods as determined under subparagraphs (1), (2), and (3) of this paragraph for the different tracts.

(6) In order to include 1956 as a part of the contract period, the producers must meet all of the requirements of the contract for the entire calendar year 1956. Among such requirements, the producers (i) must designate the conservation reserve as required by § 485.157, (ii) must have established the conservation use on the conservation reserve, or must take all practicable steps to establish such conservation use in 1956, (iii) must not have grazed or harvested any crop from the conservation reserve since January 1, 1956, and (iv) must comply with the acreage limitations on the production of soil bank base crops in 1956 as provided in § 485.158.

(d) *Modification and termination of contracts by mutual consent.* Contracts previously entered into with producers may be modified or terminated upon mutual agreement of the contract signers and the county committee only if such modification or termination is specifically approved by the Administrator, CSS, or is authorized under general policies established by him. No contract may be so terminated unless the Administrator, CSS, determines either specifically or in the general policies authorizing termination that such termination would be in the public interest.

§ 485.157 *Designation and use of conservation reserve*—(a) *Designation.* The tract or tracts of land constituting the conservation reserve must be specifically designated in the contract, and shall not include any land in the acreage reserve.

(b) *Establishment and maintenance of vegetative cover and practices.* (1) Each producer signatory to the contract shall agree to establish and maintain (or to maintain only, in the case of approved cover already established) in accordance with good farming practice for the contract period so long as he retains control of the farm an approved protective vegetative cover or other approved conservation practices on the conservation reserve as specified in the contract: *Provided*, That the conservation reserve may, in the fall of the final year of the contract period, be planted in any crop which is normally seeded in the fall in the area for harvest in a later year. Failure to maintain for the contract period the protective vegetative cover or other conservation practices for which cost-sharing was received under this program shall be considered a violation of the contract.

(2) Approved protective vegetative cover (other than tree and shrub cover) shall be limited to tame varieties of perennial grasses and perennial legumes normally seeded in the area for hay or pasture: *Provided*, That approved protective vegetative cover may include other grasses and legumes upon recommendation by the State committee and approval of the Administrator, ACPS. Approved protective vegetative cover shall be adequate to provide good protection from wind and water erosion and where practical shall be of specific benefit to wildlife, as determined by the county committee.

(c) *Selection of conservation practices.* The conservation practices to be carried out on the conservation reserve shall be approved by the county committee. The producers on the farm shall be given the opportunity to request from the eligible practices designated in paragraph (d) of this section the particular practices they desire to carry out on the conservation reserve. In approving the practices for any farm, the county committee shall take into consideration the request of the producers on the farm, the type of farming operations carried out by the producers, the type of practice

needed for the conservation reserve, and the benefits to be obtained from the practice in relation to its cost.

(d) *Eligible practices.* (1) The conservation practices eligible to be carried out on the conservation reserve are listed in this paragraph. The practice shall be carried out in conformity with specifications which are applicable for the practice at the time the contract was signed or at the time the practice is carried out, at the election of the producer. Such specifications will be available at the office of the county committee and the producer shall obtain such information at that office.

(2) Eligible practices are as follows:

A-2—Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.

A-4—Initial treatment of farmland to permit the use of legumes and grasses for soil improvement and protection. (Cost-sharing for liming materials, rock phosphate or gypsum applied under this practice shall be limited to applications needed in connection with the establishment of eligible vegetative cover.)

A-7—Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.

B-7—Constructing dams, pits, or ponds as a means of protecting vegetative cover. (The use of such water for irrigating land other than the conservation reserve acreage shall not be permitted during the period covered by the contract.)

C-14—Constructing dams, pits, or ponds for irrigation water. (The use of such water for irrigating land other than the conservation reserve acreage shall not be permitted during the period covered by the contract.)

D-1—Establishment of vegetative cover for winter protection from erosion.

D-2—Establishment of vegetative cover for summer protection from erosion.

(3) Approval of the use of annual grasses, annual or biennial legumes, and small grains, when seeded without a perennial grass or perennial legume, shall be limited to cases in which the county committee determines that (i) they are of varieties which will reseed so as to provide adequate cover throughout the contract period, (ii) such seedings are necessary to provide temporary protection before more enduring protective vegetative cover can be established, or (iii) seed of adapted perennials is not available.

(4) The specifications for the practices listed in subparagraph (2) of this paragraph will be the same as are applicable under the then current agricultural conservation program (7 CFR Part 1101), except for changes or additions needed to bring the practice within the provisions of the conservation reserve program. Such specifications will be available at the office of the county committee, and the producer shall obtain such information at that office.

(5) The conservation practices listed in subparagraph (2) of this paragraph are designed primarily for the conservation of soil and water for agricultural purposes; however, where practicable, encouragement shall be given in carrying out practices with the use of materials and methods which will provide wildlife conservation benefits.

(6) The following eligible practices are designed primarily to protect and conserve wildlife resources:

G-1—*Establishment and management of cover specifically beneficial to wildlife.* This practice will have general applicability in all States, although the plant species and cultural and other operations used may differ from State to State and in different sections of the same State. It includes wildlife cover and food plantings, land operations such as partial discing, and a variety of practices designed to improve wildlife habitat.

G-2—*Water and marsh management to benefit fish and wildlife.* This practice includes the development of shallow water areas to improve habitat for waterfowl, fur animals and other wildlife as well as restoration of drained areas (formerly marshland) by installing earth plugs or water control structures in drainage ditches.

G-3—*Constructing dams or ponds for fish.*

(e) *Use of liming materials, rock phosphate, gypsum, and commercial fertilizers.* (1) For practices which authorize Federal cost-sharing for application of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which Federal cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State committee determines that available facilities for making soil tests are not adequate, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such application. Such alternative basis shall be such as to insure beneficial use of the Federal cost-sharing and shall be formulated by the State committee in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(2) The application of liming materials contained in commercial fertilizers, rock phosphate, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

(f) *Restoration or improvement of protective vegetative cover.* If the county committee determines that a satisfactory stand or protective vegetative cover has been established on the conservation reserve, but due to conditions beyond the control of the producer the stand has deteriorated during the contract period to the extent that the acreage should be reseeded or replanted or that other restoration or improvement measures should be carried out on the conservation reserve for soil protection, the committee may authorize cost-sharing for the reseeding or replanting or other needed restoration or improvement measures except that no cost-sharing shall be approved for restoration or improvement during the last year of the contract period. If the contract is for a period of less than 5 years, restoration or improvement of protective vegetative cover shall not be authorized by the county committee unless the contract is extended for two additional years.

(g) *Compliance with regulatory measures.* Producers who carry out conservation reserve contracts shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

(h) *Responsibility for technical phases of practices.* (1) The Soil Conservation Service shall be responsible for soil suitability information whenever needed and practicable in conjunction with the selection and establishment of practices. The Soil Conservation Service shall also be responsible for the technical phase of practices B-7 and C-14, which shall include (i) a finding that the practice is needed and practicable on the farm, (ii) necessary site selection, other preliminary work, and layout work of the practice, (iii) necessary supervision of the installation, and (iv) certification of performance. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Administrator, ACPS, and the Administrator, Soil Conservation Service, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees.

(2) The Forest Service is responsible for the technical phases of practice A-7. This responsibility shall include (i) providing necessary technical assistance, (ii) development of specifications for forestry practices, and (iii) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State or Federal agencies in carrying out these assigned responsibilities.

(i) *Harvesting or grazing or using stored water from the conservation reserve.* (1) No crop shall be harvested from the conservation reserve during the contract period except timber in accordance with sound forestry management as determined by the county committee and wildlife or other natural products of such acreage which do not increase supplies of food for domestic animals. No Christmas trees, ornamentals, or Christmas greens may be harvested from the conservation reserve during the contract period. Water from water storage for which cost-sharing was received under this program shall not be used for irrigation except for crops on the conservation reserve on the farm.

(2) The conservation reserve shall not be grazed during the contract period unless the Secretary, after certification by the Governor of the State in which the farm is located of the need for grazing on the conservation reserve, determines that it is caused by severe drought, flood, or other natural disaster and gives written consent to such grazing: *Provided*, That grazing in accordance with sound pasture management principles may be authorized by the Secretary after the first 3 years of the contract period.

(j) *Noxious weeds.* The contract signers shall, without reimbursement under the contract, take such steps as may be prescribed by the county committee to prevent the acreage in the conservation reserve from becoming a source of spreading noxious weeds designated by the State committee. A list of such noxious weeds will be available in the office of the county committee, and the contract signers shall obtain such information from that office.

§ 485.158 *Farm soil bank base.* (a) A farm soil bank base shall be established for the farm by the county committee equal to the average acreage of land devoted during the two years immediately preceding the first year of the contract period to the production of crops for harvest on the farm other than (1) annual grasses pastured or cut for hay or ensilage, (2) biennial legumes, (3) perennial grasses and legumes, (4) annual legumes except soybeans, cowpeas, peanuts, field and canning peas, and field and canning beans, and (5) land devoted to a garden primarily for home consumption. Annual grasses from which a crop of seed or grain is harvested shall not be considered as used for pasture, hay or ensilage. The acreage of any commodity for which payment is made under the acreage reserve program during the two years shall be considered as being devoted to the commodity and shall be included in determining the farm soil bank base. The average acreage devoted to such crops shall be adjusted by the county committee when necessary to make due allowance for abnormal weather conditions or for the established crop-rotation system for the farm to the extent that such abnormal weather conditions or crop-rotation system affected the acreage of such crops during the two years. The farm soil bank base established hereunder may provide different acreages for alternate years where necessary to reflect an established summer fallow rotation system.

(b) If the farm soil bank base for any year of the contract period is more than 30 acres, the producers (1) shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops (i.e., the crops included in determining the farm soil bank base) in excess of the farm soil bank base less the number of acres in the conservation reserve, and (2) may place an acreage in the conservation reserve in excess of the number of acres in the farm soil bank base only if the entire eligible land on the farm (excluding any land in the acreage reserve during the first year of the contract period) is placed in the conservation reserve, in which event the nondiversion rate specified in § 485.163 (c) shall apply to the acreage in the conservation reserve in excess of the number of acres in the farm soil bank base.

(c) If the farm soil bank base for each year of the contract period is not more than 30 acres, (1) the producers may enter into a contract under which the entire conservation reserve is placed in the conservation reserve program at the non-diversion rate specified in § 485.163 (c), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the soil bank base, or (2) the producers may enter into a contract under which a specified acreage of the conservation reserve, not to exceed the number of acres in the farm soil bank base, is placed in the conservation reserve program at the regular rate specified in § 485.163 (b) (such acreage may be in addition to acreage placed in the conservation reserve program at the non-diversion rate), in which event they shall agree not to devote an acreage on the farm during any year of the contract period to soil bank base crops in excess of the farm soil bank base less the number of acres placed in the conservation reserve program at the regular rate.

(d) For purposes of determining compliance with the provisions of paragraphs (b) and (c) of this section, the acreage reserve on any farm shall not be considered as having been devoted to the production of the commodity to which such reserve is applicable except to the extent that such land may in fact have actually been devoted to the production of such commodity.

(e) The producer shall agree not to harvest an acreage of soil bank base crops in excess of the acreage permitted to be devoted to such crops under the contract. Any producer who knowingly and willfully harvests any crop in violation of such agreement shall be subject to the civil penalty provided in § 485.173. A producer shall not be deemed to have harvested an acreage in excess of that permitted under the provisions of paragraphs (b) and (c) of this section unless the acreage harvested exceeds the number of acres permitted by more than 3 acres or 3 per centum of the acreage permitted, whichever is larger.

§ 485.159 *Reconstitution of farm.* (a) The definition of a farm in this subpart is the same as the definition of a farm as used in establishing acreage allotments under the Agricultural Adjustment Act of 1938, as amended. If, after a contract is entered into under this subpart, a farm is defined differently for purposes of acreage allotments than a farm is defined at the time the contract is executed, such new definition shall, at the election of the Secretary, apply to the contract from the effective date of such new definition or such later date as the Secretary may specify.

(b) If two or more farms as constituted at the time a contract is entered into are later combined, or if one farm as constituted at the time the contract is entered into is later divided into two or more farms, as a result of a change in the definition of a farm or otherwise, the provisions of the contract and this subpart shall apply to the farm on which the conservation reserve is located after the farm is reconstituted. In such case the contract shall be modified to reflect the change in the farm soil bank base required by such reconstitution.

§ 485.160 *Compliance with acreage allotments.* No producer shall be eligible for payments or compensation (including practice payments) under the conservation reserve program for any year with respect to any farm on which (a) the acreage of cotton, rice or tobacco exceeds the farm acreage allotment for the commodity; or (b) the acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the farm acreage allotment for wheat or 15 acres; or (c) the acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the soil bank corn base or the allotment whichever is in effect; or (d) the acreage of peanuts exceeds the larger of the farm acreage allotment for peanuts or one acre. For purposes of this provision such acreage limitations shall not be deemed to have been exceeded unless under the rules and regulations governing eligibility for price support for the commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.161 *Pooling arrangements.* Producer(s) in any local area may, with the prior approval of the county and State committees, enter two or more farms jointly in the program if a plan is developed to the satisfaction of such committees that would result in better management of family farms or better land use of the farms through such joint participation than would be obtained through individual farm participation.

§ 485.162 *Practice cost-sharing*—(a) *Rates of cost-sharing for practices.* Subject to the further limitations provided in paragraph (b) of this section, the maximum share which the Secretary will bear of the cost of carrying out an approved practice on the conservation reserve shall be 80 percent of the average cost of performing the practice. The State committee may establish a rate of cost-sharing for practices lower than that specified herein, and the county committee may establish a rate lower than that specified herein or than that established by the State committee. For purposes of establishing rates of cost-sharing for practices, the average cost for carrying out a practice may be the average cost for a State, county, a part of a county, or a farm, as determined by the State committee.

(b) *Maximum cost-share limitations for practices.* The maximum cost-share for a water storage facility shall be $500, except that a higher maximum cost-share may be established for a State or an area within a State upon recommendation of the State committee and approval by the Administrator, ACPS. The maximum cost-share for practices G-1, G-2, and G-3 shall with respect to any farm be limited to an amount not in excess of that determined by multiplying the number of acres devoted to

such practices multiplied by the maximum rate per acre which would be approved for practice A-2, A-7, D-1, or D-2, whichever is the highest on the conservation reserve.

(c) *Items of cost on which cost-sharing is authorized.* For practices A-2, A-4, A-7, B-7, C-14, D-1 and D-2, cost-sharing is authorized for the same items of cost-sharing which are or could be authorized for the same practices under the agricultural conservation program, except that no cost-sharing shall be allowed for the construction of fencing. The items of cost for which cost-sharing will be authorized will be available at the office of the county committee and the producer shall obtain such information at that office. Cost-sharing under the conservation reserve program in lieu of cost-sharing under the agricultural conservation program is authorized for eligible practices approved subsequent to January 1, 1956, provided the contract period includes the calendar year 1956. Except as provided in the preceding sentence, a producer is not eligible to receive cost-sharing under the conservation reserve program for a practice or practice component for which he has received or is due to receive cost-sharing on the same land under the agricultural conservation program.

(d) *Completion of practice.* Except as specified in paragraphs (g) and (h) of this section, Federal cost-sharing for eligible practices is conditioned upon approval of the county committee and upon the completion of performance of the practice in accordance with all applicable specifications and program provisions, and upon approval of the application for payment by the county committee. However, the cost-shares for any completed component of a practice may be paid before completion of the remaining components upon application therefor by the producers and approval by the county committee.

(e) *Practices involving the establishment of protective vegetative cover.* Costs for practices involving the establishment of protective vegetative cover may be shared even though a good stand is not established if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the producer. The county committee shall require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

(f) *Failure to meet minimum requirements.* Notwithstanding other provisions of the program, costs may be shared for practices treating with the establishment of protective vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the producer establishes to the satisfaction of the county committee and the State committee (1) that he made every reasonable effort to meet the minimum requirements, and (2) that the practice as performed adequately meets the conservation problem.

(g) *Practices carried out with State or Federal aid.* For the purpose of computing cost-shares to be borne by the Secretary, the total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was borne by a State or Federal agency. Materials or services furnished through the conservation reserve program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State agency for the performance of practices on its land shall not be regarded as costs borne by a State or Federal agency for the purposes of this section.

(h) *Conservation materials and services.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished under the conservation reserve program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit the furnishing of materials and services.

(2) Title to any material furnished shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(3) The producer shall pay that part of the cost of the material or service as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service, or upon request by the producer and approval by the county committee, the producer shall pay that part of the cost of the material or service which is in excess of the producer's Federal cost-share for all components of the practice.

(4) The producer to whom a material or service is furnished will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the producer uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares or payments otherwise due him under the program.

(5) Any producer to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another producer or otherwise disposed of at the expense of the producer who abandoned or failed to use the material.

§ 485.163 *Annual payments* — (a) *Amount of payment.* An annual payment will be made to the producers on the farm for the period of the contract upon determination by the county committee that they have fulfilled the provisions of the contract entitling them to such payment. The amount of the annual payment shall be determined by multiplying the rate or rates of payment per acre determined in accordance with paragraph (b) or paragraph (c) of this section by the number of acres determined in accordance with paragraph (d) of this section.

(b) *Regular rates of payment.* (1) State annual payment rates per acre for the conservation reserve are as follows:

State	Regular rate
Alabama	$8.00
Arizona	9.00
Arkansas	9.00
California	12.00
Colorado	8.00
Connecticut	13.00
Delaware	12.00
Florida	8.00
Georgia	8.00
Idaho	11.00
Illinois	12.00
Indiana	12.00
Iowa	12.00
Kansas	10.00
Kentucky	10.00
Louisiana	10.00
Maine	9.00
Maryland	12.00
Massachusetts	13.00
Michigan	11.00
Minnesota	11.00
Missouri	9.00
Mississippi	10.00
Montana	9.00
Nebraska	9.00
Nevada	7.00
New Hampshire	10.00
New Jersey	13.00
New Mexico	8.00
New York	11.00
North Carolina	10.00
North Dakota	9.00
Ohio	12.00
Oklahoma	9.00
Oregon	12.00
Pennsylvania	11.00
Rhode Island	12.00
South Carolina	9.00
South Dakota	9.00
Tennessee	10.00

State	Regular rate
Texas	$10.00
Utah	11.00
Vermont	10.00
Virginia	10.00
Washington	13.00
West Virginia	10.00
Wisconsin	11.00
Wyoming	8.00

(2) The State committee shall establish a payment rate per acre for each county. In establishing the county payment rates, the State committee shall take into consideration the cash value of the land for the production of commodities customarily grown on such kind of land in the county, the prevailing rates for cash rentals of land used for the production of such crops customarily grown in the county, and the productivity of land in the county as compared with land in other counties in the State. County payment rates shall be adjusted by the State committee, where necessary, so that the county average payment rates per acre for all counties in the State, weighted by the acreage of cropland for the respective counties will equal the State annual payment per acre.

(3) The farm payment rate for each farm in the county shall be the county payment rate determined for the county pursuant to subparagraph (2) of this paragraph except that (i) the State committee may establish different payment rates for different areas of a county to reflect substantial differences between such areas in land productivity, cash value and prevailing rental rates of land used for the production of crops customarily grown in such areas, in which case the rates per acre established for the various areas in a county weighted by the cropland acreage in the respective areas may not exceed the county payment rate, and (ii) the county committee may establish a rate per acre for a farm which is lower than the rate established for the county or the area where it is determined that the land on such farm has a substantially lower productivity, cash value or rental rate than the average of the land in the county or area for which the payment rate for the county or area was established by the State committee.

(4) If any part of the conservation reserve is grazed as provided in § 485.157 during the first 3 years of the contract period, no annual payment will be made for such part of the conservation reserve for the year in which grazed, and if any part of the conservation reserve is so grazed after the first 3 years of the contract period, such annual payment shall be at a rate determined in accordance with regulations to be issued by the Secretary.

(c) *Non-diversion rate.* The non-diversion payment rate for a farm shall be 30 per centum of the regular payment rate for the farm, rounded to the nearest ten cents, and shall apply to that part of the conservation reserve which the producers have placed in the conservation reserve program without agreeing to make a corresponding reduction in the acreage devoted to soil bank base crops below the farm soil bank base. The non-diversion rate shall be applicable only (1) if the farm soil bank base for each year of the contract period is not more than 30 acres, or (2) if the producers place the entire eligible land on the farm in the conservation reserve.

(d) *Determination of acreage.* (1) In the case of farms on which any acreage is placed in the conservation reserve at the regular rate, including farms on which acreage is also placed in the conservation reserve at the non-diversion rate—(i) the number of acres used in computing the amount of the annual payment for any year at the regular rate shall be the smaller of (*a*) the acreage placed in the conservation reserve at the regular rate, or (*b*) the number of acres by which the acreage devoted to soil bank base crops on the farm for such year is less than the farm soil bank base for such year, and (ii) the number of acres used in computing the amount of the annual payment for any year at the non-diversion rate shall be the number of acres, if any, placed in the conservation reserve at the non-diversion rate: *Provided,* That no payment shall be made and the producer shall be considered in violation of his contract in any year in which the acreage devoted to soil bank base crops exceeds the number of acres of such crops permitted under the contract by more than 3 acres or 3 per centum of the number of acres permitted, whichever is larger.

(2) In the case of farms on which the entire acreage in the conservation reserve is placed in the conservation reserve at the non-diversion rate, the number of acres which shall be used in computing the amount of the annual payment for any year shall be the number of acres placed in the conservation reserve, less the number of acres, if any, by which the acreage devoted to soil bank base crops on the farm for such year exceeds the farm soil bank base: *Provided,* That no payment shall be made and the producer shall be considered in violation of his contract in any year in which the acreage devoted to soil bank base crops exceeds the farm soil bank base by more than 3 acres or 3 per centum of the farm soil bank base, whichever is larger.

(3) The number of acres in the tract or tracts of land designated as the conservation reserve and the number of acres on the farm devoted to soil bank base crops shall be measured or otherwise ascertained in the same manner as acreage is determined under the acreage allotment and marketing quota programs.

§ 485.164 *Limitation on payments.* The total of all annual payments under the conservation reserve program to any producer for any year with respect to all farms in which he has an interest shall not exceed $5,000.00, except that with the approval of the Secretary the total annual payment limitation may be increased in any case where the entire eligible land on a farm is designated as conservation reserve or where the erosion hazard is such that an increase in the limitation is warranted in order to more effectively accomplish the purposes of the program.

§ 485.165 *Manner and time of payments*—(a) *Practice payments.* The cost-sharing payment for practices shall be made by the State or county committee by means of a Commodity Credit Corporation sight-draft, payable to the producer or his assignee. Payments shall be made as soon as practicable after the extent of the performance of the approved conservation practice, or a component of such practice if authorized by the county committee, has been established. It shall be the responsibility of the producers eligible for payment to submit to the office of the county committee forms and information needed to establish the extent of the performance of approved conservation practices and compliance with the terms and conditions of the contract. Payment of cost-shares for conservation practices carried out on the conservation reserve will be made only upon application submitted on the prescribed form to the office of the county committee by June 30 of the year following the calendar year in which the practice is completed.

(b) *Annual payments.* The annual payment due producers for each calendar year during the contract period shall be made by the county or State committee by means of Commodity Credit Corporation sight-drafts, payable to the producer or his assignee. The annual payment shall be made as soon as practicable each year after the county committee has determined the acreage devoted to crops and other uses on the farm.

§ 485.166 *Set-offs.* If any producer to whom compensation is payable under the conservation reserve program is indebted to the United States Department of Agriculture, or any agency thereof including Commodity Credit Corporation and Federal Crop Insurance Corporation, or is indebted to any other agency of the United States and such indebtedness to such other agency is listed on the county register of indebtedness, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 485.167 *Division of payment between landlords, tenants, and sharecroppers*—(a) *Practice payments.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the producer to whom the materials or services are furnished. The remainder of the Federal cost-share shall be credited to the producer who carried out the practices by which such remainder of the Federal cost-share is earned. If more than one producer contributed to the carrying out of such practices, the Federal cost-share shall be divided among such producers in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer

toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Annual payments.* The contract entered into with the producers shall specify the basis on which the landlords, tenants, and sharecroppers are to share in the annual payments. The basis on which the tenants and sharecroppers share in such annual payments must be approved by the county committee as being fair and equitable. In considering whether the tenants and sharecroppers will share in the annual payment on a fair and equitable basis, the county committee shall give consideration to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the contract and the basis on which they would have shared in such crops or the proceeds thereof. In general, the basis for sharing the annual payments may be approved by the county committee if—

(1) The total annual payment is allocated among the producer units (as defined in § 485.150 hereof) which would have been in effect if the producers were not participating in the conservation reserve program in proportion to the number of acres contributed from each producer unit to the acreage diverted from production under the contract; and

(2) The share of the landlord, and operator if other than the landlord, in the annual payments allocated to any producer unit farmed by a tenant or sharecropper does not result in the landlord and operator receiving substantially in excess of the return they would have received if they were not participating in the conservation reserve program for furnishing the land and farm management less any savings in cost to them which resulted from not producing a crop on the acreage diverted from production and less the amount of any enhancement in value of the land diverted from production as a result of conservation practices carried out on such land.

§ 485.168 *Additional provisions relating to tenants and sharecroppers.* (a) No contract shall be entered into with a producer if it shall appear—

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the contract in proportion to the number of acres in the respective producer units of such commodity farmed by such tenants or sharecroppers; or

(2) That the landlord or operator has, as a result of participation in the soil bank program, reduced the number of tenants and sharecroppers on the farm, or the size of their producer units; or

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any contract hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any payment to be paid to him under the contract; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the payment or any other right or privilege of his under the contract to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenants' or sharecropper's producer unit in contemplation of the signing of the contract; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his payment or any other right under the contract.

(b) The contract shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the contract, or if, after the signing of the contract, the producer enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

§ 485.169 *Successors-in-interest.* (a) In case of death, incompetency, or disappearance of any producer, any Federal cost-share or other payment under the contract due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary (7 CFR Part 1108), or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) The loss of control of the farm by sale or otherwise by any owner signatory to the contract or by any cash tenant, standing-rent tenant or fixed-rent tenant who has a lease for the entire contract period and who signed the contract in lieu of the owner shall terminate the contract as to such producer. In the event of such termination, the producer losing control shall not be entitled to further compensation under the contract and shall refund all Federal cost-shares received by him under the contract unless the producer who acquires his interest in the farm is or becomes a party to the contract and assumes all obligations thereunder. The loss of control of the farm by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract except as otherwise provided in this subpart.

(c) If, after the contract is signed but before the crops are planted on the farm, a tenant or sharecropper is substituted for a tenant or sharecropper who is not signatory to the contract, the share of the original tenant or sharecropper in the annual payment shall be made to the substituted tenant or sharecropper. If such substitution occurs after the crops are planted on the farm, the original tenant or sharecropper shall be entitled to the share of the annual payment as specified in the contract.

§ 485.170 *Assignments.* Any person who may be entitled to any practice payment or annual payment under the Conservation Reserve Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in any year during the contract period, including the carrying out of soil-, water-, forest-, and wildlife-conserving practices. No assignment will be recognized unless it is made in writing on a form prescribed by the Secretary and, insofar as applicable, in accordance with regulations issued by the Secretary for assignment of payments under the Soil Conservation and Domestic Allotment Act (7 CFR Part 1110), which are available in the offices of the State and county committees.

§ 485.171 *Payments not subject to claims.* Any annual payment or cost-share, or portion thereof, due any person hereunder shall be determined and allowed without deduction of claims for advances (except as provided in § 485.170 and except for indebtedness to the United States subject to set-off); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 485.172 *Violations of contract.* (a) In the event the Secretary determines that there has been a violation of any contract during the time the producer has control of the farm, and that such violation is of such a substantial nature as to warrant termination of the contract, all rights to annual and cost-share payments and grants under the contract shall be forfeited and all such payments and grants received by the producer shall be refunded with interest at the rate of six per centum per annum. The producers who sign the contract will be obligated to refund all such payments and grants received not only by them but also by any tenant or sharecropper who is not signatory to the contract. Any such tenant or sharecropper shall also be obligated to refund any such payment or grant received by such tenant or sharecropper.

(b) In the event the Secretary determines that there has been a violation of any contract but that such violation is of such a nature as not to warrant termination of the contract, the annual and cost-share payments and grants under the contract shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the contract will be obligated to accept such adjustments, forfeit such benefits, and make such refunds to the United States of annual and cost-share payments and grants received not only by them but also by any tenant or sharecropper not signatory to the contract as

the Secretary determines to be appropriate. Any such tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in annual and cost-share payments and grants paid or otherwise payable to such tenant or sharecropper as the Secretary determines to be appropriate. The Secretary may require payment of interest at a rate not in excess of six per centum per annum on any refund provided for in this paragraph.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether such violation is of such a substantial nature as to warrant termination of the contract, and the amount of any adjustment, forfeiture or refund which shall be made if such violation is of such a nature as not to warrant termination of the contract, and the rules and procedure for review of such determinations will be published separately at a later date.

§ 485.173 *Penalty for grazing or harvesting.* Section 123 of the act imposes a civil penalty upon any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract equal to 50 per centum of the amount payable (cost-share and annual payments) for compliance with such contract for the year in which the violation occurs. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the contract.

§ 485.174 *Filing of false claims.* No producer shall file a claim for a payment to which he knows he is not entitled under the provisions of the regulations in this subpart and the contract including claim for a cost-share payment not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 485.175 *Misuse of purchase orders.* No producer shall knowingly use a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and the misuse of the purchase order shall constitute a violation of the contract.

§ 485.176 *Access to farm and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purpose of ascertaining the accuracy of the representations made in or in connection with any contract entered into hereunder and the performance of the terms and conditions of such contract, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity, and the landlord or operator shall furnish such information relating to the farm as may be requested by the county committeemen or their representatives or authorized representatives of the Secretary.

§ 485.177 *State committee approval of determinations of county committees.* The State committee upon its own motion or at the request of any person may revise or require revision of any determination made by the county committee in connection with the conservation reserve program except that the State committee may not make a revision of any executed contract other than as specifically authorized herein.

§ 485.178 *Finality of determinations.* The facts constituting the basis for any payment, or the amount thereof, under any contract when officially determined in conformity with applicable regulations shall be final and conclusive and shall not be reviewable by any other office or agency of the Government, except that the Act provides for judicial review in the case of the termination of a contract.

§ 485.179 *Effects on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out a contract shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county, and farm acreage allotments and corn base acreages.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6)), and sections 326 (b) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out a contract shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

§ 485.180 *Appeals.* (a) Any producer may request the county committee to reconsider, prior to the execution of the contract by the producer, any determination made by the county committee affecting the contract except rates of payment. Such request shall be in writing and shall be made within 15 days after notice to him of such determination. The producer shall be deemed to have received notice of the determination if such determination is communicated to him verbally or if a letter, form, or other document has been mailed or delivered to him which discloses such determination. The county committee shall notify the producer of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after notice of the decision appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. The decision of the State committee shall be final. If the producer fails to request reconsideration of a determination by the county committee, or fails to appeal from a decision of the county committee, within the 15-day period, the determination or decision of the county committee shall be final. If the final decision is not made prior to fifteen days before the closing date for executing contracts, the producers shall have fifteen days following such decision within which to execute the contract.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations, see § 485.172), which is not disposed of by agreement, shall be decided by the State committee. The State committee shall notify the producer in writing that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to the date of the notice. If the producer requests such an opportunity within 15 days from the date of receipt of such notice, he shall be given an opportunity to appear before the county committee and to offer any relevant evidence which he may wish to present. The county committee shall submit a report including its recommendation to the State committee. The producer shall also be afforded an opportunity to be heard by the State committee and to offer evidence in support of his position. If the producer does not request an opportunity to appear or to present evidence, the State committee shall proceed to consider the matter on the basis of such information as may be available to it.

§ 485.181 *Waiver.* The Administrator, ACPS in any matter involving a conservation practice, or the Administrator, CSS in any other matter, in order to prevent undue hardship, may waive the requirements of any provision of the regulations in this subpart or in the contract if not prohibited by law, if, in his judgment, such waiver is in the best interests of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

§ 485.182 *Delegation of authority.* (a) Any authority delegated to the Administrator, CSS in the regulations in this subpart may be exercised by the Deputy Administrator.

(b) Any authority delegated to the State committee in the regulations in this subpart may be redelegated to a member of the State committee or to any employee of the State committee.

Done at Washington, D. C., this 16th day of August 1956.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 56-6779; Filed, Aug. 21, 1956; 8:50 a. m.]

TITLE 7—AGRICULTURE

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

[Docket No. AO-225-A7]

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 924.0 *Findings and determinations.* The findings and determinations herein-

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than September 1, 1956. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Detroit, Michigan, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held during February 28–March 7, 1956; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on June 5, 1956, and a final decision was issued on August 10, 1956. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective September 1, 1956.

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

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

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

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1956), were engaged in the production of milk for sale in the said marketing area.

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

1. Revise § 924.5 to read as follows:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York, and Augusta in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

2. In § 924.16 (b) delete from the proviso the phrase, "during each of the months of November 1955 through January 1956 and, in subsequent years".

3. Revise § 924.43 (b) to read as follows:

(b) Skim milk and butterfat disposed of by a handler from a pool plant to a nonpool plant in the form of milk or skim milk shall be Class I utilization if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification, and allocation shall apply.

4. Delete § 924.46 (b) and substitute therefor the following:

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

5. In §924.46 change the designation of paragraphs "(c)", "(d)", and "(e)", to "(d)", "(e)", and "(f)", respectively.

6. Revise § 924.51 to read as follows:

§ 924.51 *Class I milk prices.* (a) Subject to the adjustment provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months.

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization at all pool plants, exclusive of variation in inventory during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased by 3 cents for each percentage point that such percentage is above the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage) and increased by 3 cents for each percentage point that such percentage is below the average of the percentages for the corresponding months in the following schedule (rounding the difference to the nearest full percentage):

Month:	Percentages
January	129.8
February	130.3
March	134.7
April	142.0
May	151.7
June	157.5
July	143.1
August	140.9
September	131.0
October	125.7
November	124.0
December	129.9

Provided, That in no event shall the Class I price be increased or decreased pursuant to this paragraph by more than 45 cents.

7. Revise § 924.52 to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of: (1) The price per hundredweight as described ing § 924.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

(b) In the months of October, November, December, and January add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

8. Revise § 924.53 to read as follows:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

9. In § 924.60 (b) change the phrase, "other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47" to read, "other source milk is allocated to Class I pursuant to § 924.46 (b) and the corresponding step of § 924.47."

10. In § 924.60 (c), change the tabulation of road distances and rates per hundredweight to read as follows:

Shortest road distance from Detroit City Hall:	Rate per hundredweight
More than 34 miles but not more than 50 miles	$0.14
More than 50 miles but not more than 70 miles	.15
Add 1 cent for each 20 miles or fraction thereof over 70 miles.	

11. At the end of § 924.71 (c) change the phrase "may retain his base without loss for six months," to read "may retain his base without loss for twelve months."

12. Change § 924.82 to read as follows:

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

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

Issued at Washington, D. C., this 17th day of August 1956, to be effective on and after the 1st day of September 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 56-6778; Filed, Aug. 21, 1956; 8:50 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended, (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 25, 1956 (21 F. R. 5594). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, it is hereby found and determined that:

§ 957.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreemnt No. 98 and Order No. 57, as amended, to enable such committee to perform agreement and order, as amended, during the fiscal year ending May 31, 1957, will amount to $25,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

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

Done at Washington, D. C., this 16th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6759; Filed, Aug. 21, 1956; 8:46 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in Washington, was published in the FEDERAL REGISTER July 25, 1956 (21 F. R. 5594). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 992.208 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1957, will amount to $20,330.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 113 and Order No. 92 shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

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

Done at Washington, D. C., this 16th day of August 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6760; Filed, Aug. 21, 1956; 8:47 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAM

ALLOWANCES

Notice is hereby given that the following amendment has been adopted by the

Atomic Energy Commission effective upon publication in the FEDERAL REGISTER.

10 CFR 60.5a (3) (i) is amended to read as follows:

(3) *Allowances.* (i) A development allowance of $0.50 per pound U_3O_8 in ores assaying 0.10 percent U_3O_8 or more in recognition of expenditures incurred or likely to be incurred in the development or exploration necessary for maintaining and increasing developed reserves of uranium ores. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent.

* * * * *

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 9th day of August 1956.

K. E. FIELDS,
General Manager.

[F. R. Doc. 56-6751; Filed, Aug. 21, 1956; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54166]

PART 1—CUSTOMS DISTRICTS AND PORTS

NEW CUSTOMS COLLECTION DISTRICT NO. 50 (NEW MEXICO)

AUGUST 15, 1956.

The new customs collection district created by section 7 of the Customs Simplification Act of 1956 (Public Law 927, 84th Congress, approved August 2, 1956), which comprises the State of New Mexico, is hereby designated as Customs Collection District No. 50 (New Mexico) and Columbus, New Mexico, a customs port of entry, is hereby designated as the headquarters port of said district.

Section 1.1, Customs Regulations, is amended as follows:

Paragraph (c) is amended by adding the following at the appropriate place in the tabulation of customs districts and ports of entry:

District No.	Name of district	Area of district	Ports of entry
50	New Mexico (T. D. 54166).	The State of New Mexico.	Columbus, N. Mex.

and is further amended by adding: "; T. D. 54166" after "1917" within the parentheses opposite "El Paso" in the column headed "Name of district" in District No. 24 (El Paso); by deleting "The State of New Mexico and" from the column headed "Area of district" in District No. 24 (El Paso); and by deleting "Columbus, N. Mex." from the column headed "Ports of entry" in District No. 24 (El Paso).

The citation of authority for § 1.1 is amended to read as follows:

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, 70 Stat. 943; 19 U. S. C. 1, 2.)

Section 1.4, Customs Regulations, is amended by adding "No. 50____ New Mexico" after "No. 26____ Arizona" under the heading "Comptroller of customs, New Orleans, La."

Section 1.5, Customs Regulations, is amended by changing the period to a comma after "24 (El Paso)" in customs agency district No. 10, with headquarters at Laredo, Texas, and by adding "50 (New Mexico)." after "24 (El Paso),".

Section 1.6, Customs Regulations, is amended by adding the following at the appropriate place in the tabulation of headquarters of appraisers of merchandise:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
50	New Mexico	Columbus, N. Mex.	(*)

Section 1.7, Customs Regulations, is amended by deleting "and" preceding "27" and by adding "and 50." after "27" in the column headed "Customs collection districts" opposite "531 Mateo St., Los Angeles, Calif."

(R. S. 161, sec. 1, 37 Stat. 634, sec. 1, 38 Stat. 623, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1, 2, 1624)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6765; Filed, Aug. 21, 1956; 8:47 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

ADDITIONAL FISHING TIME

Basis and purpose. On the basis of adequate escapements of salmon in certain bays in the Alaska Peninsula area, it has been determined that additional fishing can be permitted.

Therefore, effective at 6 o'clock antemeridian August 23 and for the remainder of the 1956 season:

1. Section 105.3a is amended in paragraph (f) by suspending the proviso.
2. Section 105.19 is amended by suspending the restrictions of paragraphs (f) and (h).

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

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

JOHN L. FARLEY,
Director.

AUGUST 21, 1956.

[F. R. Doc. 56-6841; Filed, Aug. 21, 1956; 11:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSAL TO REVISE DOSAGES RECOMMENDED FOR NEOMYCIN SULFATE NASAL DROPS AND SPRAYS

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576, 5582) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below.

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by changing subparagraph (9) (vii) to read as follows:

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, the equivalent of 0.24 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, the equivalent of 0.16 milligram of neomycin base per nostril per dose, or 5 doses in a 24-hour period.

Dated: August 16, 1956.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 56-6752; Filed, Aug. 21, 1956; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123 A18]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given

that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area, which was issued August 3, 1956 (21 F. R. 5932), is hereby extended to August 28, 1956.

Dated: August 16, 1956.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 56-6761; Filed, Aug. 21, 1956; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

[Draft Release No. 56-22]

AIR TRAFFIC RULES

SPEED CONTROL AND COMMUNICATION RULES FOR CERTAIN HIGH DENSITY AIRPORTS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 24, 1956. Copies of such communications will be available after September 26, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation No. SR-408A, which authorized the Washington high density air traffic zone rules, terminated on July 31, 1956. The purpose of this special regulation was to delegate to the Administrator sufficient authority to permit him to designate a "high density air traffic zone" in the Washington, D. C., area and to establish special operating rules in the zone on a temporary basis. These special rules were designed to facilitate movement of traffic in the zone under VFR conditions in a safer and more efficient manner.

To evaluate properly the effects of such rules, they were placed in effect at Washington, D. C., August 1, 1955, on a trial basis for a one-year period. The program conducted under these special rules has been monitored and evaluated by a special working group of the Air Coordinating Committee (ACC). Members of this group included representatives of the Civil Aeronautics Administration, Civil Aeronautics Board, Department of the Army, Department of the Navy, Department of the Air Force, Air Line Pilots Association, Air Transport Association, Aircraft Owners and Pilots Association, National Association of State Aviation Officials, and the National Business Aircraft Association.

In order to obtain the information necessary to make a proper evaluation of the effectiveness of the high density rules, the working group distributed questionnaires to pilots operating into and out of the Washington area. An airport traffic control questionnaire survey was also conducted. Information obtained as a result of these surveys was cataloged and thoroughly evaluated. In addition, the working group has conducted personal interviews with airport traffic controllers from the three airports in the zone in order to obtain their views respecting the practicability of the special operating rules.

This special working group has completed its final report which has recently been reviewed by the ACC Air Traffic Control and Navigation Panel (NAV Panel). The recommendations that were adopted by the NAV Panel indicate that the special operating rules prescribed by the Administrator for the high density zone in the Washington, D. C., area have been found, in part, to be effective, and that these rules or modifications thereto could be successfully applied at other airports of high traffic density.

The Washington high density air traffic zone rules can be considered to comprise four basic elements:

1. A speed limit;
2. A communication requirement;
3. A minimum visibility requirement for VFR operations; and
4. The size or configuration of the airspace within which the preceding rules apply.

With respect to each of these rules, the NAV Panel adopted the following conclusions and recommendations:

1. With regard to the speed limit, it was agreed that this element of the rules had definitely contributed to improved safety of flight operations. It was recommended that appropriate rules be promulgated which would impose a speed limit for VFR traffic in areas of high traffic density.

2. While there is some controversy regarding the value of all of the provisions of the high density zone communication requirements, it was the view of the majority of the Panel that a communication requirement has contributed to improved safety of operations, the limitations of existing communication systems and procedures notwithstanding. The Panel, therefore, recommended that appropriate communication requirements be applied to VFI traffic at least to insure that arriving and departing flights have two-way radio communication with the pertinent air traffic control facility serving such areas.

3. While it was found difficult to measure the exact extent of the effectiveness of the one-mile visibility rule, it was the view of the majority of the Panel that the rule provided an added degree of safety and to some extent had alleviated the traffic controllers' problems associated with the special handling of VFR flights in IFR weather conditions. Opponents of the rule believed that, in the absence of more significant facts and statistics, the continued use of this rule could not be justified. However, the majority favored retention of the rule and it was recommended that a minimum visibility condition be established for VFR flight within such areas.

4. With regard to the configuration of the zone, it was agreed that as these special operating rules are applied to other areas, modifications in the size and configuration will obviously be required to tailor the zone to the particular requirements of a specific area. The needs and requirements of other areas can best be determined by consultation with the users involved, using the subject rules as a pattern. It was recommended that rules be promulgated empowering the Administrator of Civil Aeronautics to evaluate the needs of other areas and to prescribe a zone configuration peculiar to the needs of each particular area.

The Bureau is of the opinion that the foregoing views require serious consideration by the Board in its continued rule making activities relating to the control of traffic in high density areas. In 1954, when SR-408 was originally adopted, the Board advised interested persons that the Board's decision to make possible the trial of certain operational procedures in the Washington area was reached without prejudice to future consideration of the merits of any particular procedure. At least one request for hearing was denied by the Board on the grounds that such a hearing with respect to the merits of the special regulation would serve no useful purpose at that time because of its temporary and experimental nature. However, now that the Washington trial operation has run its course, we believe it timely that the Board consider the particular rules involved with a view toward incorporating them permanently into the Civil Air Regulations by amendment.

It is the view of the Bureau that because of the congestion of air traffic in the vicinity of certain large metropolitan airports, additional means of affording safety and efficiency in the movement of all aircraft in such areas are necessary. It is believed that a speed limit is a most practical method in achieving this objective. The Bureau believes that a speed limit can alleviate the hazards and the traffic handling problems arising from the widely differing speed ranges of aircraft operating in congested areas. Of paramount importance to the successful application of a speed limit is the configuration of the zone within which a speed-limit rule would be applied. It appears that each zone should be tailored to the particular needs of each specific area involved.

It is apparent that the efficient handling of air traffic at a high density airport depends in great measure upon a rapid exchange of information between pilots and controllers. Many high density airports during peak periods handle as many as sixty to seventy operations per hour. One need only to consider the speed, closure rates, and volume of aircraft to realize that such airport efficiency presupposes the availability of rapid pilot-tower communications.

While the Bureau recognizes that communications are essential to efficient high density airport operations, we are at the same time mindful of the possibility of

restricting unnecessarily large areas of airspace to aircraft not equipped or not adequately equipped for communications. However, the CAA has advised that they believe specific areas can be designated consistent with the communications capabilities and the needs of the particular airspace involved.

In regard to the one-mile visibility limitation, the Bureau recognizes that the trial plan may not have provided sufficient statistical data to completely substantiate a conclusion as to whether this limitation effected an improvement in the safety of operations. However, the Bureau, apart from the trial plan evaluation, has circulated Civil Air Regulations Draft Release No. 56-7 dated March 15, 1956, which, if adopted, will establish a one-mile visibility minimum for VFR flight in all airport control zones. This Draft Release proposed to correct the apparent misunderstanding which exists with respect to the conditions under which aircraft having received a traffic clearance may operate VFR within a control zone by clarifying the operating rules which apply within a control zone to a flight which has received traffic clearance; and by establishing visibility minimums below which VFR flight would be prohibited even though a traffic clearance had been issued. Because of this action, the Bureau finds it unnecessary to consider further the one-mile visibility requirement in this particular notice of proposed rule making.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended:

By amending § 60.18 by adding a new paragraph (f) to read as follows:

§ 60.18 *Operation on and in the vicinity of an airport.* * * *

(f) *High density air traffic zones.* In any area not above 3,000 feet above the surface in which the Administrator finds that traffic congestion is such as to adversely affect safety, he may designate such airspace as a high density air traffic zone in which the following rules shall apply:

(1) *Speed.* No aircraft shall be operated within a high density air traffic control zone at a speed in excess of 180 mph or 156 knots indicated airspeed unless operational limitations for a particular aircraft require greater airspeeds, in which case the aircraft shall not be flown in excess of the minimum speed consistent with safety.

(2) *Communications requirements.* Prior to flight within a high density air traffic zone, radio communication with the appropriate control tower shall be established. Thereafter, a continuous listening watch shall be maintained to receive any air traffic control information or clearances that may be issued: *Provided,* That aircraft not equipped with functioning two-way radio may be operated to or from an airport located within the zone with prior authorization from the appropriate airport traffic control tower.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., August 15, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56-6788; Filed, Aug. 21, 1956 8:51 a. m.]

[14 CFR Part 234]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING AND ON-TIME PERFORMANCE REQUIRED

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that consideration of the proposed rule has been set down for Oral Argument on September 26, 1956 at 10 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-6789; Filed, Aug. 21, 1956; 8:52 a.m.

[14 CFR Part 241]

[Draft Release No. 82]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS; PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that consideration of the proposed rule, with Bureau Counsel participating, has been set down for Oral Argument on September 19, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 17, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56-6790; Filed, Aug. 21, 1956; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 174, 405]

SURETY BONDS AND POLICIES OF INSURANCE

NOTICE OF PROPOSED RULE MAKING

JULY 17, 1956.

Proposed revision of certain rules governing the filing of insurance and other security by motor carriers and brokers subject to part II of the Interstate Commerce Act and by freight forwarders subject to part IV.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed revision of certain rules and regulations relating to the filing of insurance or other security for the protection of the public required pursuant to sections 215 and 403 (c) and (d) of the Interstate Commerce Act, which pertain to motor carriers subject to part II and to freight forwarders subject to part IV, respectively. The revisions proposed to be made are set forth below and include explanatory notes covering the purpose and effect of such proposed revisions.

No oral hearing on the proposed revisions is contemplated; however, interested parties may file with this Commission, within thirty days from the publication of this notice, written statements of facts, opinions or arguments concerning the herein proposed revisions. Any written statement so filed shall conform with the specifications provided in Rule 15 of the Commission's rules of practice. An original signed copy and six additional copies shall be furnished for use of the Commission.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 1.

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

1. Section 174.7 *Forms and procedure*—(a) *Forms of endorsements, cancellation notices, etc.* and § 405.8 *Forms and procedure*—(a) *Forms* to be amended in each case by the addition of the following sentence at the end thereof: "Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds covering periods of less than twelve months duration."

Explanation. This proposal is self-explanatory with respect to its principal provision. Like those that follow, it contemplates uniformity with respect to its provisions pertaining to motor carriers and to freight forwarders. Its adoption will ease the burden of preparing and filing annual certificates of insurance (or surety bonds) by insurance and surety companies and that of the Commission's staff in handling the many details attendant upon the annual renewal system. The proposed requirement for "continuous" certificates (or bonds) in lieu of permitting an option in the manner of filing as heretofore will make it important for companies to give the Commission seasonable notice of cancellation with respect to any risks which are not renewed at the termination of any annual contract. The provision for special permission is extended to cover such short-term or interim coverages as might exist under such special circum-

stances as in the changing of coverages, when only temporary or seasonal operations are performed, or incidental to transfer proceedings.

2. Section 174.7 (d) *Cancellation notice* and § 405.8 (d) *Cancellation* to be amended to read, respectively, as follows:

(d) Except as provided in paragraph (e) of this section, surety bonds, certificates of insurance and other securities and agreements shall not be cancelled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, broker or other party thereto, as the case may be, has first been given to the Commission at its office in Washington, D. C., which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

(d) Except as provided in paragraph (f) of this section, certificates of insurance, surety bonds and other securities and agreements shall not be cancelled or withdrawn until after 30 days' notice in writing has first been given by the insurance company or companies, surety or sureties, freight forwarder or other party thereto, as the case may be, to the Commission at its office in Washington, D. C., which period of 30 days shall commence to run from the date such notice is actually received at the office of the Commission.

Explanation. This proposal, which relates directly to that which follows, contemplates no change in the basic thirty-day notice requirement as it has heretofore existed. It does, however, contemplate the removal of the following provision, which, it is felt, has not been fully utilized: "However, such surety bonds, certificates of insurance and other securities and agreements may be cancelled prior to the expiration of the said thirty days if, on or before the date notice of cancellation is received, a replacement filing acceptable to the Commission shall have been received, such replacement being effective on or before the effective date of such cancellation. No cancellation may become effective before the date of receipt of such notice by the Commission."

Instead, a new sub-section (see Proposal No. 3) is proposed to be added at this point with respect to both the motor carrier and freight forwarder rules, which will spell out more definitely and precisely the conditions under which cancellation or termination of existing coverage may be made effective other than under the basic thirty-day provision.

3. New §§ 174.7 (e), and 405.8 (f), with respect to motor carriers and freight forwarders, respectively, to be inserted as follows:

(e) *Termination by replacement*. Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided*, The said replacement certificate, bond or other security meets all of the following conditions: (1) It must be acceptable to the Commission under these rules and regulations; (2) It must be accompanied by a letter of authorization, in duplicate, signed by the motor carrier involved or an authorized employee of such motor carrier, authorizing such replacement and verifying the effective date thereof; and (3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate, bond or other security.

(f) *Termination by replacement*. Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided*, The said replacement certificate, bond or other security meets all of the following conditions: (1) It must be acceptable to the Commission under these rules and regulations; (2) It must be accompanied by a letter of authorization, in duplicate, signed by the freight forwarder involved or an authorized employee of such freight forwarder, authorizing such replacement and verifying the effective date thereof; and (3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate, bond or other security.

Explanation. As indicated in connection with Proposal No. 2, this proposal provides a means of terminating a certificate of insurance or surety bond without the necessity of giving the full thirty days notice of cancellation required under § 174.7 (d), but only in those cases in which proper replacement coverage has been furnished and proper authorization is received from the motor carrier or freight forwarder involved, as the case may be. Even in such cases the cancellation or termination of existing coverage may not become effective earlier than thirty days prior to the receipt of replacement coverage and authorization. This limitation as to effectiveness is intended to minimize any confusion which might result from possible attempts to have the records adjusted with respect to long-standing coverage, particularly in such cases as those in which information had been furnished from Commission records in reply to inquiries pertaining to coverage on file. The provision for authorization "in duplicate" herein furnishes a means for notifying the retiring insurer as to the date of termination of its coverage.

4. Section 174.8 (b) *Financial resources* and § 405.6 (b) *Financial resources* both to be amended to read as follows:

(b) *Financial resources*. Each insurance and surety company must possess and maintain surplus funds (policyholders' surplus) of not less than $500,000, which minimum will be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the state of domicile (home state) of such company, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary.

Explanation. This proposal would increase the minimum policyholders' surplus requirement which was established in 1944, bringing the Commission's requirements, respecting both motor carriers and freight forwarders, in line with present day conditions and, incidentally, with those of a great majority of the states. The proposed minimum would apply alike to all stock and nonstock companies, organizations or associations. If this proposal is adopted, it is contemplated that the very few companies with less than $500,000 policyholders' surplus now qualified to file certificates or bonds with the Commission would be allowed ample time within which to adjust their finances to meet the increased minimum requirement.

[F. R. Doc. 56-6774; Filed, Aug. 21, 1956; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 146]

UNITED BONDING INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

AUGUST 16, 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 $40,000.00 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 Ac-

counts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which incorporated: United Bonding Insurance Company, Indianapolis, Indiana.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 56-6766; Filed, Aug 21, 1956; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDES

AUGUST 13, 1956.

The U. S. Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 022424 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the land for a recreation area.

For a period of thirty 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, 1245 North 29th Street, Billings, Montana.

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:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Sheridan Lake Recreation Area:
T. 1 S., R. 5 E.,
Sec. 13: N½SW¼;
Sec. 14: N½SE¼.

Total area 160 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 56-6753; Filed, Aug. 21; 1956; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 216]

GYMA LABORATORIES OF AMERICA, INC., AND ROLF LIPTON

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of a compliance proceeding against Gyma Laboratories of America, Inc. and Rolf Lipton, 83-10 Baxter Avenue, Jackson Heights 73, New York, respondents, Case No. 216.

The respondents, Gyma Laboratories of America, Inc., and Rolf Lipton, its vice president, (hereafter Gyma),[1] having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and an order and regulations promulgated thereunder, duly appeared in this proceeding and were represented by counsel; and, after admitting the facts as set forth in the charging letter, but denying that they knew or had any intention that their conduct was or would be in violation of the law or any order or regulation promulgated thereunder, submitted a proposal that a consent order be entered against them as hereinafter set forth; and said proposal having been presented to the Compliance Commissioner as provided in § 382.10 of the export control regulations; and the Agent in Charge, Investigation Staff, having agreed to the same; the Compliance Commissioner duly considered the evidence in support of the charges and all evidence and data submitted by respondents in mitigation thereof, and he then reported the facts as found by him to the undersigned with his recommendation that the proposal be accepted.

Now, after reading the report of the Compliance Commissioner, the consent proposal, the statements and data submitted on behalf of the respondents and, after consideration of the evidence in support of the conclusions hereinafter made, I hereby make the following findings of fact:

1. Gyma Laboratories of America, Inc., is an experienced exporter of commodities from the United States and Rolf Lipton, its vice-president, was the official who handled the export transaction involved herein.

2. In January 1955, K. Burgi-Tobler & Co. of Zurich, Switzerland (hereafter Burgi-Tobler), requested from Gyma and Gyma furnished to it price quotations on various culture media (peptone proteose, peptone tryptose and peptone bacto).

3. On February 21, 1955, the Bureau of Foreign Commerce issued an order temporarily denying to Burgi-Tobler all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity from the United States to any foreign destination. The order, effective that day, was to remain in effect until the termination of administrative compliance proceedings then being prepared by the Bureau of Foreign Commerce against Burgi-Tobler. Its text was duly published on February 25, 1955, in the FEDERAL REGISTER, (20 F. R. 1188). The Current Export Bulletin of the Bureau of Foreign Commerce, No. 746 of March 3, 1955, as an addition to Supplement No. 1 to Part 382 of the Export Regulations, reported that Burgi-Tobler was subject to an export denial order, effective February 21, 1955, until further notice, covering all general and validated licenses pertaining to all commodities for any destination, and gave the citation to the volume and page of the FEDERAL REGISTER where the text of said order appeared.

4. The said order of February 21, 1955 and the export regulations, (§ 381.10), specifically provided, among other things, that no person or business organization within the United States or elsewhere should, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity obtain or use any shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or dispose of, finance, transport, forward, or otherwise participate in an exportation from the United States, with respect to which any suspended party, (Burgi-Tobler), or any company related to it had any interest or participation of any kind or nature, direct or indirect, or directly or indirectly obtained any benefit therefrom.

5. Gyma subscribed to the Department of Commerce publication containing the export regulations, received the Current Export Bulletin of March 3, and, on or about March 17, 1955, read the report of the said denial order issued against Burgi-Tobler. At about the same time Burgi-Tobler notified Gyma that it had been suspended by the Department of Commerce.

6. On March 21, 1955, Burgi-Tobler wrote to Gyma placing an order with it for specified quantities of the aforesaid culture media at the prices previously quoted by Gyma. Burgi-Tobler requested Gyma to send the goods to an Antwerp, Belgium, forwarding firm, and to send to Burgi-Tobler the original bills of lading to facilitate the release of the merchandise in time. Burgi-Tobler also asked Gyma to mail the commercial invoice for such consignment to another specifically named firm in Zurich, and advised Gyma that the amount of the invoice would be remitted to Gyma, as usual, through a specified bank in Switzerland. Gyma did not ship in accordance with this order.

7. Gyma later received a letter dated April 7, 1955, on the stationery of the Zurich firm named in Burgi-Tobler's letter of March 21, ordering the same quantities of the culture media as specified in Burgi-Tobler's letter of March 21, at the prices originally quoted by Gyma to Burgi-Tobler in January. All documentation was to be forwarded to the Zurich firm. Gyma received a second letter from the Zurich firm, dated May 25, asking that Gyma expedite this order of April 7.

8. Following its receipt of the April 7 letter, Gyma, without making any inquiry into the text of the denial order, or into the relationship between Burgi-Tobler and the other Zurich firm, and without any notification to the Bureau of Foreign Commerce, exported the said culture media from the United States to the firm in Zurich under General License GRO on June 2, 1955. Gyma consigned the goods to the order of the bank in Switzerland, and issued its sight draft to the said bank upon an invoice to the Zurich firm.

9. The letters of April 7 and May 25 on stationery of the Zurich firm were prepared and signed by Burgi-Tobler, allegedly without the knowledge or consent of that firm, on stationery entrusted by it to Burgi-Tobler for other purposes, with the intention to receive the goods for its own disposition. Gyma was not

[1] Charges against K. Burgi-Tobler & Co., Zurich, Switzerland, arising out of this transaction, have been severed and will be disposed of separately.

charged with knowledge or reason to suspect that this had been done.

10. The Bureau of Foreign Commerce, acting on information that the goods, unless stopped, would reach Burgi-Tobler, ordered the exporting carrier to return them to the United States pursuant to § 371.11 of the export regulations and, upon their arrival in New York, they were duly seized by the Collector of Customs.

The Investigation Staff contended and the respondents have conceded that the fact that an export transaction is originally arranged or participated in by a party denied U. S. export privileges, is a material fact which a U. S. exporter is required to disclose to the Bureau of Foreign Commerce before effecting an exportation to any other purchaser or consignee appearing to have taken over the transaction and that the language in denial orders and in the Export Regulations directed to third persons, prohibiting them, except with Bureau of Foreign Commerce approval, from engaging in any activity concerning commodities exported or to be exported from the United States with respect to which the party denied export privileges "has any interest or participation of any kind or nature, direct or indirect" or "directly or indirectly receives any benefit therefrom" is language of the broadest scope. Similarly, it was contended and is now conceded that a shipment to a customer of a suspended party, even if the only interest of the suspended party is in retaining its customer's good will, is included within that prohibition. It is my belief that disclosure by Gyma of the circumstances of the transaction would have led to an investigation of the new transaction and discovery of the apparent forgery, and so Gyma should be held accountable for its erroneous assumption that the shipment was proper and that it was not required to disclose the facts to the Bureau of Foreign Commerce.

It is my conclusion that respondents, Gyma Laboratories of America, Inc., and Rolf Lipton, did violate the said order of February 21, 1955, temporarily denying export privileges to Burgi-Tobler, and §§ 381.2, 381.4, and 381.10 of the export regulations by their exportation of commodities in the circumstances above summarized without obtaining the prior approval of the Bureau of Foreign Commerce. Giving consideration to the facts that this is the first case involving a violation of a denial order applicable to a third party and that the purchase order upon which respondents acted appears to have been a forgery, *It is hereby ordered:*

I. All outstanding validated export licenses in which Gyma Laboratories of America, Inc., and Rolf Lipton, the respondents, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For the period specified in paragraph IV hereof, the said respondents are hereby suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, or in a transshipment or reexportation outside of the United States of any commodity in whole or in part exported from the United States. Without limitation of the generality of the foregoing denial of export privileges, such participation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the said respondents, but also to any person, firm, corporation, or business organization which may be related now or hereafter to either of them by ownership, control, or position of responsibility in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Such denial of export privileges shall be for a period of three months, of which the first month shall be and become effective forthwith and the remaining two months shall be suspended during a period of good behavior to continue until the expiration of three months from the date hereof. During the said remaining period of two months, all export privileges otherwise denied to the respondents shall be restored to them without further action upon condition that, during said period of good behavior, the respondents comply in all respects with this order and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder. The privileges so conditionally restored to the respondents may be revoked summarily and without notice, but subject to the right of respondents to appeal therefrom, upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondents or either of them, at any time within three months following the date hereof, have knowingly failed to comply with the condition upon which they have been permitted to engage in the export business during the last two months of said period of good behavior, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that the respondents, or either of them, have breached the said condition, the continued effective denial of their or his export privileges shall commence on the day of such determination and shall continue thereafter for two full months or three months from the date hereof, whichever shall be the later.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents and related parties are prohibited under the terms hereof from engaging in any activity within the scope of paragraph II hereof, shall, without prior disclosure to and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States or a transshipment or reexportation of any commodity exported from the United States, in which the respondents or any related party may have any interest or obtain any benefit of any kind or nature, directly or indirectly.

Dated: August 21, 1956.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 56-6773; Filed, Aug. 21, 1956; 8:49 a. m.]

Federal Maritime Board

INTERNATIONAL EXPEDITERS INC., AND VAIRON & CO. 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, as amended, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8131 between International Expediters Inc. of Los Angeles, California and Vairon & Company, Inc. of New York, New York, is a cooperative working arrangement between these freight forwarders under which International Expediters Inc. performs forwarding services on behalf of Vairon & Company, Inc.

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.

By order of the Federal Maritime Board.

Dated: August 16, 1956.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 56-6770; Filed, Aug. 21, 1956; 8:48 a. m.]

Office of the Secretary

HARRY F. BOWER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 9, 1955, 20 F. R. 9164 and March 20, 1956, 21 F. R. 1736-37.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1956.

HARRY F. BOWER.

[F. R. Doc. 56-6780; Filed, Aug. 21, 1956; 8:50 a. m.]

TERRY B. MARTIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of Nevember 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1329.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1956.

Dated: August 15, 1956.

TERRY B. MARTIN.

[F. R. Doc. 56-6784; Filed, Aug. 21, 1956; 8:51 a. m.]

JAMES F. REID, SR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 9, 1956.

Dated: August 15, 1956.

JAMES F. REID, Sr.

[F. R. Doc. 56-6785; Filed, Aug. 21, 1956; 8:51 a. m.]

COURTLAND F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938, and March 23, 1956, 21 F. R. 1809-10.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1956.

Dated: August 15, 1956.

COURTLANDT F. DENNEY.

[F. R. Doc. 56-6786; Filed, Aug. 21, 1956; 8:51 a. m.]

ROBERT E. OLIVER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Robert E. Oliver.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 6, 1956.
4. Title of position: Chief, Business Research and Analysis Branch, Columbia-Geneva Steel Division.
5. Name of private employer: U. S. Steel, San Francisco, Calif.

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.

United States Steel Corporation, Borg-Warner Corp., Dow Chemical Co., Fluor Corp., Southern Railway, Lone Star Steel Corp., Ampex Corp., United Airlines, Canadian Chemical & Cellulose Corp., Merck & Co., Kaiser Steel Corp., El Paso Gas Co., Commonwealth Stock Fund, Television-Electronics Fund, Bank Deposits.

Dated: August 15, 1956.

ROBERT E. OLIVER.

[F. R. Doc. 56-6781; Filed, Aug. 21, 1956; 8:50 a. m.]

CLYDE B. JENNI

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Clyde B. Jenni.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 9, 1956.
4. Title of position: Chief, Castings Branch.
5. Name of private employer: General Steel Castings Corporation, Granite City, Illinois.

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.

General Steel Castings Corp., Chrysler Corporation, Climax Molybdenum Co., Pennsylvania Railroad, Sun Oil Company, Vanadium Corp. of America, Westinghouse Air Brake Co., Chemical Fund, Bank Deposits.

Dated: August 15, 1956.

CLYDE B. JENNI.

[F. R. Doc. 56-6782; Filed, Aug. 21, 1956; 8:50 a. m.]

CLARENCE W. SEELEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Clarence W. Seeley.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 19, 1956.
4. Title of position: Consultant.
5. Name of private employer: Scoville Mfg. Company, Waterbury, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director 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.

Scovill Manufacturing Co., U. S. Government Bonds, Hancock Manufacturing Co., Bank Deposits.

Dated: August 14, 1956.

C. W. SEELEY.

[F. R. Doc. 56-6783; Filed, Aug. 21, 1956; 8:50 a. m.]

EARLE D. PITT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Earle D. Pitt.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: August 13, 1956.
4. Title of position: Director, Communications Equipment Division.
5. Name of private employer: Western Union Telegraph Company, Atlanta, Georgia.

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.

Western Union Telegraph Company, Victoreen Instrument Company, Cuban-Venezuela Oil Company, Bank Deposits.

Dated: August 17, 1956.

EARLE D. PITT.

[F. R. Doc. 56-6787; Filed, Aug. 21, 1956; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2560 etc.]

VANSON PRODUCTION CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 15, 1956.

In the matters of Vanson Production Corporation, Docket No. G-2560; L. O. McMillan, Docket No. G-2571; Forest Oil Corporation, Docket Nos. G-2593, G-2954; Sherwood and Blohm and Thomas J. Holmes, a partnership, Docket No. G-2654; Carnes W. Weaver, Docket No. G-2678; Newman Brothers Drilling Company, a partnership, Docket Nos. G-2686, G-2687; H. F. Sears, Docket Nos. G-2724, G-2800, G-2840; P-T Corporation, Docket No. G-2750; Claud B. Hamill, Docket Nos. G-2752, G-2766, G-2767; J. E. Beymer et al., Docket No. G-2851; E. W. Campbell, et al., Docket No. G-2854; H. F. Sears and G. B. Cree, Docket No. G-2861; Cockburn Oil Corporation and H. C. Cockburn, individually, Docket No. G-2871; C. Rampy and R. and M. Well Servicing and Drilling Company, a corporation, Docket No. G-2937; D. E. Ackers, Docket No. G-2948; Alfred C. Glassell, Jr., individually, and as co-trustee for various trusts and various parties, Docket No. G-2956; J. M. Huber Corporation, Docket No. G-3000; George G. Johnson Drilling Company et al., G-3017; Stonetex Oil Corporation, Docket No. G-3051; Foster Petroleum Corporation, Docket Nos. G-3223—G-3232, inclusive; J. F. Darby Estate, Docket No. G-3236; N. H. Wheless Oil Company, Docket No. G-3291; Phillips Chemical Company, Docket Nos. G-3292, G-3876; W. L. Hartman et al., Docket No. G-3328; Phillips Petroleum Company, Docket Nos. G-3488—G-3500, inclusive; G-3502 and G-3503; Alf M. Landon, Docket No. G-3570; Margaret Landon Mills, Docket No. G-3589; Paul R. Turnbull et al., Docket No. G-3600; James Webb and F. F. Williams, Docket No. G-3615; James Webb, Docket Nos. G-3616, G-3617; Jake L. Hamon, Docket No. G-3634; Kerr-McGee Oil Industries, Inc., Docket Nos. G-3661 and G-3968; Mel Dar Corporation, Docket No. G-3699; Edwin W. Pauley, Docket Nos. G-3713, G-3789; Eastern States Petroleum Company, Inc., Docket No. G-3744; Henry Beissner et al., by Agent, Christie, Mitchell & Mitchell Co., Docket No. G-3750; V. L. Rossi, Trustee, for James V. Rossi, Docket No. G-3752; Bayou Oil Company, Docket No. G-3779; San Jacinto Petroleum Corporation, Docket No. G-3783; J. B. Mitchell and A. J. Lewis, Docket No. G-3790; H. R. Smith et al., Docket No. G-3800; Rand Morgan, Docket No. G-3821; N. C. Ginter et al., Docket No. G-3828; N. C. Ginter et al., Docket No. G-3829; Nelmor Oil Company, Docket No. G-3832; N. C. Ginter et al., Docket No. G-3850; Hawn Brothers, a co-partnership, Docket No. G-3871; C. N. Housh, Docket No. G-3879; South-Tex Corporation, Docket No. G-3882; W. H. Foster and J. C. Trahan, Docket No. G-3899; The Easter-Wood Production Company, Docket No. G-3936; Gillring Oil Company, Docket No. G-3938; R. Lacy, Inc., for itself and as agent for B. F. Lacy, Ann Lacy Crain, Patsy Lacy Griffith, Edwin Lacy, Jack Price, W. H. Mitchell, The Chicago Corporation, Robert K. Crain, Ann Scott Ferguson, E. Paul Harding, Madge Scott Terrill, Delta Gulf Drilling Company, Clyde H. Alexander, Hayden Oil Company, and Norman V. Kinsey, and estate of R. Lacy, deceased, Docket No. G-4241; Associated Oil and Gas Company, Docket No. G-4733; Shamrock Oil and Gas Corporation, Docket No. G-4880; F. M. Hood and M. B. Chastain, Docket No. G-7293; Keener and High, Docket No. G-7296; Charles B. Wrightsman, Docket No. G-7297; John Nisbett, Docket No. G-7298; Richards and Hartman Oil and Gas Company, Docket No. G-8092; Richards and Hartman Oil and Gas Company, Docket Nos. G-8097, G-8099; James W. Forgotson, Docket No. G-8768.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commisison, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G-; Location of Field; and Buyer

2560; Spider Field, De Soto Parish, La.; Southern Natural Gas Company.

2571; Mary Feldt Lease, Grayson County, Tex.; Lone Star Gas Company.

2593; North Eagen Field, Acadia Parish, La.; Transcontinental Gas Pipeline Corporation.

2654; North Chesterville Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

2678; East Slick Field, Goliad County, Tex.; United Gas Pipe Line Company.

2686, 2687; Green Branch Field, McMullen and La Salle Counties, Tex.; Tennessee Gas Transmission Company.

2724; West Panhandle Field, Hutchinson County, Tex.; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.

2750; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.

2752; Egypt Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

2766; Cypress Area, Harris County, Tex.; Tennessee Gas Transmission Company.

2767; Bucksnag Area, Colorado County, Tex.; Tennessee Gas Transmission Company.

2800; West Panhandle Field, Hutchinson County, Tex.; Colorado Interstate Gas Company.

2840; West Panhandle Field, Moore and Hutchinson Counties, Tex.; Phillips Petroleum Company.

2851; Hugoton Field, Kearney County, Kans.; Colorado Interstate Gas Company.

2854; Hugoton Field, Kearney County, Kans.; Northern Natural Gas Company.

2861; West Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

2871; East Bernard Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

2937; Deckers Prairie South Field, Montgomery County, Tex.; Tennessee Gas Transmission Company.

2948; Various Sections in Stevens County, Kans.; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company.

2954; Brayton and Agua Dulce Fields Nueces County, Tex.; Tennessee Gas Transmission Company.

2956; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Company.

3000; Laredo Field, Reno County, Kans.; Panhandle Eastern Pipe Line Company.

3017; Spraberry Trend Area, Reagan County, Tex.; Phillips Petroleum Company.

3051; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.

3223; Kansas-Hugoton Field, Kearney County, Kans.; Cities Service Gas Company.

3224; Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Company.

3225-3232, inclusive; Various Leases, Moore County, Tex.; Phillips Petroleum Company.

3236; Chickasaw Field, Okla.; Consolidated Gas Utilities Corporation.

3291; Carthage Field, Panola County, Tex.; Tennessee Gas Transmission Company; United Gas Pipeline Company.

3292; Golden Trend Area, Garvin County, Tex.; Warren Petroleum Corporation; Cities Service Oil Company; Kerr McGee Oil Industries, Inc.; Oklahoma Natural Gas Company; and The Texas Company.

3328; Hugoton Field, Finney County, Kans.; Colorado Interstate Gas Company.

3488; Hugoton Field, Sherman County, Tex., and Panhandle Field, Moore County, Tex.; Shamrock Oil and Gas Corporation.

3489; Guymon-Hugoton Field, Texas County, Okla.; Kansas-Nebraska Natural Gas Co., Inc.

3490; Hugoton Field, Sherman County, Tex.; Southwestern Public Service Company.

3491, 3492, 3493; Jal Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3494; West Panhandle Field, Moore County, Tex.; Panhandle Eastern Pipe Line Company.

3496; Lewisburg Field, Acadia Parish, La.; United Gas Pipe Line Company.

3497; Houma Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

3498, 3499; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Company.

3500; Breton Island Field, Breton Island Area, Offshore Plaquemines Parish, La.; Southern Natural Gas Company.

3502; Tigre Lagoon Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corporation.

3503; Guyman-Hugoton Field, Texas County, Okla.; Gray County, Tex.; Cities Service Gas Company.

3570; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company; Panhandle Eastern Pipe Line Company.

3589; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company.

3600; Santellana Field (Santa Anita Grant), Hidalgo County, Tex.; Tennessee Gas Transmission Company.

3615, 3617; Floyd County, Ky.; United Fuel Gas Company.

3616; Pike County, Ky.; Kentucky West Virginia Gas Company.

3634; Wilson Field, Bee County, Tex.; Tennessee Gas Transmission Company.

3661; Hugoton Field, Sherman County, Tex.; Phillips Petroleum Company.

3699; Shamrock Oil, Mustang Island Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3713; Spraberry Trend Area, Midland, Glasscock, Reagan, Upton and Martin Counties, Tex.; Phillips Petroleum Company; Texas Gas Products Corporation; El Paso Natural Gas Company.

3744; West Bishop Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3750; Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

3752; Brayton Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3779; Panhandle Field, Sherman, Moore and Hartley Counties, Tex.; Phillips Petroleum Company.

3783; Chesterville Field, Colorado County, Tex.; Bay City Gas Field, Matagorda County, Tex.; San Juan Basin, San Juan County, N. Mex.; La Plata and Archuleta Counties, Colo.; Tennessee Gas Transmission Company.

3789; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

3790; Zim-Ricaby Field, Starr County, Tex.; Tennessee Gas Transmission Company.

3800; West Magnolia City Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

3821; Farenthold and Rand Morgan Fields, Jim Wells and Nueces Counties, Tex.; Associated Oil and Gas Company.

3828; Brayton Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3829; West Vidauri Field, Refugio County, Tex.; Tennessee Gas Transmission Company.

3832; West Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

3850; Sarco Creek Field, Goliad County, Tex.; Tennessee Gas Transmission Company.

3871; Sancito Field, La Capita Area, Starr County, Tex.; Tennessee Gas Transmission Company.

3876; Doyle Field, Stephens County, Okla.; Universal Gasoline Company.

3879; Cecil-Noble Fields, Colorado County, Tex.; Tennessee Gas Transmission Company.

3882; Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3899; Bethany Field, Panola County, Tex.; Tennessee Gas Transmission Company.

3936; West Calaboose Field, San Patricio County, Tex.; Tennessee Gas Transmission Company.

3938; Agua Dulce Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

3968; South Crowley Field, Acadia Parish, La.; Tennessee Gas Transmission Company.

4241; Carthage Field, Panola County, Tex.; Lone Star Gas Company.

4733; Rand Morgan Field, Jim Wells and Nueces Counties, Tex.; Tennessee Gas Transmission Company.

4880; Panhandle and Hugoton Fields, Tex.; Phillips Petroleum Company.

7293; Rodessa Field, Caddo Parish, La.; Arkansas Louisiana Gas Company.

7296; Brown Field, Crowley County, Kans.; Cities Service Gas Company.

7297; Saint Martin Field, Saint Martin Parish, La.; United Gas Pipe Line Company.

7298; Southwest Jefferson Field, Marion County, Tex.; Arkansas Louisiana Gas Company.

8092; Murphy District, Ritchie County, W. Va.; South Penn Natural Gas Company.

8097; Murphy District, Ritchie, County, W. Va.; South Penn Natural Gas Company.

8099; Clay and Grant District, Ritchie County, W. Va.; Tennessee Production Company.

8768; Delhi Field, Franklin Parish, La.; Texas Eastern Gas Transmission Corporation.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *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 shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants 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 August 28, 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.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6763; Filed, Aug. 21, 1956; 8:47 a. m.]

[Docket No. G-10908]

PHILLIPS PETROLEUM CO.

ORDER PROVIDING FOR HEARING

Phillips Petroleum Company (Phillips), on June 29, 1956, submitted to the Commission a revised billing statement to supersede the sample billing statement previously submitted to show how the billing amount is determined for the sale of natural gas, on and after June 7, 1954, to Panhandle Eastern Pipe Line Company (Panhandle), under Phillips' FPC Gas Rate Schedule No. 61.

The original sample billing submitted by Phillips for the month of June 1954, for the above-designated sale, reflects a rate of 3.1824 cents per Mcf at 14.65 psia. The revised billing statement submitted on June 29, 1956, contains a rate of 3.7120 cents per Mcf at 14.65 psia. Phillips avers that the difference of 0.5296 cent per Mcf is occasioned by the failure of Panhandle, who does the billing under the terms of the contract, to include in the original rate the incremental amount required by a royalty escalation clause in the contract. Based upon sales for the month of June 1954, the revised billing would produce an increase of $3,058 in the cost of purchased gas to Panhandle for that month. Should the revised billing be found to be correct, an additional amount of approximately $73,000 would be due and owing to Phillips for the period June 1954 to date.

In its letter of July 9, 1956, addressed to the Commission, Panhandle protests the submittal by Phillips of the revised billing statement for the month of June 1954. In substance Panhandle contends that such revised billing statement could not be used as a basis for effecting a change in rate with respect to either past or future deliveries of gas to it by Phillips; that the revised billing statement submitted by Phillips is not in accordance with Phillips' FPC Gas Rate Schedule No. 61 and does not reflect the rate Panhandle agreed to pay for such deliveries; and that such revised billing does not reflect a correct determination of such rate, pursuant to the provisions of the rate schedule.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that a hearing be held to determine the correct rate as of June 7, 1954, for the sale of natural gas by Phillips under its FPC Gas Rate Schedule No. 61, to Panhandle Eastern Pipe Line Company.

The Commission orders: A public hearing be held, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, commencing on September 27, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the submittal by Phillips of the revised billing statement for sales of gas by it to Panhandle Eastern Pipe Line Company under Phillips' FPC Gas Rate Schedule No. 61, and the protest thereto by Panhandle.

Issued: August 16, 1956.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-6764; Filed, Aug. 21, 1956; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

CHICAGO AND FORT WORTH OFFICES

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

Effective September 1, 1956, subparagraphs 2 and 3 of paragraph G are amended to read as follows:

2. *Chicago Regional Office.* Illinois, Indiana, Iowa, Kansas (Liquidating Emergency Housing Program only), Michigan, Minnesota, Missouri (City of St. Louis and County of St. Louis only), Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. *Fort Worth Regional Office.* Arkansas, Colorado, Kansas (except Liquidating Emergency Housing Program), Louisiana, Missouri (except the City of St. Louis and the County of St. Louis), New Mexico, Oklahoma, Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

Date approved: August 16, 1956.

[SEAL] JOHN D. CURRIE, *Acting Commissioner.*

[F. R. Doc. 56-6754; Filed, Aug. 21, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

AUGUST 15, 1956.

The organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended (49 U. S. C. 17), effective July 17, 1956, is set forth below.

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

(References are to the Interstate Commerce Act, as amended, unless otherwise specified.)

1.1 The following organization schedule and assignment of work and functions shall be effective until duly changed:

DIVISIONS OF THE COMMISSION

2.1 There shall be four divisions of the Commission to be known, respectively, as divisions one, two, three and four.

2.2 As provided by section 17 of the Interstate Commerce Act, as amended, each division shall have authority to hear and determine, order, certify, or report or otherwise act as to any work, business, or functions assigned or referred to it under the provisions of that section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations.

2.3 Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

2.4 From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all investigations on the Commission's own motion heretofore entered upon and hereafter instituted, except as may be otherwise provided, and (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases submitted to the Commission and specially referred to a division, the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission, and all cases otherwise specially assigned.

2.5 All proceedings of the character in which, by provisions of the Administrative Procedure Act (60 Stat. 237), a hearing is required to be conducted in conformity with section 7, and a decision to be made as provided in section 8 of that act, shall be and are reserved to the Commission for initial decision, and for such purpose of initial decision may be assigned to a division, individual Commissioner, or board, as provided in section 17 of the Interstate Commerce Act (49 U. S. C. 17), by the general order of the Commission as to assignment of work, business, or functions. The following are excepted from the foregoing reservation: (a) Proceedings required by section 205 of the Instate Commerce Act (49 U. S. C. 305) to be submitted to joint boards; and (b) specific cases, or classes of cases, as to which the Commission may order exemption from the operation of this general rule. For the purpose of such initial decision, the record in a proceeding so reserved shall be considered as certified to the Commission for initial decision when received by the Secretary of the Commission for filing in the docket. Such certification shall not be construed as relieving the officer from the necessity of submitting such recommended, tentative, or other type of report (consistent with the requirements of the Administrative Procedure Act) as the Commission shall previously have directed him to prepare in the proceeding. In individual proceedings involving rule-making as defined in section 2 (c) of the Administrative Procedure Act, and in determining applications for initial licenses, the Commission, or the division, individual Commissioner, or board, or examiner, to which or whom a particular proceeding may have been assigned under section 17 of the Interstate Commerce Act (49 U. S. C. 17), will, as warranted by the second sentence of sec. 2 (a) of the Administrative Procedure Act (60 Stat. 237), determine (c) whether there shall be a tentative decision by the Commission, or by a division, individual Commissioner, or board, or examiner, to whom the proceeding may be referred or assigned, or (d) whether there shall be a recommended decision by designated responsible officers of the Commission; and (e) in any case the Commission, or the division, Commissioner, or board, may find upon the record that due and timely execution of the functions of the Commission imperatively and unavoidably requires that a tentative or recommended decision be omitted in that case.

2.6 When a Commissioner is transferred from a division he shall continue to serve as a member of such division in lieu of his successor for the purpose of clearing up accumulated work, which shall be limited to the disposition of cases submitted on oral argument prior thereto, and still pending for decision, cases in which drafts of final reports or orders have been circulated, and other matters requiring official action which are under active consideration at the time of the transfer.

DUTIES AND RESPONSIBILITIES OF THE CHAIRMAN OF THE COMMISSION

3.1 The following duties and responsibilities are delegated to the Chairman (or, in his absence, to the Acting Chairman who shall be the available senior Commissioner in point of service) to be exercised in addition to his statutory duties and any other duties that may be assigned or delegated to him:

3.2 He shall be the executive head of the Commission.

3.3 He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3.4 Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

3.5 He shall exercise general control over the Commission's argument calendar and conference agenda.

3.6 Except in instances where the duty is otherwise delegated or provided for, he shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

3.7 He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, (b) report periodically, not less than once every six months, to the Commission on the state of the Commission's work, and (c) recommend to the Commission ways and means of correcting or preventing avoid-

able delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

3.8 He shall be ex officio Chairman of the Committee on Legislation and of the Committee on Rules.

3.9 He shall be relieved, during his chairmanship, of any regular assignment as a member of a division.

3.10 In any case in which it appears desirable, he may designate an additional Commissioner or Commissioners to sit with a division.

3.11 He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

3.12 Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall represent the Commission in supervising, guiding and directing the Managing Director, the Secretary and the General Counsel in the performance of their duties and shall serve as the channel through which they submit recommendations to the Commission.

3.13 In accordance with section 1003 (a) of the Civil Aeronautics Act of 1938, he is directed, when the occasion arises, in conjunction with corresponding action by the Chairman of the Civil Aeronautics Board, to designate a like number of Commissioners to function as members of a joint board to consider and pass upon matters referred to it as provided under subsection (c) of such section.

3.14 He shall be the Commission's representative on the United States National Commission for the Pan American Railway Congress Association.

ASSIGNMENT OF DUTIES TO DIVISIONS

4.1 Work, business, and functions of the Commission are assigned and referred to the respective divisions for action thereon (including, for each division to which the subject matter or the principal part thereof is assigned, authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto), as follows:

4.2 Division One: Motor Carrier Division (Commissioners Tuggle (Chairman), Minor, and McPherson):

(a) Section 203 (b), relating to partial exemption from the provisions of Part II, including determinations as to the necessity for application of Part II to transportation within a municipality, between contiguous municipalities, or within an adjacent zone, and the determination of the limits of such zones, referred to in section 203 (b) (8) and to casual transportation operations by motor vehicle, referred to in section 203 (b) (9).

(b) Section 204 (a) (1) to (3), inclusive, so far as relates to reasonable requirements with respect to continuous and adequate service and transportation of baggage and express by common carriers, and to qualifications and maximum hours of service of employees and safety of operation and equipment for common, contract, and private carriers, but not including requirements for the same transportation of explosives and other dangerous articles.

(c) Section 204 (a) (4) and section 211 (a) to (c), inclusive, relating to the regulation of brokers (other than their accounts, records, and reports).

(d) Section 204 (a) (4a), relating to certificates of exemption to motor carriers operating solely within a single State.

(e) Section 204 (a) (7), so far as relates to inquiries into the management of the business of motor carriers and brokers and persons controlling, controlled by, or under common control with motor carriers, and requests for information deemed necessary to carry out the provisions of Part II.

(f) Section 204 (b), relating to the establishment of classifications of brokers or of groups of carriers and just and reasonable rules, regulations and requirements therefor.

(g) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(h) Section 209, relating to permits, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(i) Section 210, relating to dual operations, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(j) Section 210a (a) relating to applications for temporary authority for service by common or contract carriers by motor vehicle when certified to the Division by the Motor Carrier Board.

(k) Section 211, relating to brokerage licenses, except determination of whether applications should be dismissed at the request of applicants in proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(l) Section 212 (a), relating to suspension, change, and revocation of certificates, permits, and licenses, except determination of uncontested motor carrier revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(m) Section 212 (b), relating to transfer of certificates or permits, except determination of applications which have not involved the taking of testimony at a public hearing unless certified to the Division by the Motor Carrier Board.

(n) Section 215, relating to security for the protection of the public.

(o) Section 224, relating to identification of motor carriers.

(p) Section 403 (c) and (d), relating to authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, etc., by freight forwarders.

(q) Section 204 (c) and 403 (f), so far as relating to investigation of complaints of alleged noncompliance with the provisions of Parts II and IV assigned to Division One or requirements established pursuant thereto.

(r) Any other matters arising under Part II not specially assigned or referred to other divisions.

(s) In connection with the foregoing assignments Division One is authorized to institute, conduct and determine investigations into motor-carrier practices pertaining to matters covered by such assignments.

4.3 Division Two: Rates, Tariffs, and Valuation Division (Commissioners Freas (Chairman), Winchell, and Murphy):

(a) Section 4, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such proceedings have been formally heard, when applications are certified to the Division, by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirements of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings.

(b) Section 5a, relating to agreements between or among carriers.

(c) Section 6, except paragraphs (11) and (12), relating to schedules of carriers under Part I, sections 217 and 218 relating to tariffs of common carriers and schedules of contract carriers under Part II, section 306 relating to tariffs of common carriers and schedules of contract carriers under Part III, and section 405 relating to tariffs of freight forwarders under Part IV—including, among other matters, the promulgation or prescription of forms, specifications, rules, or regulations to effectuate such provisions of law, as well as applications or petitions involving the construction, interpretation or application of such forms, specifications, rules, or regulations.

(d) Section 409 relating to contracts between freight forwarders and motor carriers, including authority to institute, conduct, and determine investigations pertaining thereto.

(e) Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III, and 406 (e) of Part IV, relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, and III, and freight forwarders under Part IV, as ancillary to a proceeding of investigation and suspension when such matter is certified to the Division by the Suspension Board, when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or when there are involved petitions for suspension of schedules filed in purported

compliance with any decision, order, or requirement of the Commission or a Division thereof; and including authority to vacate or discontinue orders in proceedings instituted by Division 2 wherein respondents have withdrawn the matter under suspension, except in those instances where authority has been delegated to the Board of Suspension.

(f) Section 6 (11) (b) and (12) of the Interstate Commerce Act and section 11 (d) of the Panama Canal Act, 49 U. S. C. 51, relating to the establishment, under the additional authority conferred upon the Commission by the Panama Canal Act of proportional rates to or from ports, and through rail-and-water arrangements in foreign commerce.

(g) Institution of investigations of intrastate rates, fares, and charges, classifications and practices under section 13 (3) of Part I and section 406 (f) of Part IV on the petition of carriers or freight forwarders.

(h) Section 19a, relating to the valuation of the property of carriers.

(i) Section 20 (11) of Part I and section 210 of Part II, so far as relating to the authorization of released rates and ratings.

(j) Sections 3 (2), 223, 318, and 414, so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination.

(k) Section 22 so far as relating to reduced rates in case of calamitous visitation or disaster.

(l) Section 220 (a) relating to contracts between motor contract carriers and shippers.

(m) Section 304 (d) of Part III, relating to relief from the provisions of that part because of competition from carriers engaged in foreign commerce.

(n) Section 204 (c), section 304 (e), and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV hereinbefore assigned to Division Two or requirements established pursuant thereto.

(o) Section 20 (1) to (10), inclusive; section 204 (a) (1), (2), and (4); section 220 (a) to (f), inclusive; section 222 (b), (d), and (g); sections 313, 316 (b), 317 (d), and (e); and sections 412, 417 (b), and 421 (d) and (e), so far as those sections relate to accounting and statistical reports, records, and accounts of carriers, lessors, brokers, freight forwarders and other persons under Parts I, II, III, and IV, and so far as matters arising under the stated sections are not assigned to individual commissioners.

(p) Formal complaints and suspension cases in which the issues relate primarily and predominantly to the interpretation and application of tariffs.

4.4 Division Three: Rates, Service, and Safety Division (Commissioners Clarke (Chairman), Hutchinson, and Walrath):

(a) Section 1 (9), relating to switch connections.

(b) Section 1 (14) (b), relating to contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold.

(c) Section 1 (10) to (14) (a), inclusive, and section 1 (15) to (17), inclusive, relating to car-service and emergency directions with respect thereto.

(d) Section 5 (1), relating to the pooling of traffic, service, or gross or net earnings of common carriers subject to the act.

(e) Section 3 (5), relating to requirement of common use of terminals and compensation therefor.

(f) Section 6 (11) (a) of the Interstate Commerce Act, and section 11 (d) of the Panama Canal Act, relating to the additional jurisdiction over rail and water traffic conferred upon the Commission by the Panama Canal Act, 49 U. S. C. 51, with respect to physical connections between rail lines and docks; and section 201 (c), Transportation Act, 1920, as amended, 49 U. S. C. 141 (c).

(g) Section 15 (10), relating to the direction of the routing of unrouted traffic.

(h) Sections 15 (13), 225, 314, and 415, relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and I. & S. No. 11, The Tap Line Case.

(i) Section 25 (a) to (g), inclusive, as amended, relating to the installment and maintenance of safety devices by carriers by railroad.

(j) Section 1 (21) so far as relating to the compulsory construction of new roads or procurements of additional facilities.

(k) Section 204 (a), (1), (2), (3), and (5) of Part II, so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances.

(l) Section 403 (b), relating to establishment of reasonable requirements with respect to continuous and adequate service by freight forwarders.

(m) Section 404 (d), relating to agreements between freight forwarders for joint loading of traffic.

(n) Section 204 (c) and section 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II and IV, hereinbefore assigned to Division Three, or requirements established pursuant thereto.

(o) Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

(p) Matters coming from the Section of Informal Cases of the Bureau of Rates, Tariffs and Informal Cases.

(q) Matters arising under the Transportation of Explosives and Dangerous Articles Act, Accident Reports Act, Safety Appliance Act, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, 39 U. S. C. 6, 12, 13, 14, and 15, so far as those acts relate to duties of the Commission.

(r) Authority to approve recommendations of the Commission's staff for the enforcement of penal provisions of the Interstate Commerce Act, and statutory provisions supplementary thereto if the subject matter is otherwise unassigned.

(s) Standard Time Act of March 19, 1918, as amended, 15 U. S. C. 261-265, inclusive.

4.5 Divisions Two and Three, except in special circumstances, alternately, in monthly rotation, commencing with Division Three in January, 1954:

(a) All formal cases not otherwise herein assigned or referred to another division, or reserved to the Commission, arising under Part I, and all formal cases involving rates, fares, or charges arising under Parts II, III, and IV.

4.6 Division Four: Finance Division (Commissioners Mitchell (Chairman), Clarke, and Hutchinson):

(a) Section 1 (18) to (20), inclusive, and sections 303 (1), 309, 310, 311, and 312, relating to certificates of convenience and necessity under Parts I and III and permits under Part III, and section 410, relating to permits under Part IV, including abandonments of service by freight forwarders under section 410 (i).

(b) Section 5 (2) to (13), inclusive and section 210a (b) of Part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to noncarrier control, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto.

(c) Section 5 (14) to (16), inclusive, relating to common control of railroads and common carriers by water.

(d) Section 302 (e) and section 303 (b) to (h), inclusive, relating to exemptions of water carriers from the provisions of Part III.

(e) Sections 20a and 214 relating to the issuance and approval of securities of carriers under Parts I and II, and to the holding of interlocking positions as director or officer.

(f) Section 20b relating to voluntary adjustments of capital structures under Part I.

(g) Section 304 (c), relating to classifications of groups of water carriers subject to Part III and rules, regulations, and requirements relating thereto.

(h) Section 411 (d) and (f), relating to investigation of alleged violations of section 411 (a), (b), and (c).

(i) Sections 204 (c), 304 (e), and 403 (f), so far as relating to the investigation of complaints of alleged noncompliance with provisions of Parts II, III, and IV, hereinbefore assigned to Division Four or requirements established pursuant thereto.

(j) The Uniform Bankruptcy Act, as amended, 11 U. S. C. relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

(k) Section 3 of Public Law No. 478 relating to review by the Commission prior to confirmation by the courts of plans of reorganization previously approved by the Commission.

(l) Matters arising under section 20c, providing for the recording of equipment trust agreements and other documents relating to lease or conditional sale of railroad equipment.

(m) Matters arising under the Clayton Antitrust Act, as amended.

COMMITTEES OF THE COMMISSION

5.1 There shall be a Committee on Legislation and a Committee on Rules composed of three Commissioners each.

5.2 Commission Committees and Commissioners:

(a) Legislation: Arpaia (Chairman), Commissioners Clarke and Minor.

(b) Rules: Arpaia (Chairman), Commissioners Tuggle and Hutchinson.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS

6.1 The following portions of the work, business, and functions of the Commission are assigned and referred to individual Commissioners as herein designated:

6.2 (a) Entry of reparation orders responsive to findings authorizing the filing of statements as provided in Rule 100 of the general rules of practice.

(b) Claims arising under Federal Tort Claim Act, 28 U. S. C. 2671 et seq., except claims covered by section 2672 of that act.

(c) Approval for publication of statistical releases: Chairman of the Commission.

6.3 Dismissal of complaints upon requests of complainants: If the proceeding has been assigned to a Commissioner, the Commissioner to whom it is assigned; otherwise, to the Chairman of the Commission.

6.4 Postponement of the effective date of orders in proceedings which are the subject of suits brought in a court to enjoin, suspend, or set aside the decision, order, or requirement therein: Commissioner through whom the General Counsel reports [Chairman ex officio].

6.5 (a) With respect to carriers and others subject to Part II, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting requirements.

(b) Authority to permit the use of prescribed accounts for carriers and other persons under Parts I, II, III, and IV, which by provisions of their own texts require special authority.

(c) Authority to permit departures from general rules prescribing uniform systems of accounts for carriers and other persons under Parts I, II, III, and IV.

(d) Authority to prescribe by order, rates of depreciation to be used by individual carriers by railroad, water, and pipe line.

(e) Authority to issue special authorizations permitted by the prescribed regulations governing the destruction of records of carriers subject to Parts I, II, III, and IV: Commissioner through whom the Bureau of Accounts, Cost Finding and Valuation reports [Commissioner Winchell].

6.6 Applications under section 20a (12) for authority to hold the position of officer or director of more than one corporation: Commissioner through whom the Bureau of Finance reports [Commissioner Mitchell].

6.7 (a) Special permissions or other permissible waivers of rules regarding schedules of rates, etc., under sections 6, 217, 218, 306, 405 and 409 (a);

(b) Released rates applications under section 20 (11);

(c) Ex Parte No. 13, with respect to modifications under section 6 (3) of posting requirements of section 6 (1); and

(d) Reduced rates authorizations in cases of calamitous visitation under section 22.

(e) Applications and complaints on the special docket: Commissioner through whom the Bureau of Rates, Tariffs and Informal Cases reports [Commissioner Freas].

6.8 (a) Uncontested matters arising under the Boiler Inspection Act, as amended: Commissioner through whom the Bureau of Safety and Service reports [Commissioner Clarke].

(b) Uncontested matters under section 25, the Safety Appliance Acts, as amended, the Hours of Service Act, as amended, and section 3 of the Accident Reports Act (including the making of reports of investigations under that section except those in which testimony is taken at a public hearing).

(c) Uncontested matters relating to the transportation of explosives and other dangerous articles.

6.9 (a) With respect to carriers and others persons subject to Parts I, III, and IV, (a) authority to grant extensions of time for filing annual, periodical, and special reports, and (b) authority to grant exemptions to individual carriers from the reporting and accounting requirements.

(b) Requests for access to waybills or photostat copies thereof: Commissioner through whom the Bureau of Transport Economics and Statistics reports [Commissioner Murphy].

6.10 Admission, disbarment, and suspension of practitioners before the Commission under Rules 7 to 13, inclusive, of the General Rules of Practice: Commissioner Mitchell.

6.11 The making of reports of investigations under section 220 of the act except those in which testimony is taken at a public hearing: Commissioner Tuggle.

6.12 Merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter which is not the subject of a suit in court, when the subject matter or particular proceeding has been or is assigned or referred to the division: *Provided*, That if the proceeding has been assigned to a Commissioner for administrative handling or preparation of report, such Commissioner shall act on such procedural matters (including extensions of time for compliance with orders); and if the subject matter or particular proceeding has not been assigned or referred to a division or to a Commissioner, the Chairman of the Commission may act on such matters: Chairman of the respective divisions. Chairman of the Commission.

6.13 The functions, powers, responsibilities, and duties of the Defense Transport Administration transferred and delegated to the Commission pursuant to the Defense Production Act of 1950, as amended, effective July 1, 1955: Commissioner through whom the Bureau of Safety and Service reports[1] [Commissioner Clarke].

6.14 In each of the foregoing delegations and assignments, except Item 6.13, to an individual Commissioner, in event of the absence or disability of such individual Commissioner, the senior member of the division which has jurisdiction of the subject matter or proceeding who is present shall act instead of the Commissioner above designated. In the event of the absence or disability of a Commissioner to whom a proceeding not referred to a division has been assigned for administrative handling or preparation of report, procedural matters in connection with such proceeding may be acted upon by the Chairman of the Commission.

ASSIGNMENTS TO BOARDS

7.1 The following portions of the work, business, and functions of the Commission are assigned to Boards of employees. Such portions relate to proceedings or classes of proceedings that do not involve issues of general transportation importance. The right to apply to the Commission for rehearing, reargument or reconsideration of a decision, order or requirement of an appellate division upon a petition filed by a party to the original order, action or requirement of any such board is restricted, under the authority granted by section 17 (6) of the Interstate Commerce Act as herein provided.

7.2 Fourth Section Board: Section Four, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division Two any matter which, in its judgment, should be passed on by that division or the Commission.

7.3 Suspension Board: Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III and 406 (e) of Part IV, relating

[1] In the event of the absence or disability of the Commissioner who is responsible for the supervision of the Bureau of Safety and Service, the senior member of Division Three who is present shall act in his place and stead in performing the duties and exercising the powers vested in that Commissioner by delegation or redelegation issued pursuant to the Defense Production Act of 1950, as amended, or by the Director of the Office of Defense Mobilization pursuant to law, provided further that, in the event of the absence or disability of all members of Division Three, the Chairman (or, in his absence, the Acting Chairman) of the Commission shall act in the place and stead of said Commissioner in performing such duties and exercising such powers.

to the initial disposition of petitions or requests for suspension of schedules and tariffs, or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and freight forwarders under Part IV, as ancillary to the suspension of any tariff or schedule, including also the power to enter orders discontinuing investigation and suspension proceedings, when, prior to hearing, the suspended schedules have been withdrawn and canceled pursuant to special permission authority. This delegation of authority shall not include (1) petitions or requests relating to tariffs or schedules filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or a wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify any question or matter which, in its judgment, should be acted upon by Division 2 or, upon the recommendation of Division 2, by the Commission.

7.4 Motor Carrier Board: (a) In applications under sections 206, 207, 208, 209, 210, and 211, which have not involved the taking of testimony at a public hearing, determination of whether applications should be dismissed at the request of applicants.

(b) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle.

(c) Determination of uncontested motor carrier revocation proceedings under section 212 (a) which have not involved the taking of testimony at a public hearing.

(d) Determination of applications under section 212 (b), relating to transfer of certificates or permits, which have not involved the taking of testimony at a public hearing.

(e) Any matter referred to the board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(f) The board may certify to Division One any matter which in its judgment should be passed on by that Division or the Commission.

REHEARINGS AND FURTHER PROCEEDINGS

8.1 For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the Rules of Practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, as the result of the filing of petitions by parties to the decisions, orders, or requirements of divisions of the Commission, individual Commissioner, Board of Suspension, Fourth Section Board or Motor Carrier Board.

8.2 In respect of all such matters, petitions for reconsideration or for rehearing of any order or decision of an individual Commissioner as herein authorized shall be initially passed upon by the division to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

8.3 Except in matters assigned to the Motor Carrier Board, and further excepting matters relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such matters have not been subject to formal hearing; and further excepting matters relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, as more especially provided in a succeeding paragraph, any such petition (and any supporting or opposing documents): (a) In a proceeding decided unanimously with respect to the final conclusion by the participating members of a division, except as indicated in (b), shall be considered by the Commission; and (b) in a proceeding not decided unanimously with respect to the final conclusion by the participating members of a division, or where, without regard to the unanimity of the division, the head of a Commission's bureau by whom the matter is circulated recommends the granting of such petition, shall be considered by the appropriate division as constituted at the time the petition is processed and circulated for action; if the division grants the same, the petition will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order or requirement of the division shall be subject to petition for rehearing or reconsideration as provided in the act. If the division does not grant the petition, it will be considered by the Commission.

8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

8.6 Announcements of the staying or postponement of decisions, orders, or requirements of divisions, individual Commissioners, or boards when petitions for rehearing, reargument, or reconsideration are filed before such decisions, orders, or requirements have become effective, will be made by the Secretary or under his direction.

BUREAUS AND OFFICES OF THE COMMISSION

9.1 The Bureaus and Offices of the Commission shall report as follows, except with respect to matters within the jurisdiction of the Managing Director:

Bureaus or offices of the Commission	Headed by—	Reports to the commission or appropriate division through—
9.2 Office of the Managing Director	Managing Director	Chairman ex officio.
(a) Budget and fiscal	Budget Officer.	
(b) Personnel	Personnel Director.	
(c) Stenography	Chief of Section.	
(d) Supplies and publications	Purchasing Agent.	
(e) Regional offices	13 Regional Managers.	
9.3 Office of the Secretary	Secretary	Chairman ex officio.
(a) Dockets	Chief of Section.	
(b) Mails and files	Chief of Section.	
(c) Reference services	Chief of Section.	
9.4 Office of the General Counsel	General Counsel	Chairman ex officio.
9.5 Accounts, Cost Finding and Valuation	Director	Commissioner Winchell.
(a) Accounting	Chief Accountant.	
(b) Cost finding	Chief of Cost Finding.	
(c) Engineering	Head Valuation Engineer.	
(d) Field service	Chief of Field Service.	
(e) Land	Head Land Appraiser.	
(f) Valuation order No. 3	Head Auditor, Property Changes.	
9.6 Finance	Director	Commissioner Mitchell.
(a) Convenience and necessity and interlocking directorates.	Chief of Section.	
(b) Securities and reorganizations	Chief of Section.	
9.7 Formal Cases (General)	Director, Chief Examiner	Commissioner Arpaia.
(a) Matters pending before division		Chairman of Division.
(b) Examiners reviewing	Chief of Section.	
9.8 Inquiry and Compliance	Director	Commissioner Minor.
(a) Motor carrier enforcement	Assistant Director and Chief of Section.	
(b) Rail, water and forwarder enforcement	Chief of Section.	
9.9 Motor Carriers	Director	Commissioner Tuggle.
(a) Administration	Administrative Officer.	
(b) Insurance	Chief of Section.	
(c) Operating rights	Chief of Section.	
(d) Safety	Chief of Section.	
(e) Motor Carrier Board	Chairman of Board.	
(f) Field organization	Assistant Director.	
(g) 13 Districts	District Director.	
9.10 Rates, Tariffs and Informal Cases	Director	Commissioner Freas.
(a) Rail tariffs (including water, pipe line, and express tariffs).	Assistant Director and Chief of Section.	
(b) Motor tariffs (including freight forwarder tariffs and motor carrier-freight forwarder agreements under section 409).	Assistant Director and Chief of Section.	
(c) Informal cases	Assistant Director and Chief of Section.	
(d) Suspension Board	Chairman of Board.	
(e) Fourth Section Board	Chairman of Board.	

Bureaus or offices of the Commission	Headed by—	Reports to the commission or appropriate division through—
9.11 Safety and Service	Director	Commissioner Clarke.[1]
(a) Car service	Assistant Director.	
(b) Locomotive inspection	Assistant Director of Bureau and Director of Locomotive Inspection.	
(c) Railroad safety	Assistant Director.	
(d) Explosives branch	Chief of Branch.	
9.12 Transport Economics and Statistics	Director	Commissioner Murphy.
(a) Section of reports	Chief of Section.	
(b) Section of research	Chief of Section.	
(c) Section of traffic statistics	Chief of Section.	
9.13 Water Carriers and Freight Forwarders.	Director	Commander Walrath.
(a) Section 5a, Applications.		
(b) Operating authorities.		
9.14 Transport Mobilization Staff	Chief, Mobilization Planning	See Item 6.13 and footnote of Item 9.11.

[1] Also serves as the delegate for administration and performance of duties arising under Defense Production Act of 1950, as amended. The staff performing these functions is designated as Transport Mobilization Staff. See Items 6.13 and 9.14.

[F. R. Doc. 56-6726; Filed, May 21, 1956; 8:47 a. m.]

[Notice 126]

MOTOR CARRIER APPLICATIONS

AUGUST 17, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be suported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (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 1353 Sub 14, filed August 7, 1956, M. H. HUMMEL, doing business as HUMMEL WAREHOUSE TRUCKING CO., 728-40 North 15th Street, Allentown, Pa. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums* and *advertising material* for the account of The Procter & Gamble Distributing Company, (1) from the plant sites and warehouse facilities of The Procter & Gamble Manufacturing Company at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, N. J., and Port Newark, N. J., to points in Susquehanna, Pike, Monroe, Northumberland, Northampton, Wayne, Lackawanna, Columbia, Berks, Schuylkill, Lehigh, Wyoming, Luzerne, Montour, Carbon, Union, and Snyder Counties, Pa., and those in Sussex, Warren, and Hunterdon Counties, N. J.; and (2) from the warehouses of the Hummel Warehouse Company at Allentown, Pa., to points in Sussex, Warren, and Hunterdon Counties, N. J., and *damaged, defective, or returned shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

NOTE: Applicant has common carrier, irregular route authority under Certificate No. MC 52820, dated March 27, 1944. Section 210 (dual operations) may be involved.

No. MC 1872 Sub 39, filed July 31, 1956, ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah. Applicant's representative: Stockton, Linville and Lewis, the 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment, materials and supplies*, and *building materials* as defined by the Commission, between points in Utah, on the one hand, and, on the other, points in Coconino, Navajo and Apache Counties, Ariz.

No. MC 2229 Sub 78, filed July 27, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Tex. Applicant's representative: Joe H. Eidson, Jr., Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Center, Tex., and San Augustine, Tex., from Center over Texas Highway 87 to junction Texas Highway 147, thence over Texas Highway 147 to San Augustine, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Beaumont, Tex., and Tenaha, Tex. over U. S. Highway 96. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 2229 Sub 79, filed July 27, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Tex. Applicant's representative: Joe H. Eidson, Jr., Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Big Sandy, Tex., and Palestine, Tex., over Texas Highway 155, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations (1) Between Cayuga, Tex., and Palestine, Tex., over U. S. Highways 287 and 79; (2) between Jacksonville, Tex., and Tyler, Tex., over U. S. Highways 69 and 271; (3) between Jacksonville, Tex., and Gladewater, Tex., over U. S. Highways 69 and 271; and (4) between Gilmer, Tex., and Big Sandy, Tex., over Texas Highway 155. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 3107 Sub 13, filed August 8, 1956, WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac, Mich. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce 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 (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant, located at the intersection of Huron River Drive and McKean Road in Washtenaw County, Mich., near the Village of Rawsonville, as an off-route point in connection with applicant's authorized regular route operations between Pontiac, Mich., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

No. MC 3261 Sub 22, filed August 8, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General*

commodities, except those of unusual value, and except Class A and B explosives, household goods, as defined by the Commission, and those requiring special equipment, serving Hampstead, Md., as an off-route point in connection with applicant's regular-route operations to and from Baltimore, Md. Applicant is authorized to conduct operations in Illinois, Ohio, Michigan, Indiana, Pennsylvania, Maryland, New York, New Jersey, and the District of Columbia.

No. MC 10928 Sub 29, filed August 7, 1956, SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities including Class A and B explosives*, but excepting articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Oklahoma City, Okla., and El Paso, Tex., from Oklahoma City over U. S. Highway 66 to Amarillo, Tex., thence over U. S. Highway 87 to junction with U. S. Highway 60 at or near Canyon, Tex., thence over U. S. Highway 60 to Clovis, N. Mex., thence over U. S. Highway 70 to Alamogordo, N. Mex., and thence over U. S. Highway 54 to El Paso, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Oklahoma City, Okla., and Kansas City, Mo., and between specified points in Texas as described in Certificate No. MC 30165. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee and Texas.

No. MC 26621 Sub 9, filed August 10, 1956, NORTHERN TRANSPORTATION COMPANY, a corporation, 603 Liberty Street, Green Bay, Wis., also, P. O. Box 48, Neenah, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between junction of Brown County, Wis., trunk Highway V with U. S. Highway 141 and the junction of Brown County trunk Highway V with Brown County trunk Highway P, over Brown County trunk Highway V; (2) between junction of Brown County trunk Highway P with Wisconsin Highway 54 and the junction of Brown County trunk Highway P with Brown County trunk Highway V, over Brown County trunk Highway P; and (3) between junction unnamed town road with Brown County trunk Highways P and V and the Brown-Kewaunee County line, over unnamed town road, serving all intermediate points. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 27970 Sub 25, filed August 3, 1956, CHICAGO EXPRESS, INC., 72 Fifth Avenue, New York 11, N. Y. Applicant's representatives: S. Harrison Kahn, 726-34 Investment Building, Washington, D. C., and Thomas F. Connor, 72 Fifth Avenue, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between New York, N. Y., on the one hand, and, on the other, points in that part of New Jersey on the north of New Jersey Highway 33, (2) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of Philadelphia, and (3) between New York, N. Y., and points in that part of New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey within 25 miles of Philadelphia. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Applicant is performing the service under (1) and (2) above as lessee under No. MC-FC 31294, a portion of the service authorized in Certificate No. MC 87168, in the name of Whippet Motor Lines Corp.

NOTE: Applicant states the authority sought in (1) and (2) above is the subject of an application before the Interstate Commerce Commission under the provisions of Section 5 of the Interstate Commerce Act assigned Docket No. MC-F-5816, Chicago Express, Inc.—Purchase (Portion)—Whippet Motor Lines Corp. Applicant contends that the operations sought in (3) above are permitted under the authorities described in (1) and (2) above and that the authority sought in (3) is for clarification. The authority requested herein will be tacked with the existing authority of the applicant to continue operations currently authorized.

No. MC 29780 Sub 6, filed August 9, 1956, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South Second Street, Raton, N. Mex. Applicant's representative. Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Academy, located west of combined U. S. Highways 85 and 87, near Husted, Colo., approximately sixty (60) miles south of Denver, Colo., and ten (10) miles north of Colorado Springs, Colo., as an off-route point in connection with applicant's authorized regular route operations (1) between Denver, Colo., and Clayton, N. Mex., and (2) between Trinidad, Colo., and Tucumcari, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 30383 Sub 4, filed August 7, 1956, JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York 19, N. Y. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith. *premiums and advertising material* for the account of the Procter & Gamble Distributing Company, from the plant sites and warehouse facilities of the Procter & Gamble Manufacturing Company at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, and Newark, N. J., to points in Monmouth, Mercer, Middlesex, Somerset, Union, Essex, Passaic, Bergen, Morris and Hudson Counties, N. J., and points in Nassau, Suffolk, Westchester and Rockland Counties, N. Y., and *unclaimed, unsalable or rejected shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 30867 Sub 64, filed August 6, 1956 CENTRAL FREIGHT LINES INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Junction of U. S. Highway 69 and Farm to Market Road 365 and Fannett, Tex., from junction of U. S. Highway 69 and Farm to Market Road 365 over Farm to Market Road 365 to Fannett, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route, and the off-route point of Humble Oil & Refining Company plant; (2) between junction of Texas Highway 124 and Texas Highway 73 and Port Arthur, Tex., from junction of Texas Highway 124 and Texas Highway 73 over Texas Highway 73 to junction of Texas Highway 73 and Texas Highway 87, thence over Texas Highway 87 to Port Arthur, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route, and the off-route points of Smith's Dryer Company plant and the Koppers Company. Applicant is authorized to conduct operations in Texas.

No. MC 30867 Sub 65, filed August 6, 1956, CENTRAL FREIGHT LINES INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Arlington, Tex., and Keller, Tex., from Arlington over Farm to Market Road 157 to Grapevine, thence over Farm to Market Road 1709 to intersection of Farm to Market Road 1709 and U. S. Highway 377 at Keller, and return over the same route, serving all intermediate points, including all filling stations, stores and other businesses located on said route. Applicant is authorized to conduct operations in Texas.

No. MC 40858 Sub 45, filed August 6, 1956, THE SILVER FLEET MOTOR EXPRESS, INC., 216 West Pearl Street, Louisville 2, Ky. Applicant's representative: Robert W. Brunow, 1511-1516 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of un-

usual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Clayton & Lambert Manufacturing Co. Plant Site, near Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations between Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42.

No. MC 41849 Sub 6, filed August 6, 1956, KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Haydite* and *slag*, from points in Madison County, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

No. MC 46054 Sub 72, filed August 6, 1956, BROWN EXPRESS, 434 South Main Avenue, San Antonio, Tex. Applicant's representative: Herbert L. Smith, Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, transporting: *Carbon black*, between the plant site of the United Carbon Company at Kosmos, Tex., and Houston, Tex., over Texas Highway 35 to junction Texas Highway 172, thence over Texas Highway 172 to junction U. S. Highway 59 at Ganada, Tex., as an alternate route for operating convenience only, serving no intermediate points but using Ganada for the purpose of joinder only, in connection with applicant's authorized regular route operations over U. S. Highways 59, 77, and 181 and Texas Highway 35 between the plant site at Kosmos and Houston, Tex. Applicant is authorized to conduct operations in Texas.

No. MC 52460 Sub 35, filed August 1, 1956, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Kansas City, Kans., to Memphis, Tenn., and St. Louis, Mo. Applicant is authorized to conduct operations in Oklahoma, Texas, Kansas, Missouri, and Arkansas.

No. MC 52657, Sub 493, filed August 10, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Motor vehicles, including trailers, and parts thereof* when moving with such vehicles, from Allentown, Pa., and points within five miles of Allentown, and from Plainfield, N. J., and points within five miles of Plainfield, in initial truckaway and driveaway service, to all points in the United States; and (2) *Tractors*, in secondary driveaway service only when drawing trailers moving in initial driveaway service as described above, from Allentown, Pa., and points within five miles of Allentown, and from Plainfield, N. J., and points within five miles of Plainfield, to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 52657 Sub 494, filed August 13, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, tractors, chassis*, and *parts thereof* (when such parts belong to and are moving with the vehicles being transported), in secondary truckaway service, between points in Missouri, on the one hand, and, points in Minnesota, on the other. Applicant is authorized to conduct operations throughout the United States.

No. MC 54435 Sub 26, filed July 20, 1956, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Boulevard, Dearborn, Mich. Applicant's representative: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only with no service at intermediate or off-route points and serving the termini for the purpose of joinder only: (1) between junction Ohio Highway 18 and Ohio Highway 45 and Warren, Ohio, over Ohio Highway 45; (2) between Salem, Ohio and junction of Ohio Highway 18 and Ohio Highway 45, over Ohio Highway 45; (3) between Youngstown, Ohio and Salem, Ohio, over U. S. Highway 62; (4) between Canton, Ohio and Dover, Ohio, over Ohio Highway 8; (5) between junction U. S. Highway 224 and Ohio Highway 14 and Youngstown, Ohio, over U. S. Highways 224 and 62; (6) between Cleveland, Ohio and junction of Ohio Highway 14 and U. S. Highway 224, over Ohio Highway 14; (7) between Warren, Ohio and junction of Ohio Highway 10 and U. S. Highway 20, over Ohio Highway 5, Ohio Highway 82 and Ohio Highway 57; (8) between Cleveland, Ohio and junction of Ohio Highway 91 and Ohio Highway 8, over Ohio Highways 14 and 91; (9) between Wooster, Ohio and Columbus, Ohio, over Ohio Highway 3; (10) between Galion, Ohio and Marion, Ohio, over U. S. Highway 30S; (11) between junction of U. S. Highway 40 and U. S. Highway 42 and Xenia, Ohio, over U. S. Highway 42; (12) between Cincinnati, Ohio and Portsmouth, Ohio, over U. S. Highway 52; (13) between Dayton, Ohio, and the junction of Ohio Highway 48 and U. S. Highway 40, over Ohio Highway 48; (14) between Dayton, Ohio and Greenville, Ohio, over Ohio Highway 49 and U. S. Highway 40, serving the junction of the two highways for joinder only; (15) between Piqua, Ohio and Urbana, Ohio, over U. S. Highway 36; (16) between Wapakoneta, Ohio and Bellefontaine, Ohio, over U. S. Highway 33; (17) between junction of U. S. Highway 25 and Ohio Highway 67 and Kenton, Ohio, over Ohio Highway 67; (18) between New Haven, Ind., and junction of Ohio Highway 15 and U. S. Highway 224, over Indiana Highway 14, Ohio Highway 113 and Ohio Highway 15; (19) between junction U. S. Highway 24 and Ohio Highway 108 and junction of Ohio Highway 108 and U. S. Highway 20, over Ohio Highway 108; (20) between junction of Ohio Highway 101 and Ohio Highway 99 and junction of Ohio Highway 99 and Ohio Highway 4, over Ohio Highway 99; (21) between Howell, Mich., and Pontiac, Mich., over M-59; (22) between Cincinnati, Ohio and Seymour, Ind., over U. S. Highway 50; (23) between junction U. S. Highway 52 and Indiana Highway 46 and Indianapolis, Ind., over Indiana Highway 46 and U. S. Highway 421; (24) between Greenville, Ohio and junction of Indiana Highway 28 and U. S. Highway 27, over Ohio Highway 71 and Indiana Highway 28; (25) between Marion, Ind., and junction of Indiana Highway 15 and U. S. Highway 30, over Indiana Highway 15; (26) between junction of U. S. Highway 6 and Indiana Highway 51 and junction of Indiana Highway 130 and U. S. Highway 30, over Indiana Highway 51 and Indiana Highway 130; and over the following service routes, (1) between Springfield, Ohio and Sharonville, Ohio, over U. S. Highways 68 and 42, serving Xenia and Kings Mills, Ohio, as intermediate points; and (2) between Kokomo, Ind., and Richmond, Ind., over U. S. Highway 35, serving Jonesboro and Muncie, Ind., as intermediate points.

NOTE: With reference to the last two described routes, applicant is now authorized to serve the points of Xenia and Kings Mills, Ohio, and Jonesboro and Muncie, Ind., and the named termini points in each instance, from presently authorized service routes, and does not seek to serve any other intermediate or off-route points which it is not now authorized to serve. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana and Ohio.

No. MC 60868 Sub 9, filed August 7, 1956, RUFFALO'S TRUCKING SERVICE, INCORPORATED, East Union on Lyons Road, Newark, N. Y. Applicant's representative: Martin R. Martino, 431 Tower Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, and *shell* and *grit*, from Newfield, N. J., to points in Steuben, Chemung, Tioga, Broome, Delaware, Otsego, Chenango, Cortland, Tompkins, Schuyler, Erie, Wyoming, Livingston, Schuyler, Erie, Seneca, Cayuga, Herkimer, Oneida, Madison, Ononadaga, Wayne, Monroe, Genesee, Orleans, Niagara, Oswego, Jefferson and Lewis Counties, New York.

No. MC 63081 Sub 2, filed July 30, 1956, EDGAR J. DAUGHERTY and JEANNE B. DAUGHERTY, a partnership, doing business as DAUGHERTY TRUCKING, Baggs, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, seed, farm machinery* and *fertilizers*, between Denver and Johnstown, Colo., and Baggs, Wyo., from Denver to Fort Collins, Colo., over U. S. Highway 287, thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to Creston Junction, Wyo., thence over Wyoming Highway 789 to Baggs, Wyo.

No. MC 67200 Sub 5, filed August 7, 1956, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's representative: 160-16 Jamaica Avenue, Jamaica 32, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, uncrated, from Boston, Mass. to points in Connecticut, New Jersey, and points in the New York, N. Y. Commercial Zone, as defined by the Commission, Long Island, N. Y. and points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission.

No. MC 76430 Sub 11, filed August 8, 1956, MILLER TRANSPORT CO., INC., 342 North 23d Street, Philadelphia 1, Pa. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums and advertising material for the account of the Procter & Gamble Distributing Company*, from the plant sites and warehouse facilities of the Procter & Gamble Manufacturing Co. at Port Ivory, N. Y., Clifton, Staten Island, N. Y., Kearney, N. J. and Newark, N. J., to points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and those in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N. J.

NOTE: Applicant is authorized in Certificate No. MC 84665 to transport general commodities, with certain exceptions, in Pennsylvania, New York, New Jersey, and Connecticut. Dual operations may be involved.

No. MC 92983 Sub 173, filed August 6, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chlorinated trisodium phosphate*, in bulk, in special multi-unit hopper trucks, from Chicago Heights, Ill., to St. Louis, Mo.

No. MC 93941 Sub 8, filed July 13, 1956, W. G. McVICKER, Belle Fourche, S. Dak. Applicant's representative: R. A. Smiley, Belle Fourche, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Clay products*, raw, in bulk, or in packages, and manufactured or processed, in bulk or in packages, from points in Wyoming, Montana and South Dakota to points within 300 miles of Belle Fourche, S. Dak., including Belle Fourche (except from Rapid City, S. Dak., to points in McCone, Garfield, Richmond, Wibaux, Fallon, Treasure, Yellowstone, Sheridan, Daniels, Roosevelt, Valley, Dawson, Powder River, Carter, Prairie, Rosebud, Big Horn and Custer Counties, Mont., and except from Belle Fourche, S. Dak., to points in Wyoming and Montana within 200 miles of Belle Fourche); (2) *mill feeds, cotton cake, grain, salt* and *other livestock and poultry feeds*, from Sioux City, Iowa, Omaha and Lincoln, Nebr., and points within 100 miles of each, to points in South Dakota west of the Missouri River, and points in Wyoming and Montana within 300 miles of Belle Fourche, S. Dak.; (3) *agricultural implements* and *machinery* from points in Iowa and Nebraska to Belle Fourche, S. Dak., and points in South Dakota, Wyoming and Montana within 200 miles of Belle Fourche; and (4) *commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities the transportation of which by reason of size or weight require special equipment, between points in South Dakota, Wyoming, Montana, and North Dakota within 300 miles of Belle Fourche, S. Dak., including Belle Fourche. Applicant is authorized to conduct operations in Colorado, Iowa, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

No. MC 101093 Sub 8, filed July 27, 1956, HAROLD BAKER, Stone Creek, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products*, (1) from points in Brown Township, Carroll County, Ohio, to points in New York, Indiana, Maryland, Pennsylvania, the southern peninsula of Michigan, those in that part of Illinois on, north and east of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 24 to junction U. S. Highway 51, and thence along U. S. Highway 51 to the Illinois-Wisconsin State line, and those in that part of Wisconsin on, north and east of a line beginning at the Illinois-Wisconsin State line and extending along Wisconsin Highway 13 to junction Wisconsin Highway 30, and thence along Wisconsin Highway 30 to Lake Michigan; (2) from Mogadore, Ohio to points in Indiana, Maryland, New York, West Virginia, and Pennsylvania, and the area in Illinois and Wisconsin described in (1) above; *brick*, from points in Tuscarawas County, Ohio to the District of Columbia, points in that part of Pennsylvania east of U. S. Highway 15, and those in Maryland. Applicant is authorized to conduct operations in Ohio, Illinois, Kentucky, Michigan, New York, Indiana, West Virginia, and Pennsylvania.

No. MC 102326 Sub 8, filed June 21, 1956, DONALD E. GOULD, Coudersport, Pa. Applicant's representative: James S. Berger, Coudersport, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting:

Fertilizers, lime, and *spray materials*, from Baltimore, Md., to points in Potter, Cameron, McKean and Elk Counties, Pa.; and *chemicals, tanning materials*, and *ingredients and constituents used in manufacturing tanning materials* and *oil and gas well drilling material*, from Coudersport, Pa., to points in Ohio, Maryland, Delaware, Tennessee, Kentucky, Virginia, West Virginia, Michigan, New York, North Carolina, New Jersey, Indiana and Illinois. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York and Pennsylvania. Any duplication with present authority to be eliminated.

NOTE: In Permit No. MC 102326 Sub 2 applicant is authorized to transport *chemicals, tanning materials* and *products* used in the manufacture of tanning materials, and empty containers, on return, over specified regular routes from Coudersport, Pa., to Buffalo, Tonawanda, Binghamton, and Bainbridge, N. Y., over specified regular routes, serving no intermediate points.

No. MC 103880 Sub 173, filed July 30, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bradford, Pa., to points in Michigan, and Toledo, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 106200 Sub 5, filed August 7, 1956, HOFFMAN TRANSFER, INC., 12204 East 47th Street, Independence, Mo. Applicant's representative: Raymond J. McDonough, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, and in connection therewith, *premiums* and *advertising material* for the account of The Proctor and Gamble Distributing Company, from the site of The Proctor and Gamble Manufacturing Company plant at Kansas City, Kans., to points in Nebraska and those in Iowa on and west of U. S. Highway 218, and *unclaimed* and *unsalable shipments* of the above-specified commodities on return.

NOTE: Applicant has authorized regular route authority in Permit No. MC 106200 dated August 1, 1950, to transport *Soap, soap powder, cleaning and washing compound, lard substitute, vegetable oil shortening*, and *advertising matter* and *premiums* used in connection with the sale of such commodities from Kansas City, Kans., to points in Nebraska and those in Iowa on and west of U. S. Highway 218.

No. MC 106379 Sub 27, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment* and *commodities*, the transportation of which, because of their size or weight, require the use of special equipment between points in the lower Peninsula of Michigan and Ohio, on the one hand, and, on the other, points in Oklahoma, Kansas and Nebraska, to constitute an alternate route eliminating common point operation over North Texas. Applicant is authorized to conduct operations in Texas, Ohio, and Michigan.

No. MC 106379 Sub 28, filed June 25, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock Street, Houston, Tex. Applicant's representative: Joe G. Fender, Melrose Building, Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and

supplies used in, 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 *machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up thereof, in connection with main lines, between points in Michigan, Ohio, Indiana, and Illinois on the one hand, and, on the other, points in Oklahoma, Kansas, and Nebraska.

No. MC 106608 Sub 1, filed July 20, 1956, L. C. REYNOLDS, 1423 First Street NE., Massillon, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Electrical household appliances* and *parts thereof, die castings, advertising matter, office furniture, supplies, and equipment* and *machinery, supplies equipment, and materials* used in the manufacture of electrical household appliances electrical household appliance parts and die castings, between Canton, and North Canton, Ohio, and points on the international boundary between the United States and Canada at Niagara Falls and Buffalo (Peace Bridge-Fort Erie), N. Y. Applicant is authorized to conduct operations in Ohio and Illinois.

No. MC 107227 Sub 40, filed August 6, 1956, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier,* over irregular routes, transporting: *Trailers,* in initial movements, in truckaway service, from Santa Clara, Calif., to points in the United States. Applicant is authorized to conduct operations in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107496 Sub 82, filed August 10, 1956, RUAN TRANSPORT CORPORATION, 408 South East 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from points in Minnesota to points in Iowa; *liquid fertilizers* and *fertilizer ammoniating solutions, including but not limited to anhydrous ammonia, aqua ammonia and nitrogen solutions,* in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone, as defined by the Commission, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. RESTRICTION: No authority is sought to render service between any two points located in any one single state. All duplicating authority is to be eliminated.

Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota.

No. MC 107515 Sub 233, filed August 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier,* over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses,* and *such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers, from Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Mississippi.

No. MC 107527 Sub 32, filed August 9, 1956, POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Hydrochloric acid* (muriatic) and *caustic soda,* in bulk, in tank vehicles, from Henderson, Nev., to points in Arizona, Colorado and New Mexico. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Utah, and Wyoming.

No. MC 108678 Sub 12, filed August 6, 1956, LIQUID TRANSPORT CORP., 450 West Troy Avenue, Indianapolis 44, Ind. Applicant's representative: William J. Guenther, 1511-14 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Liquid ethanolamides,* in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill.

No. MC 109223 Sub 1, filed August 6, 1956, MANCUSO TRUCKING SERVICE, INC., 1785 West Jefferson, Detroit 16, Mich. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Such commodities,* as are used or sold by S. S. Kresge Company, from Detroit, Mich., to points in Michigan on and south of Michigan Highway 55 where outlets of the S. S. Kresge Company are located and *damaged and rejected shipments* of the commodities specified on return movements.

No. MC 109397 Sub 16, filed August 9, 1956, TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 315 East Seventh Street, P. O. Box 113, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Building, Joplin, Mo. For authority to operate as a *common carrier,* over irregular routes, transporting: *Class A and B explosives; blasting supplies, materials* and *agents* and *the component parts thereof,* between points in Quarry Township, Jersey County, Ill., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Nebraska, New Mexico, Oklahoma and Texas. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 109772 Sub 11, filed July 26, 1956, ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson, Los Angeles, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier,* over irregular routes, transporting: *New and used motor vehicles,* not including trailers, in secondary movements, in truckaway service, between points in Arizona, California, Nebraska, and New Mexico. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 110157 Sub 10, filed August 6, 1956, C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, P. O. Box 1625, 2504 Texas Avenue, Lubbock, Tex. Applicant's representative: W. D. Benson, Jr., Suite 1105, Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier,* over regular routes, 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, between Lubbock, Tex., and Olton, Tex., from Lubbock over U. S. Highway 84 to Anton, Tex., thence over Texas Highway 304 to Olton, and return over the same route, serving the intermediate point of Spade, Tex., and (2) between Spade, Tex., and Littlefield, Tex., from Spade over Texas Highway 54 to Littlefield, and return over the same route, serving no intermediate points.

NOTE: In Certificate No. MC 110157 applicant is authorized to transport the above specified commodities between Lubbock, Tex., and Farwell, Tex., over U. S. Highway 84 as a portion of the authorized regular route between Lubbock, Tex., and Fort Sumner, N. Mex. Any duplication with present authority should be eliminated.

No. MC 110478 Sub 5, filed August 9, 1956, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's representative: Ralph W. Sanborn, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Clay products* and *fire clay,* from points in Tuscarawas County, Ohio; Springfield Township, Summit County, Ohio, Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio, to points in Massachusetts, Connecticut and Rhode Island. *Empty containers, pallets, cardboard and lumber used in the manufacture, packing or shipping of clay products and fire clay,* from points in Massachusetts, Connecticut and Rhode Island to points in Tuscarawas County, Ohio; Springfield Township, Summit County, Ohio; Palmyra Township, Portage County, Ohio, and Brown Township, Carroll County, Ohio. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 110663 Sub 3, filed August 3, 1956, R. CONLEY, INC., State Road, Springbrook, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Ex-

change Street, Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cream; condensed and evaporated skim milk; condensed and evaporated whole milk; condensed milk; powdered milk*, skim or whole; *milk mixed with condensed milk;* in bulk, in tank vehicles, or in mechanically refrigerated equipment, (1) from points in Erie, Niagara, Cattaraugus, Chautauqua, Genesee, Orleans and Allegany Counties, N. Y., to points in New Jersey and Pennsylvania; and (2) from Erie, Pa., and points in Pennsylvania within 100 miles of Erie, to points in New Jersey, and points in Erie, Niagara, Cattaraugus, Chautauqua, Genesee, Orleans and Allegany Counties, N. Y.

NOTE: The purpose of this application is for clarification of the term "milk" of the applicant's authority which authorizes it to transport Dairy Products, as defined in Section (b) in the appendix to the report in Modification of Permits of Motor Carriers of Packing House Products, 46 M. C. C. 23, 48 M. C. C. 628.

No. MC 111545 Sub 19, filed August 7, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors*, (not including tractors used for pulling trailers) *road construction machinery, maintenance machinery*, and *contractors equipment, including parts, attachments and accessories*, all moving on flat bed or low boy trailers, between points in Iowa, Illinois, and Wisconsin on the one hand, and, on the other, points in Florida. Applicant is authorized to conduct operations in Iowa and Georgia.

No. MC 111545 Sub 20, filed August 9, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tractors* (not including trailer pulling truck tractors) and *road construction machinery, maintenance machinery, and contractors' equipment, including parts, attachments and accessories*, all moving on flat or low boy trailers, between points in Iowa, Illinois and Wisconsin, on the one hand, and, on the other, points in Georgia. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin.

No. MC 112020 Sub 20, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, oils*, and *greases, products* and *blends* thereof, other than petroleum and petroleum products and blends thereof, between points in New Mexico, Arizona, Oklahoma and Texas. Applicant is authorized to conduct operations in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

No. MC 112020 Sub 21, filed August 8, 1956, COMMERCIAL OIL TRANSPORT, A Corporation, 1030 Stayton Street, Fort Worth, Tex. Applicant's representative: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup, glucose*, unmixed, between points in Oklahoma, Arkansas, Texas and Louisiana. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma and Texas.

NOTE: Any duplication with present authority should be eliminated.

No. MC 112055 Sub 3, (Amended) published on page 5765, issue of August 1, 1956, filed July 17, 1956, ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission, (1) from Springfield and Alton, Ill., to Tucson, Phoenix and Yuma, Ariz., San Diego, Sacramento, San Jose, Long Beach, Los Angeles, San Francisco and Stockton, Calif., and all military installations in the State of California on and south of U. S. Highway 40; (2) from St. Louis, Mo., to Tucson, Phoenix and Yuma, Ariz., San Diego, Sacramento, San Jose and Long Beach, Calif., and all military installations in the State of California on and south of U. S. Highway 40. Applicant is authorized to conduct operations in Missouri and California.

No. MC 112370 Sub 8, filed August 7, 1956, HENRY C. BUNGIE, doing business as WASHINGTON-SOLOMONS FREIGHT LINE, 4408 Sheriff Road NE., Washington 19, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Washington, D. C., on the one hand, and, on the other, Rockville, Md., and points in Maryland within ten (10) miles of Rockville. Applicant is authorized to conduct operations in Maryland and the Washington, D. C. Commercial Zone, as defined by the Commission.

No. MC 112497 Sub 58, filed August 6, 1956, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096 Istrouma Branch, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina*, from East Point, Ga., to Coldwater, Ala.

No. MC 112841 Sub 3, filed August 10, 1956, ILLINOIS-RUAN TRANSPORT CORPORATION, 205 Old St. Louis Road, Wood River, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road oil* and *asphalt*, in bulk, in tank vehicles, from Wood River, Ill., Hartford, Ill., and Roxana, Ill. to points in Missouri.

NOTE: All duplicating authority is to be eliminated. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 113410 Sub 7, (Correction) filed August 9, 1956, published August 15, 1956, on page 6104 DAHLEN TRANSPORT, INC., 875 North Prior, St. Paul 4, Minn. Applicant's representative: John R. Simms, Jr., Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, and all derivatives thereof*, in bulk, in tank vehicles, between points in Wisconsin, upper Michigan, and Minnesota.

NOTE: No authority sought to transport between points within any one State. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 114647 Sub 2, filed August 8, 1956, ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 135 North 11th Street, Forest City, Iowa. Applicant's representative: R. C. Brown, Forest City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Manufactured fertilizer*, in bags and in bulk, from Forest City, Iowa, to points in Martin, Faribault, Freeborn, and Mower Counties, Minn.

No. MC 114655 Sub 3, filed August 6, 1956, COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Boxes, fibreboards*, corrugated or non-corrugated, knocked down, flat in bundles, or on skids, *partitions* and *liners*, in truckload lots only, between Seattle, Wash., and points on the International Boundary Line between the United States and Canada at or near Blaine, Wash.

No. MC 114655 Sub. 4, filed August 6, 1956, COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. Applicant's representative: George R. LaBissoniere, 654 Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Boxes, fiberboards*, corrugated and non-corrugated, knocked down, flat in bundles, and on skids, and *partitions* and *liners*, in truckload lots only, between Portland, Oreg., and points in Yakima County, Wash.

No. MC 114912 Sub 8, filed July 21, 1956, CHARLES J. KOTWICA, doing business as ROME EXPRESS 714 West Court Street, Rome N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cellulose film, paper sealing tape lids* and *aluminum foil caps*, from the site of the Smith-Lee Co., Inc., plant located at Oneida, N. Y. to Baltimore, Md., extending to points in New Hampshire, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, New York, and that part of Pennsylvania east of a line beginning at the Pennsylvania-Mary-

land State line and extending along U. S. Highway 11 to Lemoyne, Pa., thence across the Susquehanna River to Harrisburg, Pa., thence along Pennsylvania Highway 14 to Northumberland, Pa., and thence along U. S. Highway 15 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New Jersey, New York, and Massachusetts.

No. MC 115119 Sub 1, filed August 8, 1956, SERVICE TRANSFER & STORAGE, INC., Third and Cass Streets, La Crosse, Wis. Applicant's representative John L. Bruemmer, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, as defined by the Commission, (1) between Rockford, Ill., and Camp McCoy, Wis. (near Sparta, Wis.), as follows: from Rockford over Illinois Highway 2 to Beloit, Wis., thence over U. S. Highway 51 to junction U. S. Highway 12, near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, and return over the same route, serving no intermediate points; and (2) between Rockdale, Ill., and/or the site of a lot operated by the Welco Petroleum Company, located at junction U. S. Highways 66 and 66A, approximately fourteen (14) miles north of Joliet, Ill., also known as Welco, Ill., on the one hand, and, on the other, Camp McCoy, Wis., as follows: (a) From Rockdale (near Joliet, Ill.), over city streets to junction U. S. Highway 30, thence over U. S. Highway 30 to Plainfield, Ill., thence over Illinois Highway 59 to junction Illinois Highway 62, thence over Illinois Highway 62 to Algonquin, Ill., thence over Illinois Highway 31 to junction U. S. Highway 14, thence over U. S. Highway 14 to junction U. S. Highway 12 near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, Wis., and return over the same route, serving no intermediate points; and (b) from the site of a lot operated by the Welco Petroleum Company, located at junction U. S. Highways 66 and 66A, approximately fourteen (14) miles north of Joliet, Ill., over U. S. Highway 66 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction Illinois Highway 62, thence over Illinois Highway 62 to Algonquin, Ill., thence over Illinois Highway 31 to junction U. S. Highway 14, thence over U. S. Highway 14 to junction U. S. Highway 12 near Madison, Wis., thence over U. S. Highway 12 to Camp McCoy, Wis., and return over the same route, serving no intermediate points.

No. MC 115499 Sub 1, filed August 9, 1956, LAKE COUNTY EXCAVATORS, INC., 411 State Street, Painesville, Ohio. Applicant's representative: James H. Nacey, Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Calcium carbide*, in special containers from points in Ashtabula County, Ohio, to points in New York, West Virginia, Pennsylvania, Kentucky, Indiana, Illinois and Michigan; and from points in Niagara County, N. Y., to points in Ohio, West Virginia, Pennsylvania, Kentucky, Indiana, Illinois and Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, from the above-specified destination points to points in Ashtabula County, Ohio, and Niagara County, N. Y.

No. MC 115940 Sub 2, filed August 6, 1956, CITY TANK LINE, INC., 18405 South Main Street, Gardena, Calif. Applicant's representative: D. H. Marken, Suite 12, 2716 North Broadway, Los Angeles 31, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lard, lard compounds, lard substitutes* and *vegetable oil shortening*, in bulk, in tank vehicles, from Los Angeles and San Diego Counties, Calif., to the port of entry between the United States and Mexico at San Ysidro, Calif.

No. MC 116077 Sub 9, filed August 9, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's representative: Looney, Clark & Moorhead, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, between points in Harris County, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Louisiana, Mississippi, Oklahoma, and Tennessee.

No. MC 116115, filed July 19, 1956, ECONOMY REFRIGERATION CO., INC., 1035-9 North Front Street, Philadelphia, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Used home refrigerators*, from points in New Castle County, Del., Camden, Gloucester, and Salem Counties, N. J., and those in that part of Burlington and Mercer Counties, N. J., on and west of U. S. Highway 206 from its junction with the Burlington-Atlantic County line at a point approximately two miles south of Atsion, N. J., to Trenton, N. J., including the points named, to Philadelphia, Pa., and (2) *Home freezers*, between Philadelphia, Pa., on the one hand, and, on the other, points in the Delaware and New Jersey origin territory described above.

No. MC 116116, filed July 20, 1956, FOOD EXPRESS, INC., 103 West College Avenue, Appleton, Wis. Applicant's representative: David B. Bliss, Zuelke Building, Appleton, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dairy products* as defined by the Commission, and *frozen foods*, in truckload and less-than-truckload lots, between points in Illinois, Wisconsin and Minnesota, on the one hand, and, on the other, points in Alabama, Texas, Oklahoma, Arizona, New Mexico, Louisiana, Mississippi, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Arkansas, Colorado, California, Nevada, Utah, Kansas, Missouri, Idaho, Oregon, Montana, Wyoming, Washington, Nebraska, Pennsylvania, New York, New Jersey, Massachusetts and Illinois.

NOTE: Applicant states the above service will be from the producer to the wholesaler, or between wholesalers, or from the producer and wholesaler to the retailer.

No. MC 116144, filed August 2, 1956, ARTHUR W. SORENSEN, Johnson Road, Woodbridge, Conn. Applicant's representative: Hugh M. Joseloff, 419 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bags or other containers, from Carteret, N. J. and Cambridge and North Weymouth, Mass., to points in New Haven County, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 116145, filed August 3, 1956, G. G. PARSONS, P. O. Box 615, North Wilkesboro, N. C. Applicant's representative: Francis J. Ortman, 1366 National Press Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass bottles*, one gallon or less in capacity, in barrels, boxes or crates, and *other manufactured glass products*, from Mount Vernon, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1504 Sub 128, filed July 6, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction Old and Relocated U. S. Highways 35 near Centerville, Ohio, and junction Old and Relocated Highways 35, approximately 2.2 miles Southeast of Rio Grande, Ohio, over Relocated U. S. Highway 35, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Simultaneously with the granting of the authority herein requested applicant wishes to abandon and have deleted from the certificate its present authority to operate over Old U. S. Highway 35 between the same points.

No. MC 114271 Sub 3, filed August 9, 1956, CONTINENTAL CRESCENT LINES, INC., Box 4407, Alexandria, La. For authority to operate as a *common carrier*, over regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Oneonta, Ala., and junction Alabama Highway 18 and U. S. Highway 278, from Oneonta over unnumbered county road, via Tait's Gap Junction, to Altoona, Ala., thence over Alabama Highway 18 to junction U. S. Highway 278 (a distance

of about 18 miles), and return over the same route, serving the intermediate points of Tait's Gap Junction and Altoona, Ala., and all other intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

No. MC 116005, filed May 21, 1956, ONONDAGA COACH CORP., 23 Wadsworth Street, Auburn, N. Y. Applicant's representative: Daniel H. Greenberg, Empire State Building, 350 Fifth Avenue, New York 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in round-trip charter and special operations beginning and ending in Auburn, Skaneateles, Marcellus, and Syracuse, N. Y., and points within the Counties of Cayuga and Onondaga, N. Y., and extending to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, Virginia, and Wisconsin, and the District of Columbia.

APPLICATIONS OF MOTOR CARRIERS UNDER SECTION 5 AND 210a (b)

No. MC-F 6356, published in the August 8, 1956, issue of the FEDERAL REGISTER on page 5957. Supplemental application filed August 14, 1956, to show J. E. ACKERMAN, R. J. ACKERMAN and P. S. DOHERTY in control of vendee as trustees of the estate of JOHN E. ACKERMAN, DECEASED.

No. MC-F 6364. Authority sought for purchase by LYON VAN LINES, INC., 1950 South Vermont Avenue, Los Angeles 7, Calif., of the operating rights and property of CLARENCE WILLIAM FORD, SR., ET AL., doing business as FORD TRANSFER & STORAGE COMPANY, 217 Wall Street, Twin Falls, Idaho, and for acquisition by LYON VAN & STORAGE CO., also of Los Angeles, of control of such rights and property through the purchase. Applicants' representative: Wyman C. Knapp, 612 Citizens National Bank Bldg., 453 South Spring Street, Los Angeles 13, Calif. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Twin Falls, Idaho, on the one hand, and, on the other, points in that part of Idaho within 50 miles of Twin Falls; *household goods*, as defined by the Commission, between Twin Falls, Idaho, and points within 50 miles of Twin Falls, on the one hand, and, on the other, points in Idaho, Utah, Nevada and that part of Oregon on and east of U. S. Highway 97, between Twin Falls, Idaho, and points in Idaho within 50 miles of Twin Falls, on the one hand, and, on the other, points in California and those in Oregon west of U. S. Highway 97, between points in Idaho, on the one hand, and, on the other, points in Idaho, Utah, California, Oregon, and Nevada, between certain points in Nevada on the one hand, and, on the other, points in Oregon, California, and Utah, and between certain points in Oregon on the one hand, and, on the other, points in California and Utah. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Idaho, Montana, Arizona, New Mexico, Texas, Arkansas, Illinois, Iowa, Kansas, Louisiana, Oklahoma, Missouri, Nebraska, Indiana, Ohio, Michigan, Nevada, Wyoming and Colorado. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6365. Authority sought for purchase by C & H TRANSPORTATION CO., INC., P. O. Box 5976, Dallas, Texas, of the operating rights of JOE BARNETT, doing business as TEXAS GREAT LAKES MOTOR FREIGHT COMPANY, (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 201 Dallas Drive, Denton, Texas, and for acquisition by W. O. HARRINGTON, Coppel, Texas, of control of such rights through the purchase. Applicants' representative: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transfererd: *Road and bridge-building machinery and equipment*, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Ohio, Pennsylvania, Indiana, Illinois, Minnesota, Wisconsin, Michigan, Iowa, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Texas, Oklahoma, Pennsylvania, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Montana, Arkansas, Wisconsin, North Dakota, Wyoming, South Dakota, Missouri, Nebraska, and Colorado. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6366. Authority sought for purchase by CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, Kans., of a portion of the operating rights and certain property of C & G TRUCK LINE, INC., 202 Humbolt Avenue, Fort Scott, Kans., and for acquisition by CHARLES SEETIN, Topeka, Kans., GALAND SEETIN, Kansas City, Kans., and ELBERT SEETIN, St. Joseph, Mo., of control of such rights and property through the purchase. Applicants' representatives: Wentworth E. Griffin, 1012 Baltimore Ave., Kansas City 5, Mo., and Carll V. Kretsinger, 1014 Temple Bldg., Kansas City 6, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Pittsburg, Kans., and Kansas City, Mo., and between Godfrey, Kans., and Farlington, Kans., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6367. Authority sought for purchase by YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo., of the operating rights and property of RUSSEL A. HALL, doing business as HALL BROS. TRUCK LINES, P. O. Box 288, Lawrence, Kans. Applicants' representatives: Kenneth E. Midgley, 906 Commerce Building, Kansas City 6, Mo., and D. S. Hults, Lawrence, Kans. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Kansas City, Mo., and Topeka, Kans., serving certain intermediate and off-route points. Vendee is authorized to operate in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan and Ohio. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6368. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul 14, Minn., of the operating rights and property of SUPERIOR SERVICE COMPANY, INC., 320 East Central Avenue, Minot, N. Dak., and for acquisition by L. M. GLENDENNING, St. Paul Park, Minn., of control of such rights and property through the purchase. Applicants' representative: Gordon Rosenmeier, American National Bank Bldg., Little Falls, Minn. Operating rights sought to be purchased: *General commodities* and *livestock*, as a *common carrier* under the Second Proviso of section 206 (a) (1), between Minot, N. Dak., and ten miles in each direction thereof on the one hand and other points and places in North Dakota on the other, as well as between points and places between Minot and ten miles in each direction thereof. Vendee is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota, Wisconsin, Nebraska, and North Dakota. Application has been filed for temporary authority under section 210a (b).

NOTE: MC 43475 Sub 40 is a matter directly related.

By the Commission.

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

[F. R. Doc. 56-6775; Filed, Aug. 21, 1956; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1019]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND SYNCO RESINS, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

AUGUST 16, 1956.

Notice is hereby given that American Research and Development Corporation ("American Research"), a registered closed-end non-diversified management investment company, and Synco Resins, Incorporated ("Synco"), a manufacturing company, have filed an application and amendment thereto, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of

section 17 (a) of the act certain transactions between American Research and Synco described below.

Synco was organized in 1946 as Snyder Chemical Company under the laws of New York with its principal place of business located in Bethel, Connecticut. Its original business was the production of acid catalyzed phenolic adhesives for utilization in wood assemblies for freight car and truck bodies. The company's product line has been expanded to include phenolic, urea and alkyd resins and molding powders. New resins have recently been developed for the paper industry.

American Research owns the following securities of Synco:

Securities	Outstanding	American Research's holdings	Percentage
5-percent note, Series A, due Dec. 31, 1964	$100,000	$50,000	50.0.
5-percent debentures due Dec. 31, 1964	$50,000	$8,640	17.3.
5-percent cumulative preferred, $1 par value	154,290 shares	50,000 shares	32.4.
Common stock $0.01 par value	141,513 shares	21,600 shares	15.3.

Synco has proposed a plan for the exchange of common stock for the outstanding notes, debentures and preferred stock on the basis of one share of common stock for each $2 of principal amount of debt or par value of preferred stock with certain holders of such securities including American Research as follows:

Number of shares of common stock	Amount of debt or preferred shares to be exchanged	Amount of debt and shares of preferred to be outstanding
47,500	$95,000 notes	$5,000 notes.
24,420	$48,840 debentures	$1,160 debentures.
68,780	$137,560 shares preferred.	$16,730 shares preferred.

The holders of the debt and preferred stock, including American Research, who have agreed to make the exchange have also agreed to waive accrued and unpaid interest and dividends aggregating $54,181, represented by $18,063 and $1,728, applicable respectively to the notes and debentures, and $34,390 of dividend arrears on the preferred stock. The application states that one note holder, four debenture holders and seven preferred stockholders have not agreed to make the exchange; none of these security holders, except four preferred stockholders who were former employees of Synco, have any relationship with the applicants.

For the fiscal year ended March 31, 1956, Synco sustained an operating loss of approximately $28,000; however, it is stated that operations for the fiscal year ending March 31, 1957, and ensuing years are expected to be profitable. In that connection applicants declare that there has been a substantial development in Synco's operations which has been reflected in a marked expansion in its sales during the past year. Applicants claim that the proposed recapitalization will simplify Synco's capital structure and thereby enable it to secure regular back loans and to raise equity capital to finance its expanded business.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and consistent with the general purposes of the act.

Since American Research owns more than 5 percent of the common stock of Synco, these companies are affiliated persons of each other as defined in section 2 (a) (3) of the act. Hence, the transactions between them pursuant to the proposed plan of recapitalization are prohibited under section 17 (a) of the act unless the Commission grants the application herein, and issues an order of exemption pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than August 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

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

[F. R. Doc. 56-6755; Filed, Aug. 21, 1956; 8:46 a. m.]

[File No. 70-3478]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARIES, AND ACQUISITION THEREOF BY PARENT

AUGUST 16, 1956.

In the matter of The Columbia Gas System, Inc., The Manufacturers Light and Heat Company, Virginia Gas Distribution Corporation, Cumberland and Alleghany Gas Company et al.; File No. 70-3478.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including The Manufacturers Light and Heat Company ("Manufacturers"), Virginia Gas Distribution Corporation ("Distribution"), and Cumberland and Alleghany Gas Company ("Cumberland"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 9, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, regarding, among others, the following proposed transactions:

As new money is required in connection with their several 1956 construction programs, Manufacturers, Distribution, and Cumberland will issue and sell, and Columbia will purchase for cash, at par or face amount, the following securities:

Company	Common stock			Installment notes, aggregate amount not to exceed—
	Number of common shares	Par value	Aggregate amount	
Manufacturers	50,000	$50	$2,500,000	$7,950,000
Distribution	8,000	25	200,000	350,000
Cumberland	10,000	25	250,000	1,925,000

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. Columbia will first purchase Common Stock up to the aggregate amounts stated, and thereafter Installment Notes. The notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982 inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum, which was the approximate cost of money to Columbia on its last sale of debentures. None of the Common Stock or Installment Notes will be issued or purchased after March 31, 1957.

Authorization for the issuance and sale of the securities as proposed has been obtained from the regulatory commissions of the several states in which the said subsidiary companies are organized and doing business, as follows: from the Pennsylvania Public Utility Commission by Manufacturers, from the State Corporation Commission of Virginia by Distribution, and from the Public Service Commission of West Virginia by Cumberland.

The fees and expenses to be paid by the several subsidiary companies in connection with the proposed transactions are estimated as follows:

	Services of System Service Company	Federal original issue tax	Miscellaneous
Manufacturers	$100	$2,750	$300
Distribution	100	220	500
Cumberland	100	275	100

The record with respect to other transactions proposed in said application-declaration, involving four additional subsidiaries of Columbia, has not yet been completed.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith as to such transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith as to the particular transactions described herein, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said joint application-declaration, as to which the record is not yet complete.

By the Commission.

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

[F. R. Doc. 56-6756; Filed, Aug. 21, 1956; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 10-2]

CHAIRMAN, LOAN REVIEW COMMITTEE

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by the Deputy Administrator by Delegation of Authority No. 10-1, dated July 31, 1956, there is hereby redelegated to the Chairman, Loan Review Committee, the authority:

A. *General*. To carry out all functions listed for the Loan Review Committee in Section 101 of SBA-100, Administrative Manual.

B. *Specific*. 1. To approve business and disaster loan applications when the recommendations of the Loan Review Committee and the Regional Office are unanimous for approval.

2. To approve or decline all amendatory actions relating to loans.

3. To approve sick and annual leave for employees of the Loan Review Committee.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chairman of the Loan Review Committee.

IV. All previous authority delegated to the Chairman or Acting Chairman, Loan Review Committee, by the Director, Office of Financial Assistance, is hereby rescinded.

Dated: July 31, 1956.

J. P. MATCHETT, *Director,*
Office of Financial Assistance.

[F. R. Doc. 56-6771; Filed, Aug. 21, 1956; 8:48 a. m.]

[Delegation of Authority 10-3]

CHIEF, ADMINISTRATION AND LIQUIDATION DIVISION

DELEGATION RELATING TO FINANCIAL ASSISTANCE

I. Pursuant to the authority delegated to the Director, Office of Financial Assistance, by the Deputy Administrator by Delegation of Authority No. 10-1, dated July 31, 1956, there is hereby redelegated to the Chief, Administration and Liquidation Division, the authority:

A. To take the following specific actions relating to the collection of problem loans and loans in liquidation:

1. Approve charge offs up to $2,500.

2. Approve sales and releases of collateral at not less than liquidating values reflected by the latest appraisal of the property.

3. Approve advances for care and preservation of collateral up to the lesser of $1,000 or 10 percent of the amount owing on the loan.

4. Approve expenditures of not to exceed $500 for appraisals by outside appraisers when and if the services of qualified SBA appraisers are not available.

5. Authorize the carrying of loans having unpaid balances in excess of $50,000 in past due statuses.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Administration and Liquidation Division.

Dated: July 31, 1956.

J. F. MATCHETT, *Director,*
Office of Financial Assistance.

[F. R. Doc. 56-6772; Filed, Aug. 21, 1956; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-100]

BANCA GENERALA DE ECONOMII DIN SIBIU

In re: Debt owing to Banca Generala de Economii din Sibiu, a/k/a Hermannstadter Allgemeine Spakassa Hermannstadt Romane. F-57-1261.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the State Comptroller of the State of New York, Albany, New York, arising out of an account entitled "Spakassa Hermannstadt, c/o Banca Republici Populare, Romane, Bucharest, Roumania", maintained by the aforesaid Comptroller, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banca Generala de Economii din Sibiu, a/k/a Hermannstadter Allgemeine Spakassa Hermannstadt Romane, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

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

[F. R. Doc. 56-6767; Filed, Aug. 21, 1956; 8:47 a. m.]

[Vesting Orders SA-101]

BRADUL CARPATIN S. A. R.

In re: Debt owing to Bradul Carpatin S. A. R. F-57-1266, F-63-2748 (Basle).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the sum of $590.00, being a portion of an account entitled, "Swiss Bank Corporation, Basle, Switzerland, ordinary blocked account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Bradul Carpatin S. A. R., Cernauti, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

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

[F. R. Doc. 56-6768; Filed, Aug. 21, 1956; 8:48 a. m.]

[Vesting Order SA-102]

CHINOIN FABRIK CHEMISCH-PHARMAZEUTISCHER PRODUKTE, A. G.

In re: debt owing to Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G., also known as Chinoin Chemical and Pharmaceutical Works, Ltd. and as Chinoin Fabrik fur Heilmittel und Chemische Produkte A. G. F-34-78.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Parke, Davis & Company, Detroit 32, Michigan, arising out of an account payable entitled, "Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G.," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Chinoin Fabrik Chemisch-Pharmazeutischer Produkte, A. G., also known as Chinoin Chemical and Pharmaceutical Works, Ltd. and as Chinoin Fabrik fur Heilmittel und Chemische Produkte A. G., Ujpest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on August 17, 1956.

For the Attorney General.

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

[F. R. Doc. 56-6769; Filed, Aug. 21, 1956; 8:48 a. m.]

Office of the Attorney General

[Order No. 130-56]

REGISTRATION SECTION

CHANGE OF NAME

AUGUST 2, 1956.

The Internal Security Division is hereby authorized to change the name of the Foreign Agents Registration Section to the Registration Section.

In addition to the administration of the Foreign Agents Registration Act, as amended, the Registration Section will perform the necessary functions pursuant to the act of August 1, 1956, Public Law 893, 84th Congress, 2d session.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 56-6757; Filed, Aug. 21, 1956; 8:46 a. m.]