THE NATIONAL ARCHIVES

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## TITLE 3—THE PRESIDENT

### PROCLAMATION 3156

GENERAL PULASKI'S MEMORIAL DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a grateful Nation has enshrined in its heart the memory of those selfless men who came from across the seas and aided in the achievement of our independence during the Revolutionary War; and

WHEREAS October 11, 1956, marks the one hundred and seventy-seventh anniversary of the death of Count Casimir Pulaski, one of those heroes who left his homeland to fight in our cause, and who for that cause laid down his life; and

WHEREAS the story of his valiant assault upon the city of Savannah at the head of the Pulaski Legion, where he received a mortal wound, has long stirred the imagination and evoked the admiration of all who hold liberty dear; and

WHEREAS this distinguished Pole, who had achieved the rank of Brigadier General before his untimely death at the age of 31 years, left to posterity an inspiring example of fidelity to principle which we should cherish and emulate:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite the people of this Nation to observe Thursday, the eleventh day of October, 1956, as General Pulaski's Memorial Day with suitable commemorative ceremonies; and I direct that the flag of the United States be displayed on all Government buildings on that day as a mark of respect to the memory of General Pulaski.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of September in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-7820; Filed, Sept. 25, 1956; 11:44 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 6162, as amended in 21 F. R. 6824 and F. R. 6879, are hereby further amended as follows:

1. Paragraph (b) of § 485.210 is amended to read as follows:

(b) In the event that a farm is one on which wheat is normally planted in the fall and on which no wheat was planted in the spring of 1954, 1955 or 1956, and the producers wish to participate in the 1957 acreage reserve program for wheat, the agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must be filed with the county committee not later than October 5, 1956, except as provided in paragraph (e) of this section.

2. Paragraph (c) of § 485.210 is amended to read as follows:

(c) (1) In the case of farms other than those specified in paragraph (b)

(Continued on p. 7311)

## CONTENTS

### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CONTENTS—Continued



## CODIFICATION GUIDE

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

## CODIFICATION GUIDE—Con.



of this section, if the producers wish to participate in the 1957 acreage reserve program for wheat, an agreement, signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided by paragraph (e) of this section, be filed with the county committee before any wheat is planted on the farm in the spring of 1957, and not later than a date fixed by the State committee for the county or area in which the farm is located, which date shall be not later than the date planting of spring wheat begins generally in the county or area. Information as to the date fixed for the county or area shall be available in the office of the county committee. Subject to the maximum acreage limitations specified in § 485.209 (a), the acreage for wheat which may be placed in the acreage reserve under an agreement filed after October 5, 1956 (except (1) in instances where an agreement is initially filed on or before such date and a new agreement is filed after such date pursuant to paragraph (d) of this section, or (2) in instances where an agreement signed by the operator is filed on or before such date and an additional period of time is given pursuant to paragraph (e) of this section to obtain the signature of another person) shall be limited to the allotment for the farm less (i) the number of acres, if any, on the farm planted to wheat in the fall of 1956 and (ii) the number of acres, if any, which the producer has previously agreed to place in the acreage reserve.

(2) In the case of commodities other than wheat, an agreement signed by all producers on the farm who are required under paragraph (a) of this section to sign the agreement, must, except as provided by paragraph (e) of this section, be filed with the county committee before any acreage of the 1957 crop of the commodity is planted on the farm, and not later than a date fixed by the State committee for the county or area in which the farm is located, which date shall be not later than the date planting of the commodity begins generally in the county or area. Information as to the date fixed for the county or area shall be available in the office of the county committee.

(Sec. 124, 70 Stat. 188)

Issued at Washington, D. C. this 21st day of September 1956.

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

[F. R. Doc. 56-7760; Filed, Sept. 25, 1956; 8:50 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

New Part 17—Conditions Applicable to Parcels Addressed to Certain Military Post Offices Overseas, is hereby added to Title 39, Chapter I, the same to read as follows:

§ 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas.*

| Military APO No. | Post office Navy No.* | Cigarettes and other tobacco products prohibited | Coffee prohibited | Other prohibited items | Weight restricted to 50 pounds | Customs declaration on Form 2966 or 2976-A required |
|---|---|---|---|---|---|---|
| 1 | | X | X | | | |
| 10 | | X | | X | | X |
| 11 | | X | | X | | X |
| 12 | | X | X | | | |
| 13 | | X | X | | | |
| 16 | | X | | X | | X |
| 17 | | X | | X | | X |
| 19 | | X | | | | |
| 21 | | X | | X | | X |
| 22 | | X | X | X | X | X |
| 26 | | X | X | | | |
| 28 | | X | X | | | |
| 29 | | X | | | | |
| 30 | | X | | X | | X |
| 34 | | X | | | | |
| 35 | | X | X | | | |
| 36 | | X | X | | | |
| 39 | | X | X | | | |
| 42 | | X | | | | |
| 44 | | X | | X | | X |
| 46 | | X | X | | | |
| 55 | | X | | X | | X |
| 57 | | X | X | | | |
| 58 | | X | | X | | X |
| 61 | | X | X | | | |
| 65 | | X | X | | | |
| 66 | | X | | | | |
| 69 | | X | X | | | |
| 78 | | X | | X | | X |
| 79 | | X | X | | | |
| 80 | | X | X | | | |
| 82 | | X | X | | | |
| 83 | | X | | X | | X |
| 84 | | X | | X | | X |
| 87 | | X | | X | X | X |
| | 100 | | | | | |
| 107 | | X | X | | | |
| 108 | | X | X | | | |
| 109 | | X | | | | |
| 110 | | X | | X | | X |
| 111 | | X | X | | | |
| 112 | | X | X | | | |
| 113 | | X | | X | | X |
| 114 | | X | X | | | |
| 115 | | X | | X | | X |
| 116 | | X | | X | | X |
| 117 | | X | | X | | X |
| 118 | | X | | X | | X |
| 119 | | X | | X | | X |
| 120 | | X | | X | X | X |
| | 121 | | | | | |
| | 122 | | | | | X |
| 122 | | X | | X | | X |
| 123 | | X | X | | | |
| 124 | | X | | X | X | X |
| 125 | | X | | X | X | X |
| 126 | | X | | X | X | X |
| 127 | | X | | X | X | X |
| 128 | | X | | X | | X |
| 129 | | X | | X | X | X |
| 130 | | X | X | | | |
| 131 | | X | X | | | |
| 132 | | X | X | | | |
| 133 | | X | | X | X | X |
| 139 | | X | X | | | |
| 147 | | X | | X | X | X |
| 154 | | X | X | | | |
| 162 | | X | X | | | |
| 163 | | X | | X | | X |
| 164 | | X | X | | | |
| 165 | | X | X | | | |
| 166 | | X | X | | | |
| 167 | | X | | X | X | X |
| 168 | | X | | | | |
| 169 | | X | X | | | |
| 170 | | X | X | | | |
| 171 | | X | X | | | |
| 172 | | X | X | | | |
| 173 | | X | X | | | |
| 175 | | X | X | | | |
| 176 | | X | X | | | |
| 177 | | X | X | | | |
| 178 | | X | X | | | |
| 179 | | X | | X | X | X |
| 180 | | X | X | | | |
| 183 | | X | X | | | |
| 185 | | X | X | | | |
| 186 | | X | | X | X | X |
| | 188 | | | | | X |
| 189 | | X | X | | | |
| 190 | | X | | X | X | X |
| 191 | | X | X | | | |
| 192 | | X | | X | X | X |
| 193 | | X | | X | X | X |
| 194 | | X | | X | X | X |
| 195 | | X | | X | X | X |
| 196 | | X | | X | X | X |
| 197 | | X | | X | X | X |
| 198 | | X | | X | X | X |
| 199 | | X | | X | X | X |
| 202 | | X | | X | X | X |
| 203 | | X | | X | | X |
| 204 | | X | | X | | X |
| 205 | | X | | | | |
| 206A | | X | | | | |
| 207 | | X | X | | | |
| 208 | | X | X | | | |
| 210 | | X | | X | X | X |
| 211 | | X | | X | | X |
| 212 | | X | | X | X | X |
| 213 | | X | | X | | X |
| 214 | | X | | X | X | X |
| | 214 | | | | | |
| 215 | | X | | X | | X |
| 216 | | X | | X | | X |
| 217 | | X | | X | | X |
| 218 | | X | | X | X | X |
| 219 | | X | | X | X | X |
| | 220 | | | | | |
| 221 | | X | | | | |
| 225 | | X | X | | | |
| 227 | | X | X | | | |
| 230 | | X | | X | | X |
| 232 | | X | | X | X | X |
| 233 | | X | | X | X | X |
| 236 | | X | | X | X | X |
| 237 | | X | | X | X | X |
| 238 | | X | | X | X | X |
| | 240 | | | | | |
| 240 | | X | | X | X | X |
| 241 | | X | | X | X | X |
| 242 | | X | | X | X | X |
| 243 | | X | | X | X | X |
| 245 | | X | X | | | |
| 247 | | X | | X | | X |
| 250 | | X | X | | | |
| 251 | | X | | | | |
| 252 | | X | X | | | |
| 253 | | X | | X | | X |
| 255 | | X | | X | | X |
| 256 | | X | | X | | X |
| 257 | | X | | X | | X |
| 258 | | X | | X | | X |
| 259 | | X | | X | | X |
| 287 | | X | | X | | X |
| 288 | | X | | X | | X |
| 289 | | X | | X | | X |

See footnotes at end of table.

| Military APO No. | Post office Navy No.* | Cigarettes and tobacco products prohibited | Coffee prohibited | Other prohibited items | Weight restricted to 50 pounds | Customs declaration on Form 2966 or 2976-A required |
|---|---|---|---|---|---|---|
| 290 | | X | | [1] X | | [2] X |
| 292 | | | | | | [2] X |
| 293 | | X | X | | | |
| 294 [3] | | | | | | |
| 305 | | X | X | | | |
| 377 | | X | | [1] X | | [2] X |
| 403 | | X | X | | | |
| 407 | | X | X | | | |
| | 510 | X | | | | |
| | [4] 525 | | | | | |
| 616 | | | | | | [2] X |
| 633 | | X | X | | | |
| 696 | | X | X | | | |
| | 720 | | | | | [2] X |
| 742 | | X | X | | | |
| 743 | | X | X | | | |
| 751 | | X | X | | | |
| 755 | | X | | [1] X | X | [2] [4] X |
| 757 | | X | X | | | |
| 794 | | X | | | | |
| 800 | | X | X | | | |
| 807 | | X | X | | | |
| 825 | | | | | | [2] X |
| 826 | | | | | | [2] X |
| 827 | | | | | | [2] X |
| 828 | | | | | | [2] X |
| 829 | | | | | | [2] X |
| 832 | | | | | | [2] X |
| 834 | | | | | | [2] X |
| 837 | | | | | | [2] X |
| 843 | | X | | | | |
| 872 | | X | X | | | |
| | 913 | X | X | | | |

*Mail addressed to personnel attached to Commander in Chief, U. S. Naval Forces, Eastern Atlantic and Mediterranean, or CINCNELM, Fleet Post Office, New York, is subject to limitations applicable to Navy No. 100.

[1] Parcels may not contain: (a) Medicines and vaccines not conforming to French laws; (b) nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; (c) monies, currencies, gold and silver bullion; (d) securities.

[2] Parcels may not contain securities, precious metals, or currency.

[3] Customs declaration tags are not required for parcels which: (a) Contain official matter from Government agencies and are addressed to a military organization or to military personnel; (b) contain materials or supplies sent by contractors for Government use and bear the endorsement Contents for Official Use—Exempt From Customs Requirements.

[4] Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet these requirements, the mailer should place a certification similar to the following on the customs form under the heading—Description of Contents: Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof. The following articles may not be accepted: (a) Securities; (b) precious metals; (c) currency.

[5] Parcels may not exceed the following dimensions:

| Length (inches) | Not over |
|---|---|
| 42 | 72 inches length and girth combined. |
| Over 42 to 44 | 24 inches girth. |
| Over 44 to 46 | 20 inches girth. |
| Over 46 to 48 | 16 inches girth. |

Maximum length 48.

(R. S. 161, 396, 398, as amended; 5 USC 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56-7637; Filed, Sept. 25, 1956; 8:45 a. m.]

# TITLE 7—AGRICULTURE

## Chapter IV—Federal Crop Insurance Corporation

### PART 415—FLAX CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations (17 F. R. 8416; 18 F. R. 3631, 6988; 19 F. R. 5602; 20 F. R. 5054) the following counties have been designated for insurance for the 1956 crop year.

Minnesota:
Becker.
Big Stone.
Brown.
Chippewa.
Clay.
Cottonwood.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Murray.
Nobles.
Norman.
Pennington.
Pipestone.
Polk, East.
Polk, West.
Pope.
Redwood.
Renville.
Rock.
Roseau.
Traverse.
Minnesota—Con.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Emmons.
Foster.
Logan.
McIntosh.
McLean.
Nelson.
Pembina.
Ramsey.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7762; Filed, Sept. 25, 1956; 8:51 a. m.]

### PART 416—CORN CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations, as amended, (17 F. R. 10531; 18 F. R. 3632, 6989; 19 F. R. 5602; 20 F. R. 5255), the following counties have been designated for insurance for the 1956 crop year.

Illinois:
Adams.
Carroll.
Livingston.
McDonough.
Montgomery.
Sangamon.
Tazewell.
Indiana:
Carroll.
Clinton.
Decatur.
DeKalb.
Delaware.
Huntington.
Jackson.
Johnson.
Marshall.
Miami.
Wayne.
Iowa:
Adair.
Boone.
Buena Vista.
Cass.
Cerro Gordo.
Chickasaw.
Iowa—Con.
Clayton.
Clinton.
Crawford.
Fayette.
Floyd.
Fremont.
Guthrie.
Hancock.
Jones.
Linn.
Lyon.
Madison.
Mitchell.
Osceola.
Pottswattamie, West.
Poweshiek.
Sioux.
Story.
Washington.
Webster.
Kansas:
Atchison.
Brown.
Jackson.
Marshall.
Kansas—Con.
Nemaha.
Washington.
Maryland:
Kent.
Michigan:
Monroe.
Minnesota:
Blue Earth.
Brown.
Cottonwood.
Jackson.
Martin.
Meeker.
Mower.
Murray.
Nobles.
Pipestone.
Redwood.
Renville.
Rice.
Rock.
Wabasha.
Watonwan.
Missouri:
Atchison.
Bates.
Henry.
Jasper.
Johnson.
Lafayette.
Lawrence.
Marion.
Nodaway.
Pettis.
Saline.
Vernon.
Nebraska:
Boone.
Butler.
Cass.
Cedar.
Cuming.
Pierce.
Richardson.
Saunders.
Stanton.
Wayne.
Ohio:
Hancock.
Hardin.
Medina.
Preble.
Seneca.
Van Wert.
Wayne.
Pennsylvania:
Chester.
South Dakota:
Brookings.
Clay.
Lincoln.
Minnehaha.
Moody.
Union.
Yankton.
Wisconsin:
Columbia.
Dane.
Grant.
Iowa.
Lafayette.
Pierce.
Sauk.
Trempealeau.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. MCCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7763; Filed, Sept. 25, 1956; 8:51 a. m.]

### PART 417—TOBACCO CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002, 2123), the following counties have been designated for insurance for the 1956 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the name of the county.

| State and county | Type(s) of tobacco |
|---|---|
| Connecticut: | |
| Hartford | 51, 52 |
| Florida: | |
| Alachua | 14 |
| Columbia | 14 |
| Hamilton | 14 |
| Madison | 14 |
| Suwannee | 14 |
| Georgia: | |
| Appling | 14 |
| Berrien | 14 |
| Brooks | 14 |
| Bulloch | 14 |
| Candler | 14 |
| Coffee | 14 |
| Colquitt | 14 |
| Cook | 14 |
| Irwin | 14 |
| Jeff Davis | 14 |
| Lowndes | 14 |
| Mitchell | 14 |

| State and county | Type(s) of tobacco |
|---|---|
| Georgia—Continued | |
| Pierce | 14 |
| Tattnall | 14 |
| Tift | 14 |
| Toombs | 14 |
| Wheeler | 14 |
| Worth | 14 |
| Kentucky: | |
| Adair | 31 |
| Allen | 31, 35 |
| Barren | 31 |
| Bourbon | 31 |
| Breckenridge | 31 |
| Caldwell | 22, 31, 35 |
| Calloway | 23, 35 |
| Casey | 31 |
| Christian | 22, 31, 35 |
| Daviess | 31, 36 |
| Grant | 31 |
| Graves | 23, 31, 35 |
| Green | 31 |
| Harrison | 31 |
| Hart | 31 |
| Henry | 31 |
| Larue | 31 |
| Lincoln | 31 |
| Logan | 22, 31, 35 |
| Mason | 31 |
| Mercer | 31 |
| Metcalfe | 31 |
| Montgomery | 31 |
| Nelson | 31 |
| Owen | 31 |
| Pendleton | 31 |
| Pulaski | 31 |
| Russell | 31 |
| Simpson | 31, 35 |
| Todd | 22, 31, 35 |
| Warren | 31, 35 |
| Washington | , 31 |
| Wayne | 31 |
| Massachusetts: | |
| Hampshire | 52 |
| North Carolina: | |
| Alamance | 11 |
| Beaufort | 12 |
| Brunswick | 13 |
| Buncombe | 31 |
| Caswell | 11 |
| Columbus | 13 |
| Duplin | 12 |
| Forsyth | 11 |
| Franklin | 11 |
| Granville | 11 |
| Greene | 12 |
| Guilford | 11 |
| Harnett | 11 |
| Jones | 12 |
| Lenoir | 12 |
| Moore | 11 |
| Nash | 12 |
| Person | 11 |
| Pitt | 12 |
| Robeson | 13 |
| Rockingham | 11 |
| Stokes | 11 |
| Surry | 11 |
| Vance | 11 |
| Wake | 11 |
| Wilson | 12 |
| Yadkin | 11 |
| Ohio: | |
| Adams | 31 |
| Brown | 31 |
| Highland | 31 |
| Pennsylvania: | |
| Lancaster | 41 |
| South Carolina: | |
| Chesterfield | 13 |
| Clarendon | 13 |
| Darlington | 13 |
| Dillon | 13 |
| Florence | 13 |
| Georgetown | 13 |
| Horry | 13 |
| Marion | 13 |
| Sumter | 13 |
| Williamsburg | 13 |
| Tennessee: | |
| Claiborne | 31 |
| De Kalb | 31 |
| Dickson | 22 |
| Grainger | 31 |
| Greene | 31 |
| Hamblen | 31 |
| Hawkins | 31 |
| Johnson | 31 |
| Loudon | 31 |
| Macon | 31, 35 |
| Marshall | 31 |
| McMinn | 31 |
| Maury | 31 |
| Monroe | 31 |
| Montgomery | 22, 31 |
| Putnam | 31 |
| Robertson | 22, 31, 35 |
| Sevier | 31 |
| Smith | 31 |
| Stewart | 22, 31 |
| Sullivan | 31 |
| Sumner | 22, 31, 35 |
| Trousdale | 31 |
| Unicoi | 31 |
| Washington | 31 |
| Williamson | 31 |
| Wilson | 31 |
| Virginia: | |
| Appomattox | 11, 21 |
| Brunswick | 11, 21 |
| Campbell | 11, 21 |
| Charlotte | 11, 21 |
| Cumberland | 11, 21, 37 |
| Dinwiddie | 11, 21 |
| Halifax | 11 |
| Lee | 31 |
| Lunenburg | 11 |
| Mecklenburg | 11 |
| Pittsylvania | 11 |
| Prince Edward | 11, 21, 37 |
| Russell | 31 |
| Scott | 31 |
| Washington | 31 |
| Wisconsin: | |
| Dane | 54 |
| Vernon | 55 |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. McCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7764; Filed, Sept. 25, 1956; 8:51 a. m.]

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## PART 418—WHEAT CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 418.201 (formerly § 418.151) of the above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632, 6990, 7222; 19 F. R. 469, 3017, 5603, 8233; 20 F. R. 5054, 8071), the following counties have been designated for insurance for the 1956 crop year.

California:
- Kern.
- Los Angeles.
- San Luis Obispo.
- Tulare.

Colorado:
- Adams
- Arapahoe.
- Cheyenne.
- Elbert.
- Kit Carson.
- Larimar.
- Lincoln.
- Logan.
- Phillips.
- Sedgwick.
- Washington.
- Yuma.

Idaho:
- Benewah.
- Bonneville.
- Camas.
- Cassia.
- Idaho.
- Kootenai.
- Latah.
- Lewis.
- Nez Perce.
- Oneida.
- Power.
- Teton.

Illinois:
- Adams.
- Bond.
- Christian.
- Clinton.
- Effingham.
- Fayette.
- Greene.
- Jefferson.
- Jersey.
- Macoupin.
- Madison.
- Marion.
- Mason.
- Monroe.
- Montgomery.
- Pike.
- St. Clair.
- Sangamon.
- Schuyler.
- Scott.
- Shelby.
- Vermilion.
- Washington.

Indiana:
- Allen.
- Boone.
- Clinton.
- Dearborn.
- Decatur.
- DeKalb.
- Howard.
- Johnson.
- Kosciusko.
- Madison.
- Montgomery.
- Noble.
- Pulaski.
- Randolph.
- Ripley.
- Rush.
- Shelby.
- Sullivan.
- Wayne.
- Whitley.

Kansas:
- Atchison.
- Barber.
- Barton.
- Cheyenne.
- Clark.
- Clay.
- Cloud.
- Cowley.
- Decatur.
- Dickinson.
- Edwards.
- Ellis.
- Ellsworth.
- Finney.
- Ford.
- Gove.
- Graham.
- Grant.
- Gray.
- Greeley.
- Hamilton.
- Harper.
- Harvey.
- Haskell.
- Hodgeman.
- Kearney.
- Kingman.
- Kiowa.
- Lane.
- Lincoln.
- Logan.
- McPherson.
- Marion.
- Marshall.
- Meade.
- Mitchell.
- Morris.
- Nemaha.
- Ness.
- Norton.
- Osborne.
- Ottawa.
- Pawnee.
- Phillips.
- Pratt.
- Rawlins.
- Reno.
- Republic.
- Rice.
- Rooks.
- Rush.
- Russell.
- Saline.
- Scott.
- Sedgwick.
- Seward.
- Sheridan.
- Sherman.
- Smith.
- Stafford.
- Stanton.
- Stevens.
- Sumner.
- Thomas.
- Trego.
- Wallace.
- Washington.
- Wichita.

Maryland:
- Kent.

Michigan:
- Calhoun.
- Clinton.
- Eaton.
- Hillsdale.
- Huron.
- Ingham.
- Ionia.
- Kalamazoo.
- Lenawee.
- Monroe.
- Saginaw.
- St. Clair.
- Sanilac.
- Shiawassee.

Minnesota:
- Becker.
- Big Stone.
- Clay.
- Kittson.
- Mahnomen.
- Marshall.
- Norman.
- Otter Tail, West.
- Polk, East.
- Polk, West.
- Traverse.
- Wilkin.

Missouri:
- Barton.
- Bates.
- Buchanan.
- Carroll.
- Cass.
- Chariton.
- Cooper.
- Franklin.
- Henry.
- Holt.
- Jasper.
- Lafayette.
- Lawrence.
- Marion.
- Perry.
- Pettis.
- Pike.
- St. Charles.
- Saline.
- Vernon.

Montana:
- Blaine.
- Cascade.
- Chouteau.
- Daniels.
- Dawson.
- Fergus.
- Hill.
- Judith Basin.
- Liberty.
- McCone.
- Petroleum.

Montana—Con.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Teton.
Valley.
Nebraska:
Banner.
Box Butte.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Fillmore.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Morrill.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
York.
North Dakota:
Adams.
Benson.
Billings.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grant.
Griggs.
Hettinger.
Kidder.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Ramsey.
Renville.
Rolette.
Sheridan.
Sioux.
Slope.
Stark.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Allen.
Auglaize.
Clinton.
Erie.
Fayette.
Franklin.
Greene.
Ohio—Con.
Hardin.
Henry.
Highland.
Knox.
Marion.
Mercer.
Montgomery.
Morrow.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Kay.
Kingfisher.
Kiowa.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.
Oregon:
Baker.
Gilliam.
Jefferson.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Chester.
Lancaster.
South Dakota:
Beadle.
Bennett.
Brown.
Campbell.
Clark.
Codington.
Corson.
Dewey.
Edmunds.
Faulk.
Grant.
Hand.
Jones.
Lyman.
McPherson.
Marshall.
Mellette.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.
Texas:
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Knox.
Lipscomb.
Potter.
Stonewall.
Utah:
Box Elder.
Cache.
Utah.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas
Franklin.
Washington—Con.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7765; Filed, Sept. 25 1956; 8:52 a. m.]

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## PART 419—COTTON CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (20 F. R. 7984, 10020), the following counties have been designated for insurance for the 1956 crop year.

Alabama:
Blount.
Cherokee.
Colbert.
Cullman.
De Kalb.
Etowah.
Franklin.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona:
Pinal.
Arkansas:
Chicot.
Craighead.
Crittenden.
Cross.
Desha.
Jefferson.
Lee.
Lincoln.
Mississippi.
Monroe.
Phillips.
Poinsett.
Saint Francis.
California:
Fresno.
Louisiana:
Avoyelles.
Caddo.
East Carroll.
Franklin.
Morehouse.
Natchitoches.
Rapides.
Richland.
Saint Landry.
Mississippi:
Alcorn.
Bolivar.
Coahoma.
DeSoto.
Hinds.
Holmes.
Humphreys.
Jefferson Davis.
Mississippi—Con.
Lee.
Leflore.
Madison.
Marion.
Marshall.
Monroe.
Panola.
Quitman.
Sharkey.
Sunflower.
Tallahatchie
Tate.
Tunica.
Washington.
Yazoo.
New Mexico:
Chaves.
Dona Ana
Eddy.
North Carolina:
Cleveland.
Lincoln.
Mecklenburg.
Robeson.
Rutherford.
Oklahoma:
Beckham.
South Carolina:
Anderson.
Chesterfield.
Clarendon.
Darlington.
Greenville.
Marion.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Carroll.
Fayette.
Gibson.
Hardeman.
Haywood.
McNairy.
Madison.
Shelby.
Tipton.
Texas:
Bailey.
Brazos.
Bell.
Texas—Con.
Castro.
Collin.
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hockley.
Hunt.
Lamar.
Texas—Con.
Lamb.
Limestone.
Lubbock.
McLennan.
Milam.
Navarro.
Nueces.
San Patricio.
Swisher.
Travis.
Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

[SEAL] F. N. McCARTNEY,
*Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7766; Filed, Sept. 25, 1956; 8:52 a. m.]

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## PART 420—MULTIPLE CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The following riders, issued pursuant to § 420.7 of the above-identified regulations (20 F. R. 3526, 5765, 3071; 21 F. R. 49, 1381, 4473, 5883, 6858), are hereby published:

A Rider No. 1 for the 1957 and succeeding crop years to the Multiple Crop Insurance Policy for the following counties:

Indiana—§ 420.62
Dearborn—§ 420.62-2
Indiana—§420.62
Delaware—§ 420.62-7
Indiana—§420.62
Jackson—§420.62-8
Indiana—§420.62
Marshall—§ 420.62-9
Michigan—§ 420.70
Monroe—§ 420.70-3
Missouri—§ 420.73
Calloway—§ 420.73-5
Missouri—§ 420.73
Carroll, St. Charles—§ 420.73-6
Missouri—§ 420.73
Franklin—§ 420.73-7
Pennsylvania—§ 420.86
Chester—§ 420.86-3

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
*Manager.*
*Federal Crop Insurance Corporation.*

§ 420.62 *Indiana.*

§ 420.62-2 *Dearborn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dearborn County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Tobacco, type 31.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other

small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, tobacco, or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and tobacco.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than February 28 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop, except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract, in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn or tobacco from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(c) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.62–7 *Delaware County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following des-

ignated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective: *Provided, however,* Corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30, of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance until later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.62–8 *Jackson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jackson County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effec-

tive: *Provided, however,* Corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided,* when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amout shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.62–9 *Marshall County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Marshall County, Indiana, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured

crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less that the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.70 *Michigan.*

## § 420.70–3 *Monroe County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Monroe County, Michigan beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or

(ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting therefrom, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the havested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.73 *Missouri.*

## § 420.73–5 *Calloway County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Calloway County, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by the name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with resepct to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.73–6 *Carroll and St. Charles.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Carroll and St. Charles Counties, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, corn, soybeans or wheat may be added as an insurable crop(s) under the contract by the insured notifying the county office in writing by September 30, preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn and soybeans.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn and soybeans of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, When the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total

value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.73–7 *Franklin County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Franklin County, Missouri, beginning with the 1957 crop year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. Provided, however, wheat or corn may be added as an insurable crop under the contract by the insured notifying the county office in writing by September 30 preceding the calendar year in which the crop is normally harvested in the case of wheat and April 30 of the calendar year in which the crop is normally harvested in the case of corn.

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to September 30, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after September 30, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel detemined by the Corporation.

Any threashed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price; *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsurable causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for any crop year: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION,

## § 420.86 *Pennsylvania.*

## § 420.86–3 *Chester County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Chester County, Pennsylvania beginning with the 1957 crop year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted in the fall for harvest as grain, excluding barley planted with other small grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 15 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain, excluding oats planted with other small grains.

(d) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 15 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Existing crop insurance contract.* If the application upon which this policy is issued is filed on or prior to October 15, 1956, the acceptance of such application shall cancel, effective beginning with the 1957 crop year, any wheat crop insurance contract between the insured and the Corporation. If such application is filed after October 15, 1956, any such wheat crop insurance contract shall remain in full force and effect for the 1957 crop year, but acceptance of such application shall cancel effective beginning with the 1958 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, oats or wheat, and December 10 in the case of corn of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed barley which (1) does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 4 barley, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 4 barley is less than the fixed price, the total value of such threshed barley, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes occurring within the insurance period, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period, and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price: *Provided*, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest, and (2) subtracting therefrom the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit

shall include all harvested production (including any harvested production of barley, oats and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9. In addition the production to be counted shall include any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded in an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which the county minimum participation requirement must be met for any crop year: October 15 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, oats or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1957 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 56-7761; Filed, Sept. 25, 1956; 8:51 a. m.]

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## PART 421—DRY EDIBLE BEAN CROP INSURANCE

### SUBPART—REGULATIONS FOR 1956 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 421.1 of the above-identified regulations (20 F. R. 10020), the following counties have been designated for insurance for the 1956 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

| *State and county* | *Class(es) of beans insured* |
|---|---|
| Colorado: | |
| Dolores | Pinto. |
| Montezuma | Do. |
| Idaho: | |
| Cassia | Great Northern, Pinto, Small Red. |
| Gooding | Do. |
| Jerome | Do. |
| Minidoka | Do. |
| Twin Falls | Do. |
| Michigan: | |
| Bay | Pea and Medium White. |
| Huron | Do. |
| Saint Clair | Do. |
| Sanilac | Do. |
| Shiawassee | Do. |
| Nebraska: | |
| Morrill | Great Northern, Pinto. |
| Scotts Bluff | Do. |
| Washington: | |
| Grant | Great Northern, Pinto, Small Red |
| Wyoming: | |
| Goshen | Great Northern, Pinto |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7767; Filed, Sept. 25, 1956; 8:52 a. m.]

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## PART 423—SOYBEAN CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1955 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 423.1 of the above-identified regulations, as amended (19 F. R. 7473, 9365; 20 F. R. 1068, 5626), the following counties have been designated for insurance for the 1956 crop year.

| | |
|---|---|
| Illinois: | Minnesota: |
| Macoupin. | Renville. |
| Iowa: | Ohio: |
| Hancock. | Putnam. |
| Webster. | Mercer. |
| Cerro Gordo. | |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7768; Filed, Sept. 25, 1956; 8:52 a. m.]

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## PART 424—BARLEY CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

#### APPENDIX

Pursuant to authority contained in paragraph (a) of § 424.1 of the above-identified regulations, as amended (19 F. R. 9315; 20 F. R. 7637, 10023; 21 F. R. 1004, 5164), the following counties have been designated for insurance for the 1956 crop year.

| | |
|---|---|
| Minnesota: | North Dakota: |
| West Polk. | Cass. |
| Montana: | Pembina. |
| Chouteau. | Traill. |
| Fergus. | South Dakota: |
| Oregon: | Clark. |
| Umatilla. | Washington: |
| | Whitman. |

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] F. N. MCCARTNEY, *Manager,*
*Federal Crop Insurance Corporation.*

[F. R. Doc. 56-7769; Filed, Sept. 25, 1956; 8:52 a. m.]

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# Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

## Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Supp. 4]

## PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### CALIFORNIA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 182,530 acres established for California by the determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 2020 Milvia Street, Berkeley, California, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of California. These bases and procedures incorporate the following:

§ 850.34 *California*—(a) *Proportionate share areas.* California shall be divided into two proportionate share areas, one of which shall comprise all of California except Imperial County and the other shall be Imperial County. These areas shall be designated the "Northern Area" and the "Imperial Area", respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce", with a minimum of 107.19 percent of the 1955-crop planted acreage and with pro rata adjustments to a total of 182,530 acres. Acreage allotments computed as aforestated are established as follows: Northern Area—

142,799 acres, and Imperial Area—39,731 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Area—2 percent each for new producers and appeals and 4 percent for adjustments in initial shares: Imperial Area—1.5 percent for new producers, 2 percent for appeals and 2 percent for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares.*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers.*—(i) *Farm bases.* For each farm whose operator is not a tenant in the 1956-crop season, a farm base will be computed from the planted sugar beet acreage record of the farm accruing to the landowner under the effective cropping arrangements by giving a weighting of 75 percent to the average acreage of the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage for the crops of 1952 through 1954, as a measure of "ability to produce". For each farm whose operator is a tenant in the 1956-crop season, the farm base shall be obtained by applying the aforestated weightings to the planted sugar beet acreage record of the operator, except that for a tenant-operator without a personal sugar beet production record in the 1950–54 period, the farm base shall be computed from the sugar beet acreage record accruing to the owner or owners of the land under the effective cropping arrangements.

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the locality by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. Such adjustments shall be made in the following order of precedence and subject to limitations as indicated: (i) Shares for growers with five years or less of production history in the 1950–54 period whose farm bases do not constitute fair representations of their past operations, such as where a former tenant becomes an owner-operator in 1956 on a farm with less history than his personal history), provided that the final share after adjustment shall not exceed that for a similar farm in the area on the basis of either personal or full land history; (ii) shares for growers with less than five years of production history in the 1950–54 period, provided that the final share after adjustment shall be limited generally to 85 percent of the average of the four-year plantings, 70 percent of the average of the three-year plantings, 55 percent of the average of two-year plantings, and 40 percent of single-year planting; provided further that these limits may be exceeded in special cases such as those involving a rotation plan, too small an acreage for economic operations or where a grower had one or more years of low plantings due to causes beyond his control; however, no grower's share may exceed his highest acreage in any one year during the base period; (iii) shares for growers with five years of production history in the 1950–54 period to correct for low plantings during one or more years of the base period, to fill out fields, and for other similar reasons, provided that the final share after adjustment shall not exceed the highest acreage in any one year of the base period; (iv) shares for second-year producers, to give consideration to the acreage of beets planted in 1955 and to establish final shares which are fair and equitable as compared to the farms operated by old producers in the area.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU-103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU-103 if the adjustment results from an appeal, otherwise on a form SU-103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm proportionate shares in California in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. California is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955–crop shares, as provided under § 850.30. The procedure for establishing farm shares for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: September 5, 1956.

[SEAL] GLEN R. HARRIS,
*Chairman, Agricultural Stabilization, and Conservation California State Committee.*

Approved: September 14, 1956.

THOS. H. ALLEN,
*Acting Director, Sugar Division Commodity Stabilization Service.*

[F. R. Doc. 56-7757; Filed, Sept. 25, 1956; 8:50 a. m.]

[Sugar Determination 850.30, Supp. 6]

## PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

### NORTH DAKOTA PROPORTIONATE SHARE AREAS AND FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159), as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into proportionate share areas and establishing individual farm proportionate shares from the allocation of 35,006 acres established for North Dakota by the Determination. Copies of these bases and procedures are available for public inspection at the office of such Committee at 304 de Lendrecie Building, Fargo, North Dakota, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.36 *North Dakota*—(a) *Proportionate share areas.* North Dakota shall be divided into two proportionate share areas comprising the separate sugar beet producing regions of the State, one of which is served by the American Crystal Sugar Company and the other by the Holly Sugar Corporation. These areas shall be designated the "Eastern Area" and the "Western Area," respectively. Acreage allotments for these areas shall be computed by applying to the planted sugar beet acreage record for each area a weighting of 85 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production," and a weighting of 15 percent to the largest acreage of any of the crops of 1950 through 1954, as a measure of "ability to produce," with pro rata adjustments to a total of 35,006 acres. Acreage allotments computed as aforestated are established as follows: Eastern Area—31,034 acres and Western Area—3,972 acres.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern Area—310 acres for new producers, 322.4 acres for appeals and 774.2 acres for adjustments in initial shares; Western Area—40 acres for new producers, 33 acres for appeals and 106.1 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC County Office on form SU–100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(d) *Establishment of individual farm proportionate shares*—(1) *For new producers.* Within the acreage set aside for new producers in each proportionate share area, proportionate shares shall be established in an equitable manner for farms to be operated during the 1956-crop year by new producers (as defined in § 850.30) by taking into consideration the availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(2) *For second-year producers.* For each farm operated in the 1956-crop year by a second-year producer (as defined in § 850.30), an initial proportionate share shall be established equal to the initial 1955-crop share established for such farm.

(3) *For old producers*—(i) *Farm bases*—(a) *Eastern Area.* For each farm in the Eastern Area whose operator is not a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the farm accruing to the land owner under the effective cropping arrangements. For each farm in such area whose operator is a tenant in the 1956-crop season, the farm base shall be established from the planted sugar beet acreage record of the operator, provided that if both the person who was a crop-share tenant of land on which beets were planted in any year of such period and the person who was the owner of the same land file requests for proportionate shares, the acreage history of such land shall be divided between such tenant and owner on the basis of the effective crop shares. Such farm base shall be computed by giving a weighting of 75 percent to the average acreage of the crops of 1952 through 1954, as a measure of "past production", and a weighting of 25 percent to the largest acreage of the crops of 1952 through 1954, as a measure of "ability to produce", with minimum acreages as follows: If sugar beets were planted in all three years of the 1952–54 period, 90 percent of the 1953–54 average acreage; if sugar beets were planted in 1953 and 1954 only, 85 percent of the 1953–54 average acreage; and if sugar beets were planted in 1952 and 1954 or 1954 only, 75 percent of the 1954 acreage.

(b) *Western Area.* For each farm in the Western Area, the farm base shall be computed from the planted sugar beet acreage record of the farm by giving a weighting of 75 percent to the average acreage for the crops of 1950 through 1954, as a measure of "past production", and a weighting of 25 percent to the average acreage of the crops of 1953–54, as a measure of "ability to produce".

(ii) *Initial proportionate shares.* Initial proportionate shares shall be established from farm bases in each area on a pro rata basis so that the total of the farm shares equals the area allotment less the prescribed set-asides and the initial shares of second-year producers.

(4) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage, of initial shares in excess of requested acreages in each proportionate share area, adjustments shall be made in initial farm proportionate shares for old producers and second-year producers so as to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the area by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(5) *Adjustments under appeals.* Within the acreage set aside for making adjustments under appeals and any other acreage remaining unused in each proportionate share area, adjustments shall be made in proportionate shares under appeals to establish fair and equitable farm shares in accordance with the provisions of § 850.30 applicable to appeals.

(6) *Adjustments because of unused acreage.* To the extent of acreage available within the allotment for each proportionate share area from underplanting and failure to plant, and unused acreage from set-asides and other sources, adjustments shall be made in farm proportionate shares during the 1956-crop season. Insofar as practicable, acreage remaining unused in any area shall be reallotted to the other area wherein it may be used.

(7) *Notification of farm operators.* The farm operator shall be notified concerning the proportionate share established for his farm on form SU–103, Notice of Farm Proportionate Share—1956 Sugar Beet Crop, even if the acreage established is "none", and in each case of approved adjustment the farm operator shall be notified regarding the adjusted proportionate share on another form SU–103 if the adjustment results from an appeal, otherwise on a form SU–103–A or other similar written notice.

(8) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

### STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm proportionate shares in North Dakota in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

In general, the bases and procedures specified herein are the same as those which were effective in the State for the 1955 crop. North Dakota is again divided into two areas, which division is considered reasonable and appropriate considering geographical locations, the operation of sugar beet processing plants and the organization of advisory committees including grower and processor representatives. Farm proportionate shares of old producers are established under formulas which measure "past production" and "ability to produce" sugar beets. These standards are reflected in the initial farm shares established for second-year producers, which coincide with their initial 1955-crop shares, as provided under § 850.30. The procedure for establishing farm shares

for new producers meets the related requirements of such section.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugar beets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Dated: August 31, 1956.

[SEAL] PALMER LEVIN,
*Chairman, Agricultural Stabilization and Conservation North Dakota State Committee.*

Approved: September 14, 1956.

THOS. H. ALLEN,
*Acting Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 56-7759; Filed, Sept. 25, 1956; 8:50 a. m.]

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[Sugar Determination 850.30, Supp. 18]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

INDIANA FARM PROPORTIONATE SHARES FOR 1956 CROP

Pursuant to the provisions of the Determination of Proportionate Shares for Farms in the Domestic Beet Sugar Area, 1956 Crop (20 F. R. 7159) as amended (20 F. R. 8772), (21 F. R. 986) and (21 F. R. 3670), the Agricultural Stabilization and Conservation Indiana State Committee has issued the bases and procedures for establishing individual farm proportionate shares from the allocation of 64 acres established for Indiana by the determination. Copies of these bases and procedures are available for public inspection at the office of such committee at 215 E. New York Street, Indianapolis, Indiana, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugar beet producing counties of Indiana. These bases and procedures incorporate the following:

§ 850.48 *Indiana*—(a) *Requests for proportionate shares.* A request for each farm proportionate share shall be filed at the local ASC county office on form SU-100, Request for Sugar Beet Proportionate Share. The request shall be signed by the farm operator or owner (or legal representative) and shall be filed on or before the closing date for such filing, as provided in § 850.30.

(b) *Establishment of individual farm proportionate shares.* For each farm in Indiana for which a request for proportionate share is filed, the proportionate share shall be established from the State allocation of 64 acres so as to coincide with the acreage of 1956-crop sugar beets planted on such farm.

(c) *Notification of farm operators.* The farm operator shall be furnished a notice informing him that his proportionate share will coincide with his planted acreage.

(d) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of § 850.30.

STATEMENT OF BASES AND CONSIDERATIONS

This supplement sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Indiana State Committee for determining farm proportionate shares in Indiana in accordance with the determination of proportionate shares for the 1956 crop of sugar beets, as issued by the Secretary of Agriculture.

The acreage covered by bona fide requests for proportionate shares, as filed by old producers, second-year producers, and new producers, and the acreage of sugar beets actually planted are significantly smaller than the State allocation. This situation makes unnecessary the carrying out of considerable detailed procedure which would otherwise be required. It is unnecessary to apply a specific formula in computing farm shares, to make set-asides of acreage for new producers and appeals, and to make adjustments in farm shares to reflect ability to produce or to distribute unused acreage. Accordingly, this supplement provides for a distribution of acreage within the State allocation by specifying that individual farm proportionate shares shall equal the acreages planted on the various farms.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930, 7 U. S. C. Sup. 1132)

Dated: August 28, 1956.

[SEAL] REED W. WILSON,
*Chairman, Agricultural Stabilization and Conservation Indiana State Committee.*

Approved: September 14, 1956.

THOS. H. ALLEN,
*Acting Director, Sugar Division, Commodity Stabilization Service.*

[F. R. Doc. 56-7758; Filed, Sept. 25, 1956; 8:50 a. m.]

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

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

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

*Correction*

In F. R. Document 56-6759, appearing in the issue for Wednesday, August 22, 1956, at page 6300 make the following change:

In § 957.209 (a), line 8, between the words "perform" and "agreement" insert "its functions pursuant to the provisions of the aforesaid marketing".

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# TITLE 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 55—ENROLLMENT APPEALS

PURPOSE AND SCOPE OF REGULATIONS

Section 55.1 *Purpose and scope of regulations,* is amended to include the following acts of Congress:

August 1, 1956 (70 Stat. 893).
August 2, 1956 (70 Stat. 937).
August 3, 1956 (70 Stat. 963).

FRED G. AANDAHL,
*Acting Secretary of the Interior.*

SEPTEMBER 20, 1956.

[F. R. Doc. 56-7738; Filed, Sept. 25, 1956; 8:46 a. m.]

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# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

PROVISIONAL REGULATIONS, STATUTORY AWARDS TO VETERANS SUFFERING ANATOMICAL LOSS

A new § 3.1524 is added as follows:

§ 3.1524 *Instructions relating to the granting of statutory awards to veterans suffering the anatomical loss or loss of use of both buttocks.* (a) Public Law 969, 84th Congress, reads as follows:

That subparagraphs (sic) (k) of paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by inserting after the words "or one hand" each place they appear therein the following: ", or both buttocks".

SEC. 2. This act shall become effective on the first day of the second month following the date of its enactment.

(b) The effective dates of awards will be in accordance with the provisions of controlling Veterans Administration regulations: *Provided,* That in no event will benefits under Public Law 969, 84th Congress, be awarded for any period prior to October 1, 1956. In new claims filed on or after August 3, 1956, and prior to October 1, 1956, the new benefit will be effective October 1, 1956. (Instruction 1, Public Law 969, 84th Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 26, 1956.

[SEAL] JOHN S. PATTERSON,
*Deputy Administrator.*

[F. R. Doc. 56-7743; Filed, Sept. 25, 1956; 8:47 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 1—GENERAL RULES OF PRACTICE

REVISION OF PART

The general rules of practice before the Commission adopted July 31, 1942, as amended by numerous orders of the Commission, are hereby reissued with all amendments which will be in effect on October 1, 1956.

Attention is particularly called to §§ 1.15, 1.21 (b), 1.22 (b), and 1.23, the most recent amendments of these sections having been effected by two orders of the Commission entered September 4, 1956, and order of the Commission entered September 12, 1956, which amendments have not previously been published in the FEDERAL REGISTER. The changes made by the three referred to orders in general liberalize the Commission's former requirements.

Editorial changes, some of which were occasioned by codification of the material, have been made. The code of ethics, formerly printed as an appendix to § 1.13, now appears as Appendix A, and the approved forms, formerly included in the single appendix to this part, now appear in Appendix B.

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

SEPTEMBER 12, 1956.

GENERAL INFORMATION



AUTHORITY: §§ 1.1 to 1.241 issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003.

GENERAL INFORMATION

§ 1.1 *Scope of rules.* The rules in this part govern procedure before the Interstate Commerce Commission in proceedings under the Interstate Commerce Act and related acts, unless otherwise directed by the Commission in any proceeding.

§ 1.2 *Liberal construction.* The rules in this part shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

§ 1.3 *Information; special instructions.* Information as to procedure under the rules in this part, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission, Washington, D. C.

§ 1.4 *Communications and pleadings generally*—(a) *How addressed.* All communications, including correspondence concerning matters referred to boards, should be addressed to the Commission unless otherwise specifically directed. All communications should clearly designate the docket number, if any, and short title. The person communicating shall state his address, the party he rep-

resents, and how response should be sent to him if not by first class mail.

(b) *Timely filing required.* Pleadings, requests, or other papers or documents required or permitted to be filed under this part must be received for filing at the Commission's offices at Washington, D. C., within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

(c) *Disposition of; when defective.* In any proceeding when upon inspection the Commission is of the opinion that a pleading, document, or paper tendered for filing does not comply with this part or, if it be an application, does not sufficiently set forth required material or is otherwise insufficient, the Commission may decline to accept the pleading, document, or paper for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) *Objectionable matter.* The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it.

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

(a) The terms "act" and "part" mean the Interstate Commerce Act and the several parts thereof, respectively. The term "act" also means, unless the context otherwise indicates, any other statute which the Commission administers in whole or in part.

NOTE: References to parts designated by Roman numerals refer to the Interstate Commerce Act. References to "this part," "the rules in this part or to parts designated by Arabic numerals," refer to this Code.

(b) The term "proceeding" shall include: (1) An informal or formal "complaint" alleging violation of any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, including petitions on the special docket; (2) an "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the act or of any regulation or requirement made pursuant to a power granted by such act, or (ii) the consideration of any submission required by law to be made to the Commission; and (3) an "investigation" instituted or requested to be instituted by the Commission, including, among other, matters on the valuation and investigation-and-suspension dockets.

(c) The term "complainant" means a person filing a complaint; "defendant" means a carrier or other person against whom complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to a tentative valuation, to the granting of an application, or to any tariff or schedule becoming effective; "intervener" means a person permitted to intervene as provided in § 1.72 and "petitioner" means any other person seeking relief otherwise than by complaint or application.

(d) The term "pleading" means a complaint, answer, reply, application, protest, motion (other than motion orally made at hearing or argument), petition, document supplementing oral hearing as described in § 1.86 and all documents filed under modified and shortened procedure.

(e) The term "practitioner" means a person authorized by the Commission to appear before it in a representative capacity.

(f) The term "officer," except as a different meaning is indicated in §§ 1.17 (b), 1.57 to 1.66, inclusive, 1.71 (a), and 1.78 (civil and corporate functionaries), includes: (1) a Commissioner, a board of employees (called an "employee board" in this part), an examiner, or special board composed of State representatives (called a "joint board" in this part), to which a proceeding (called "referred matter" in this part) is by order assigned or referred for hearing, consideration, or recommendation of an appropriate order thereon pursuant to provisions of law;[1] and (2) a Commissioner, an examiner, or other Commission employee before whom, without entry of an order of reference, a proceeding is assigned for hearing. The term "board" means either an employee board or a joint board as the context requires.

(g) The term "proposed report" means an officer's written statement of the issues, the facts, and the findings the officer proposes that the Commission should make, with the reasons therefor, but with no recommended order. Such term also means, and shall include, a "recommended decision" and a "tentative decision" as these last two terms are used in the Administrative Procedure Act.

(h) The term "report and recommended order" means an officer's written statement in a referred matter of the issues, the facts, the findings, reasons for such findings, and a recommended order. Such term also means, and shall include, an "initial decision" as the latter term is used in the Administrative Procedure Act.

(i) The term "officer's report" or "board's report" means a proposed report or report and recommended order.

(j) The term "shortened procedure" means the procedure specified in § 1.44 and rules therein mentioned. Such rules provide, upon written consent of the parties, and upon the Commission's initiative or its approval of a request therefor made prior to hearing by any party, for the filing and serving of pleadings in proceedings with a view to avoiding an oral hearing.

(k) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

§ 1.6 *Use of gender and number.* Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender may be applied to females.

[1] Such as sections 17 and 205 of the Interstate Commerce Act.

PRACTITIONERS

§ 1.7 *Register of practitioners.* A register is maintained by the Commission in which are entered the names of all persons entitled to practice before the Commission. Corporations and firms will not be admitted or recognized.

§ 1.8 *Practitioners' qualifications and classes.* The following classes of persons whom the Commission finds, upon consideration of their applications, to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.* Attorneys at law who are admitted to practice before the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.* Any person not an attorney at law who is a citizen or resident of the United States and who shall satisfy the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission, and that he is otherwise competent to advise and assist in the presentation of matters before the Commission.

§ 1.9 *Applications for admission to practice.* An application under oath for admission to practice shall be addressed to the Commission, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, or the nature of his qualifications. Such application shall also state whether the applicant has ever been suspended or disbarred as an attorney, or whether his right to practice has ever been revoked by any court, commission, or administrative agency, in any jurisdiction. Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good standing; or by a certificate signed by three or more practitioners as sponsors for the applicant, which certificate shall recite that applicant possesses all the requisite qualifications under this section, and the sponsors shall incorporate in their certificate a recommendation and motion that applicant be admitted to practice under this section.

§ 1.10 *Additional certificates by practitioner's sponsors; hearing; abandonment of application.* The Commission in its discretion may call upon the practitioners making such certificate for a full statement of the nature and extent of their knowledge of the qualifications of the applicant. If upon consideration of the papers filed by the applicant and the statements submitted by his sponsors, or otherwise, the Commission is not satisfied as to the sufficiency of the applicant's qualifications under these rules, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents such request, the Commission will accord him a hearing. If he presents to the Commission no request

for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

§ 1.11 *Application fee.* An application filed after this section becomes effective must be accompanied by a fee of $10. Payment must be made either in cash or by New York draft, certified check, express or postal money order payable to the order of the Treasurer of the United States. The fee will be returned if applicant is not admitted to practice.

§ 1.12 *Practitioner's oath.* No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and according to law; and that he will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1.13 *Denial of admission, censure, suspension, or disbarment of practitioners.* The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in Appendix A to this part.

SPECIAL RULES RESPECTING BOARDS

§ 1.14 *Special rules respecting boards*—(a) *Organization.* After a joint board has been created it shall select one of its members to act as chairman for all purposes concerning matters which may be referred to it. In the event the member so selected is absent from any meeting of the joint board the members attending shall select one of such members, except as provided in paragraph (b) of this section, temporarily to act as chairman.

(b) *Waiver by absence of a joint-board member.* The failure of a duly appointed member of a joint board to participate in any hearing after notice thereof on a matter referred to such joint board shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.

(c) *Procedural rulings in case of disagreement.* If the members of a board or a majority thereof in actual attendance at a hearing shall be unable to agree upon the disposition of a procedural question arising therein, the chairman (or acting chairman) of the board shall decide the question and rule or order accordingly.

(d) *Form of board's report; service.* For the sake of uniformity the board's report shall conform as nearly as may be practicable to the form of report issued by the Commission in similar cases. The board's report will be served by the Commission.

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event of: (1) service of a report as provided in paragraph (d) of this section; (2) submission of the board's conclusions without written report; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree; or (6) entry of order vacating the order of reference to the joint board. Except where a report is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in § 1.96 and subsequent sections, a referred matter, after termination of joint-board jurisdiction, will be decided by the Commission or be made the subject of another officer's report on the record theretofore made or after such hearing or further hearing as may be required.

PLEADING SPECIFICATIONS GENERALLY

§ 1.15 *Typographical specifications generally.* Except as otherwise provided respecting applications (§ 1.38 (a)), exhibits (§ 1.84 (a)), and informal complaints (§ 1.24 (a)), all pleadings, documents, and papers to be filed under these rules shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, printing by offset press, multigraphing, or mimeographing, or by any other process, provided the copies are clear and permanently legible. White-line blueprints which cannot be reproduced by photography are not acceptable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double-spaced, except that long quotations shall be single-spaced and indented. Nothing less in size than Elite type shall be used. If printed, adequate leading and nothing less than 10-point type shall be used, except that 8-point type may be employed in footnotes and in tabular matter where printing limitations so require. A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by offset press will be accepted: *Provided*, That the type used is not reduced in size smaller than that required for typewritten documents and that where the pleading or brief exceeds 50 pages, the impression is on both sides of the paper. Failure to observe these specifications will result in rejection.

§ 1.16 *Copies*—(a) *Generally.* The original and 14 copies of every pleading, document, or paper permitted or required to be filed under this part shall be furnished for the use of the Commission, except as a different number is required under paragraph (b) of this section, or as otherwise provided respecting: answers (§ 1.35 (c)); applications (§§ 1.38 (b) and 1.40 (c)); complaints; formal (§§ 1.26 and 1.37) and informal (§§ 1.24 (a) and 1.25 (d)); depositions (§ 1.64); exhibits (§§ 1.84 (c) and 1.86); modified and shortened procedure (§§ 1.44 (c) and 1.52); petitions in intervention (§ 1.72 (d)); prepared statements (§ 1.77); protests in investigation-and-suspension proceedings (§ 1.42 (c)); replies (§ 1.23 (b)); and matters respecting oral argument (§ 1.98); subpenas (§ 1.56 (a)); time modification (§ 1.21 (b)), and transcript correction (§ 1.90 (b)).

(b) *In bankruptcy proceedings.* Except as otherwise provided in an application form or instruction (§ 1.38) and respecting exhibits (§1.84 (c)), the original and 19 copies of every pleading, document, or paper filed in a proceeding arising under the Uniform Bankruptcy Act shall be furnished for the use of the Commission.

§ 1.17 *Attestation*—(a) *Practitioner's signature.* If a party is represented by a practitioner each pleading, document, or paper of such party shall be signed in ink by one such practitioner whose address shall be stated. The signature of a practitioner constitutes a certificate by him that he has read the pleading, document, or paper; that he is authorized to file it; that to the best of his knowledge, information, and belief there is good ground for it; that it is not interposed for delay; and that with respect to a complaint he files it with the distinct knowledge and specific consent of complainant. A pleading document, or paper thus signed need not be verified or accompanied by affidavit except as otherwise provided respecting applications (§ 1.38), modified and shortened procedure (§§ 1.44 (c) and 1.50), and statements of claimed damages (§ 1.100).

(b) *When no practitioner's signature.* A pleading, document, or paper not signed by a practitioner must be signed in ink, the address of the signer shall be stated, and the facts alleged in a pleading must be verified under oath by the person in whose behalf it is filed. Signature and verification in such manner must be by at least one complainant if the pleading is a complaint. A pleading document, or paper filed on behalf of a corporation or other organization authorized to make complaint under the act, which is not signed by a practitioner must be signed in ink, and the facts alleged in a pleading must be verified by an executive officer of such corporation or organization.

§ 1.18 *Affirmation in lieu of oath.* Whenever under this part an oath is required, an affirmation in judicial form will be accepted in lieu thereof.

§ 1.19 *Pleadings part of record.* Recitals of material and relevant facts in a pleading filed prior to oral hearing in any proceeding; unless specifically denied in a counterpleading filed under these rules, shall constitute evidence and be a part of the record without special admission or incorporation therein, but if

request is seasonably made, a competent witness must be made available for cross-examination on the evidence so included in the record. Pleadings may contain specific references to or quotation from the tariffs or schedules containing the several rates, fares, charges, schedules, classifications, regulations or practices alleged to be material.

§ 1.20 *Amendments.* Leave to file amendments to any pleading will be allowed or denied as a matter of discretion.

§ 1.21 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. A half holiday shall not be considered as a holiday.

(b) *Modification.* Except as to the maximum time periods provided by law or specified in this part respecting informal complaints seeking damages (§ 1.25), any time period prescribed or permitted in this part may, upon request and for good and sufficient cause, be modified by the Commission in its discretion. Requests for extension or modifications of time must be served upon all parties of record at the same time and by the same method of communication as service is made on the Commission. A request for postponement of date for filing briefs or other documents must be filed not less than 10 days before the date in question, except in extraordinary circumstances, and where such requests are filed less than 10 days before the due date the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days. The original only of the request and certificate of service need be filed with the Commission. If granted, the party making the request shall promptly so notify all parties to the proceeding and so certify to the Commission.

(c) *Five days additional.* If the general office of a person party to a proceeding, or office of the practitioner representing him, is located at or west of El Paso, Tex., Salt Lake City, Utah, or Helena, Mont., five days shall be added for all parties to the time periods specified in the rules in this part when such rules are applied in any proceeding in which such person is a party.

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38 (b)), formal complaints (§ 1.34), and informal complaints (§ 1.24 (b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. Such service shall be made by delivery in person, or by first-class or air mail, or by express, properly addressed with charges prepaid, one copy to each party. Service shall be effected upon the parties to the proceeding by the same means of communication and class of service that is employed in making delivery to the Commission: *Provided, however,* That when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made upon parties 1000 or more miles distant from the party effecting service by air mail and upon parties less than 1000 miles distant by first-class or air mail. When any party is represented by a practitioner, service upon such practitioner will be deemed service upon the party.

(b) *Exceptions as to letter.* Copies of letters to the Commission relating to oral argument (§ 1.98) and subpenas (§ 1.56 (a)) need not be served upon other parties to the proceeding.

§ 1.23 *Replies*—(a) *Time for filing.* Except that a reply to a reply is not permitted, and except as otherwise provided in paragraph (b) of this section and respecting answers (§ 1.35 (c)), modified and shortened procedure (§§ 1.44 (c) and 1.51), and briefs (§§ 1.92 and 1.93), an adverse party may file and serve a reply to any pleading permitted under the rules in this part within 20 days after filing at the Commission.

(b) *Replies to petitions under rule 101 and exceptions.* A reply to a petition filed under rule 101 seeking a change in a decision, order, or requirement may be filed and served within 20 days after the final date for filing such petitions, and a reply to exceptions filed under rule 96 may be filed and served within 20 days after the final date for filing such exceptions.

(c) *Copies.* The original of the reply should be accompanied by the same number of copies as required respecting the pleading to which the reply is responsive.

COMMENCEMENT OF PROCEEDINGS

§ 1.24 *Informal complaints not seeking damages*—(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

(b) *Correspondence handling.* If the informal complaint appears to be susceptible of informal adjustment, a copy or a statement of the substance thereof will be transmitted by the Commission to each person complained of in an endeavor to have it satisfied by correspondence and thus obviate the filing of a formal complaint.

(c) *Discontinuance without prejudice.* A proceeding thus instituted on the informal docket is without prejudice to complainant's right to file and prosecute a formal complaint, in which event the proceeding on the informal docket will be discontinued.

§ 1.25 *Informal complaints seeking damages*—(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages, when permitted under the act, must be filed within the statutory period, and should contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of which damages are sought. Such complaint should state: (1) that complainant makes claim for damages, (2) the name of each individual claimant seeking damages, (3) the names of defendants against which claim is made, (4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne, (5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery, (6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement, and (7) the nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* If a complaint filed under paragraph (b) or (e) of this section contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint must be given.

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by copies in sufficient number to enable the Commission to transmit one to each defendant named.

(e) *Special-docket proceedings.* Where the act provides for an award of damages for violation thereof and a carrier is willing to pay them, or to waive collection of undercharges, petition for appropriate authority should be filed by the carrier on the special docket in the form prescribed by the Commission. If the petition is granted an appropriate order will be entered. Such petition, when not filed in connection with an informal complaint pending before the Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer thereto admitting the matters stated in the petition. If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a statement setting forth the facts may be filed by the carrier within the statutory period. Such statement will be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute.

(f) *Six months' rule.* If an informal complaint seeking damages cannot be disposed of informally, or is denied, or is withdrawn by complainant from further consideration, the parties affected will be so notified in writing by the Commission. The matter in such complaint will not be reconsidered unless, within six months after the date such notice is mailed, either a formal complaint as to

such matter is filed, or it is informally resubmitted on an additional fact basis.

Such filing or resubmission will be deemed to relate back to the date of the original filing, but reference to that date and the Commission's file number must be made in such resubmission or in the formal complaint filed. If the matter is not so resubmitted, or included in a formal complaint, as provided in this section, complainant will be deemed to have abandoned the complaint and no complaint seeking damages based on the same cause of action will thereafter be placed on file or considered unless itself filed within the statutory period.

§ 1.26 *Formal complaints; copies*—(a) *Generally.* The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, must be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain six copies in addition to the original.

(b) *Provision for State authorities.* If complaint is made under part II, or respecting State-made rates (§ 1.30 (b)), sufficient copies in addition to those required under paragraph (a) of this section shall be furnished to permit the Commission to supply one to the appropriate authority in each of the States included in the scope of the complaint.

§ 1.27 *Formal complaints; joinder*—(a) *Causes of action.* Two or more grounds of complaint concerning the same principle, subject, or state of facts may be included in one complaint, but should separately be stated and numbered.

(b) *Complainants.* Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and concern substantially the same alleged violation of the act and a like state of facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the act participating therein, and against which an order is sought, should be made defendants. If complaint is made of a classification or any provision thereof, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination.

(d) *Correct designation of parties.* The unabbreviated names of all parties complainant and defendant must be stated correctly.

§ 1.28 *Formal complaints; allegations generally.* A formal complaint should be so drawn as fully and completely to advise the parties defendant and the Commission in what respects the provisions of the act have been or are violated or will be violated, and should set forth briefly and in plain language the facts claimed to constitute such violation. If two or more sections or subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection, or requirement should be stated separately from those claimed to constitute a violation of another section, subsection, or requirement whenever that can be done by reference or otherwise without undue repetition.

§ 1.29 *Formal complaints; when damages sought.* A formal complaint that includes a request for an award of damages should contain the information specified for an informal complaint seeking damages (§ 1.25, paragraphs (b) and (c)).

§ 1.30 *Formal complaints; discrimination, preference, and prejudice*—(a) *Generally.* A complaint that alleges the act is violated because of an undue or unreasonable preference or advantage, undue or unreasonable prejudice or disadvantage, or unjust discrimination should specify clearly the particular elements stated in the act[1] as constituting such violation, and the facts which complainant relies upon to establish it.

(b) *State-made rates.* A complaint that brings in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, upon the ground that it violates provisions of the act which prohibit undue or unreasonable advantage preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce, should bring in issue the justness and reasonableness of the rate, fare, charge, classification, regulation, or practice applicable to the interstate or foreign commerce involved in such complaint. Such complaint should also bring in issue the question as to what should be the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice that should be established so as to remove any such advantage, preference, prejudice, or such unjust discrimination.

§ 1.31 *Formal complaints; other specifications*—(a) *Tariff or schedule references.* The several rates, fares, charges, schedules, classifications, regulations, or practices on which complaint is made should be set out by specific reference to the tariffs or schedules in which they appear, whenever that is practicable.

(b) *States in which transportation occurs.* A formal complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

(c) *Hearing place.* A formal complaint should be accompanied by a statement of the place at which hearing is desired.

§ 1.32 *Formal complaints; prayers for relief*—(a) *Generally.* A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Specific prayer for damages.* Except under unusual circumstances, and for good cause shown, damages will not be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1.33 *Amended and supplemental formal complaints.* An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

§ 1.34 *Service of formal and cross complaints.* The Commission will serve formal complaints. It will also serve supplemental, amended, and cross complaints when it has granted leave to file such pleadings. Such service will be made personally upon a carrier or freight forwarder or upon an agent thereof designated for purposes of service, or by mail addressed to the carrier or freight forwarder or to the agent thereof at the address filed. If no agent has been designated, service may be made by posting in the office of the Secretary of the Commission, and if the defendant be a carrier subject to part II of the act, by also posting in the office of the secretary or clerk of the motor-carrier regulatory board of the State wherein the motor carrier maintains headquarters. If the complaint involves only the lawfulness of rates, fares, charges, classifications, or practices, service in the manner indicated in the third sentence of this section may be made upon an attorney in fact of a carrier or freight forwarder who has filed a tariff or schedule in behalf of such carrier or freight forwarder, but such service will not be made upon a carrier subject to part I unless such carrier has failed to designate an agent for service in the city of Washington.

§ 1.35 *Answers and cross complaints to formal complaints*—(a) *Generally.* An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It should be drawn so as fully and completely to advise the parties and the Commission of the nature of the defense, including, if a departure from the requirements of section 4 (1) of the act is involved, the number of the particular application or order, if any, which protects such departure; and should admit or deny specifically and in detail each material allegation of the pleading answered. An answer may embrace a detailed statement of any counter-proposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which

[1] Special rate, rebate, drawback, or other device; and particular person, company, firm, corporation, association, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic.

event the answer must show clearly the names of all defendants joining therein, and their concurrence.

(b) *Cross complaints.* A cross complaint alleging that other persons, parties to the proceeding, have violated the act or requirements established pursuant thereto, or seeking relief against them under the act, may be tendered for filing by a defendant with its answer.

(c) *Time for filing; copies.* Unless otherwise directed by the Commission, an answer to a complaint should be filed within 20 days after the day on which the complaint to which answer is filed was served. The original and six copies of an answer shall be filed with the Commission.

(d) *When issue joined.* If any defendant answers or fails to file and serve answer within the period specified in paragraph (c), issue thereby is joined as to such defendant.

§ 1.36 *Motions to dismiss or to make more definite and certain*—(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

(b) *As to answer.* No replication to the answer shall be filed, but any party may file, within 10 days after the filing of an answer, or, in the case of modified or shortened procedure, complainant may file with his statement in reply, a motion that the answer, or defendant's statement, as the case may be, be made more definite and certain, such motion to point out the defects complained of and the details desired.

§ 1.37 *Satisfaction of complaint.* If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

§ 1.38 *Applications*—(a) *Forms and instructions.* An application filed with the Commission shall be prepared in accord with and contain the information called for in the form of application, if any, prescribed by the Commission, or any instructions which may have been issued by the Commission with respect to the filing of an application.

(b) *Copies; service.* Copies of an application shall be furnished in such number, and be filed and served in the manner and upon the persons specified in the form or instruction.

§ 1.39 *Applications; notice.* Appropriate notice of the filing of an application will be given by the applicant or by the Commission to the States, to State authorities, or to other persons as may be required by the form or instruction or by the act.

§ 1.40 *Protests against applications*—(a) *Content.* A protest against the granting of any application shall set forth specifically the grounds upon which it is made and contain a concise statement of the interest of protestant in the proceeding.

(b) *When filed.* Any protest shall be filed with the Commission promptly after the application is filed. If the proceeding be one respecting which the Commission has issued a notice advising the public of the filing of the application, the protest shall be filed within the time specified in such notice. Failure to file a protest shall not prejudice subsequent participation in the proceeding.

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

(d) *When rule disregarded.* An application may be set for hearing without awaiting the filing of a protest or of a reply thereto, and also may be disposed of without regard to the prior paragraphs of this section unless the act provides that the particular application may be granted only upon hearing.

§ 1.41 *Valuation proceedings; protests.* A protest of a tentative valuation shall contain a concise statement of the essential elements of protest with particular reference to the matters in the tentative valuation concerning which protest is made and shall include a statement of the changes therein desired by protestant. When practicable each object of protest should be set up as a separate item in a separately numbered paragraph. Each item of protest against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When protestant claims that property owned or used has been omitted, a full description of such property and its location must be included in the protest.

§ 1.42 *Petitions for suspension of tariffs or schedules*—(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to the name of the publishing carrier, freight forwarder, or agent, to the Interstate Commerce Commission number, and to the specific items or particular provisions protested. Reference should also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful, and state what protestant offers by way of substitution. Such protests will be considered as addressed to the discretion of the Commission and no protest shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs or schedules filed under the act will not be considered unless made in writing and filed with the Commission at Washington, D. C. Such protests and requests for suspension shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30-days notice under the authority of this Commission, in which event the protests should be filed not less than 5 days before such effective dates. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraph (a) of this section and copies thereof are immediately telegraphed by protestants to the respondent carriers or their publishing agents. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

(c) *Copies; service.* Seven copies of each protest or reply filed under this section must be filed with the Commission and one copy of the protest simultaneously be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestant to be interested.

(d) *Reply to protest.* A reply to a protest filed under this section should be filed and served promptly.

§ 1.43 *Service of investigation order; default where failure to comply.* An order instituting an investigation will be served by the Commission upon respondents. If within a time period stated in that order a respondent fails to comply with any requirement specified therein respondent shall be deemed in default and to have waived any further hearing. Thereafter the investigation may be decided without further proceedings.

SHORTENED AND MODIFIED PROCEDURE

§ 1.44 *Shortened procedure*—(a) *Consent; notice.* In shortened procedure (see § 1.5 (j)) the Commission will request all the parties thereto to advise the Commission within a time to be specified by it whether they consent to presentation under shortened procedure. Such advice should include, if the party is to be represented by a practitioner, the name and address of such practitioner. If all parties consent to the procedure, they will be advised that it will be followed.

(b) *Declination; hearing.* If any party declines to consent to shortened procedure, such declination shall not affect or prejudice the right or interest of such party. The proceeding will thereupon be conducted under modified procedure or be set for oral hearing as the Commission may direct. At the request of any party, received prior to service of an officer's report in a proceeding being conducted under shortened procedure, the Commission in its discretion may set the proceeding for oral hearing.

(c) *Other applicable rules.* The provisions for modified procedure in §§ 1.46 (a), 1.47, 1.48, 1.49, 1.50, 1.51, 1.52, and

1.54 shall also apply to shortened procedure. The time periods specified in § 1.51 shall begin to run from the date the Commission advises the parties that shortened procedure will be followed.

§ 1.45 *Modified procedure; how initiated*—(a) *Petition or Commission's initiative.* Modified procedure (see § 1.5 (k)) will be ordered in a proceeding upon the Commission's initiative or upon its approval of a petition filed by any party that the modified procedure shall be observed.

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules. As used in §§ 1.49, 1.51, and 1.53 (a) the term "complainant" shall comprehend the term "respondent" or "applicant," and the term "defendant" shall include the term "protestant," according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding.

§ 1.46 *Modified procedure; effect of order*—(a) *Relief from answer rule.* Issuance of an order directing modified procedure shall relieve defendant from the obligation of answering as provided in § 1.35.

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.47 *Modified procedure; intervention.* Persons permitted to intervene under modified procedure shall file and serve pleadings in conformity with the provisions relating to the parties in whose behalf they intervene.

§ 1.48 *Modified procedure; joint pleadings.* Parties having common interests shall arrange for joint preparation of pleadings filed under modified procedure.

§ 1.49 *Modified procedure; content of pleadings*—(a) *Generally.* A statement filed under the modified procedure after that procedure has been directed shall state the facts and include the exhibits upon which the party relies. In addition, defendant's statement and complainant's statement in reply shall specify those statements of fact of the opposite party to which exception is taken, and include a statement of the facts constituting the basis for such exception. Complainant's statement of reply shall be confined to rebuttal of the defendant's statement.

(b) *Exhibit identification.* In addition to being in compliance with paragraphs (a) and (b) of § 1.84, an exhibit which is part of any pleading filed under modified procedure shall serially be numbered and bear the notation, properly filled out, in the upper right-hand corner: "Complainant (Defendant) ----------, Exhibit No. ----------, Witness ----------."

(c) *Damages.* If an award of damages is sought the paid freight bills or properly certified copies thereof should accompany the original of complainant's statement when there are not more than 10 shipments, but otherwise the documents should be retained.

§ 1.50 *Modified procedure; attestation.* The facts asserted in any pleading filed under modified procedure must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses orally to substantiate the facts asserted should hearing become necessary. The original of any pleading filed under modified procedure must show the signature, capacity, and impression seal, if any, of the person administering the oath, and the date thereof.

§ 1.51 *Modified procedure; when pleadings filed and served.* Within 20 days from the date of an order requiring modified procedure, complainant shall serve upon the other parties a statement of all the evidence upon which it relies. Within 30 days thereafter defendant shall serve its statement. Within 10 days thereafter complainant shall serve its statement in reply. No further reply may be made by any party except by permission of the Commission.

§ 1.52 *Modified procedure; copies of pleadings.* The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.53 *Modified procedure; hearings*—(a) *Request for cross examination or other hearing.* If cross examination of any witness is desired the name of the witness and the subject matter of the desired cross examination shall, together with any other request for oral hearing, including the basis therefor, be stated at the end of defendant's statement or complainant's statement in reply as the case may be.

(b) *Hearing issues limited.* The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

§ 1.54 *Modified procedure; subsequent procedure.* Procedure subsequent to that provided in the modified-procedure rules shall be the same as that in proceedings not handled under modified procedure.

NOTICE OF HEARING; SUBPENAS; DEPOSITIONS

§ 1.55 *Notice of hearing*—(a) *Assignment; service and posting of notice; requests for postponement.* In those proceedings in which a hearing is to be held, the Commission will, by order or otherwise, assign a time and place for hearing. Notice of such hearing will be posted in the office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the act. A party should be prepared for hearing at its assigned time. Requests for postponement of dates thereof should be made sparingly, and will not be granted except for good and sufficient cause.

(b) *Change of assignment.* The Commission may confine the service of notice of a change of time or place assigned for hearing (other than by publication or posting), or of any adjourned, further, or supplemental hearing to those only who have indicated to the Commission a desire to be notified, at their own expense if telegraphic advice becomes necessary, of any such change.

§ 1.56 *Subpenas*—(a) *Request; particularity.* Unless directed by the Commission upon its own motion, a subpena to compel a witness to produce documentary evidence will be issued only upon petition, which must specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby. A request for issuance of a subpena other than to compel the production of documentary evidence may be made either by letter (original only need be filed with the Commission) or orally upon the record at a hearing.

(b) *Issuance.* A subpena will issue only upon signature by the Secretary or a member of the Commission.

(c) *Service.* The original subpena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be delivered to him by the officer or person making service.

(d) *Return.* If service of subpena is made by a United States marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpena. The written acceptance of service of a subpena by the person named therein shall be sufficient without other evidence of return. The original subpena, bearing or accompanied by the required return, affidavit, statement, or acceptance of service, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpena, to the officer presiding at the hearing at which the person subpenaed is required to appear.

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States, such fee to be paid by the party at whose instance the testimony is taken at the time the subpena is served.

§ 1.57 *Depositions; preliminary*—(a) *When permissible.* The Commission will either upon its own initiative, or for good cause shown by a party to a proceeding, issue an order to take a deposition.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the do-

minion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country a deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the assigned date of the hearing in such proceeding, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date of hearing.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

§ 1.58 *Depositions; petitions.* A petition requesting an order to take a deposition shall be filed with due regard to the time periods specified in § 1.57 (c) and shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken.

§ 1.59 *Depositions; order; interrogatories*—(a) *Order.* If the petition requesting an order to take a deposition is granted which action may be taken without awaiting the possible filing of a reply, the Commission will serve upon the parties an order which will name the witness whose deposition is to be taken, and specify the time when, the place where, and the officer before whom the witness is to testify, but such time and place, and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as set out in the petition.

(b) *Interrogatories.* In lieu of participating in the oral examination, parties served with the order for the taking of a deposition may promptly transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim, but it is not necessary that such interrogatories be served upon the party at whose instance the deposition is taken.

§ 1.60 *Depositions; recordation of testimony.* The officer before whom the deposition is to be taken shall observe the provisions respecting appearances (§ 1.71 (a)), and typographical specifications (§ 1.15), put the witness on oath, and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise to record the evidence.

§ 1.61 *Depositions; objections.* All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

§ 1.62 *Depositions; deponent's signature.* When the testimony is fully transcribed or otherwise recorded the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall state at the foot thereof the fact of the waiver or of the illness or absence of the witness, or the fact of the refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission finds that the reasons given for the refusal to sign are sufficient to require rejection of the deposition in whole or in part.

§ 1.63 *Depositions; officer's attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not of counsel or attorney for any of the parties, and that he is not interested in the event of the proceedings.

§ 1.64 *Depositions; return to Commission.* The officer shall securely seal the deposition in an envelope endorsed with the title of the proceeding, and shall promptly send the original and one copy thereof, together with the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. The deposition must reach the Commission not later than 5 days before the date of the hearing at which it is to be offered as evidence.

§ 1.65 *Depositions; notice of filing.* The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 1.66 *Depositions; copies.* Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1.67 *Depositions; inclusion in record.* At the oral hearing, if one is held, the deposition shall be offered in evidence by the party at whose instance it was taken. If not offered by such party, it may be offered in whole or in part by the adverse party. If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it, which is relevant to the part introduced, and any party may introduce any other parts. Such deposition shall be admissible in evidence subject to such objections as to competency of the witness, or to the competency, relevancy, or materiality of the testimony as were noted at the time of taking of said deposition, or are made at the time it is offered in evidence.

HEARINGS

§ 1.68 *Prehearing conferences*—(a) *Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an officer, parties or their attorneys may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing to submit suggestions in writing, for the purpose of formulating issues and considering:

(1) The simplification of issues;

(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by either or both parties of matters of public record, such as annual reports and the like, to the end of avoiding the unnecessary introduction of proof;

(4) The procedure at the hearing;

(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

(7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, shall not be used against participating parties either before the Commission or elsewhere unless fully substantiated by other evidence.

(c) *Recordation and order.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered and defining the issues, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the order; subsequent proceedings.* If an order is entered a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter the terms of the said order or modification thereof, the written stipulation, or statement of the officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

§ 1.69 *Stipulations.* Apart from the procedure contemplated by the prehearing provisions (§ 1.68), and upon permission granted, the parties may in the discretion of the officer, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. It is desired that the facts be thus agreed upon so far as and whenever practicable.

§ 1.70 *Authority of officers.* An officer may grant leave to amend or to file any pleadings, or to intervene, upon request tendered at the hearing, but in no event shall an officer grant such leave if thereby the issues would be so narrowed as to make a referred matter one which should properly be referred to a different officer. An officer shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding. The officer shall regulate the procedure in the hearing before him and take all measures necessary or proper for the efficient performance of the duties assigned him.

§ 1.71 *Appearances; standard of conduct; absence from hearing*—(a) *Who may appear.* Any individual may appear for himself, and any member of a partnership which is a party to any proceeding may appear for such partnership upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Appearances.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. When a practitioner enters an appearance at a hearing he will be expected to represent his client faithfully until the completion of the proceeding in which he has been retained, or until the completion of the part of the proceeding for which he has specially appeared. A practitioner who has entered his appearance at the hearing shall not be permitted to withdraw from the hearing, or wilfully to absent himself therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

(c) *Standard of conduct.* Contemptuous conduct by any person appearing at a hearing shall be ground for his exclusion by the presiding officer from the hearing.

§ 1.72 *Intervention; petitions*—(a) *Content generally.* A petition for leave to intervene must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. If the proceeding be by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(b) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after except for good cause shown.

(c) *Broadening issues; filing.* If the petitioner seeks a broadening of the issues and shows that they would not thereby by unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in season to permit service upon and answer by the parties in advance of the hearing.

(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

(e) *Disposition.* Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner thereby becomes an intervener and a party to the proceeding.

§ 1.73 *Participation without intervention.* In an investigation proceeding, in a proceeding for the issuance of a certificate of convenience and necessity for the abandonment of a line of railroad or its operation, in an application proceeding involving a motor carrier filed under section 5 of the act, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.74 *Witness examination; order of procedure.* Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

§ 1.75 *Evidence; admissibility generally.* Any evidence which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United States, shall be admissible in hearings before the Commission. The rules of evidence shall be applied in any proceeding to the end that needful and proper evidence shall be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1.76 *Evidence; cumulative restriction.* It shall be the duty of the officer before whom any proceeding is being heard to limit the number of witnesses whose testimony may be merely cumulative. And in order to enforce this section, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

§ 1.77 *Evidence; prepared statements.* With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel, or a prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement shall not include argument; that before any such statement is read, or admitted in evidence the witness shall deliver to the officer, the reporter, and to opposing counsel as may be directed by the officer, a copy of such statement or of such interrogatories and his written answers thereto; and that the admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval ordinarily will be denied when in the opinion of the officer the memory or demeanor of the witness may be of importance.

§ 1.78 *Evidence; official records.* An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the

foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. This section does not prevent the proof of official records or of entry or lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1.79 *Evidence; entries in regular course of business.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1.80 *Evidence; documents containing matter not material.* When material and relevant matter offered in evidence is in a document containing other matter not material or relevant, the offering party shall produce the document at the hearing, shall plainly designate the matter so offered, and shall accord to the officer and to participating counsel an opportunity to inspect it. Unless it is desired to read such matter into the record, and the officer so directs, true copies in proper form of the material and relevant matter taken from the document may be received as an exhibit, but other parties shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant. The document itself will not be received.

§ 1.81 *Evidence; documents in Commission's files*—(a) *In general.* If any matter contained in a report or other document, not a tariff or schedule, open to public inspection in the files of the Commission is offered in evidence such report or other document need not be produced, but in other respects the provisions of § 1.80 will apply.

(b) *Tariffs and schedules; official notice in investigation proceedings.* If any matter contained in a tariff or schedule on file with the Commission is offered in evidence, such tariff or schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff or schedule. Official notice will be taken without offer or production of that portion of any tariff or schedule which is the subject matter of an order of investigation and suspension.

§ 1.82 *Evidence; records in other Commission proceedings.* If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to paragraphs (a) and (b) of this section; and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

§ 1.83 *Evidence; abstracts of documents.* When documents, such as freight bills or bills of lading, are numerous, the officer may refuse to receive in evidence other than a limited number of such documents said to be typical. Instead he may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1.100. If the proffer be for other purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1.84 *Evidence; exhibits*—(a) *Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of fact, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedules as provided by this section.

(c) *Copies.* Unless the officer shall otherwise direct, the original and one copy of each exhibit of a documentary character shall be furnished for the use of the Commission—original to be delivered to the reporter, and the copy to the officer. If the hearing be before a board, a copy of the exhibit shall be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies shall be furnished to counsel in attendance at the hearing. Unless the officer shall otherwise direct, in proceedings under the Uniform Bankruptcy Act, the original and three copies of every exhibit of a documentary character shall be furnished for use of the Commission—original to be delivered to the reporter, and the three copies to the officer.

(d) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

(e) *When excluded how treated.* In case an exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1.85 *Record in referred matter unaffected by a second reference.* If for any reason an order referring a matter to a particular officer is vacated and the matter referred to a different officer, any testimony already taken in such proceeding shall be part of the record along with any testimony which thereafter may be taken.

§ 1.86 *Evidence; filing of subsequent to hearing; copies.* Except as provided below or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence

supplementary to the existing record, within a stated period of time. Documentary evidence thus to be furnished will not be assigned an exhibit number at the hearing, but the document will be given an exhibit number at the time of filing and the parties accordingly advised. Unless otherwise directed by the officer, the original and one copy of such submission shall be filed with the Commission.

§ 1.87 *Evidence; objections to.* Formal exception to a ruling of an officer at a hearing is unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds therefor. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in exceptions or reply to exceptions, if filed, or in a separate petition dealing only with that objection.

§ 1.88 *Oral argument before officer.* If oral argument before the officer is desired, he should be so notified at or before the hearing and may arrange to hear the argument at the close of the testimony within such limits of time as he may determine, having regard to other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument shall not preclude oral argument before the Commission and request therefor may be made as provided in § 1.98.

§ 1.89 *Continuance for further hearing.* A continuance may be granted by the presiding officer if it is impossible to conclude a hearing within the time available, or for any reason a continuance is necessary or advisable, but a joint board shall not set a date and place for a continued hearing without first consulting the Commission. If consultation with the Commission is impracticable, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1.90 *Transcript of record*—(a) *Filing.* After the close of the hearing the complete transcript of testimony taken and the exhibits shall be filed with the Commission.

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections shall be served upon all parties of record and with 2 copies to the official reporter.

(c) *No free copies.* No free copies of transcript will be furnished to any party to any proceeding.

BRIEFS; REPORTS; ORAL ARGUMENT

§ 1.91 *Briefs; content and arrangement*—(a) *Due date.* The due date of each brief must appear on its front cover or title page.

(b) *Table of contents; citations.* A brief of more than 20 pages shall contain on its front flyleaves a table of contents and points made with page references, the table of contents to be supplemented by a list of citations, alphabetically arranged, with references to the pages where they appear.

(c) *Sketch or chart.* In proceedings wherein misrouting or undue prejudice or preference are alleged, the complainant should include as part of the brief a small sketch or chart adequately reflecting the situation.

(d) *Evidence abstract.* A brief filed after a hearing should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record or exhibit where the evidence appears. The abstract should follow the statement of the case and precede the argument. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(e) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(f) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may, if desired, be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

§ 1.92 *Briefs; when officer's report is served.* In a proceeding which has been the subject of hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs. Reply briefs are not permitted at this stage.

§ 1.93 *Briefs; when officer's report is not served.* If no officer's report is to be prepared and served, which fact will be stated by the officer, in a proceeding which has been the subject of hearing the officer may, subject to variation for cause shown, fix times for filing and serving the respective briefs as follows: for the opening brief, 30 days from the close of hearing; for the brief of any opposing party, 15 days after the date fixed for the opening brief; for reply brief, 10 days after the date fixed for the brief of the opposing party; or he may fix the same time for filing and serving of briefs of all parties. Where the same time is fixed, within 15 days after expiration of the time so fixed reply briefs may be filed, and such briefs must be confined strictly to reply and contain no new matter: *Provided, however,* That no reply brief may be filed in an investigation-and-suspension proceeding.

§ 1.94 *Briefs of interveners.* Briefs of interveners shall be filed and served within the time fixed for the brief of the party in whose behalf the intervention is made or as may be otherwise directed by the officer.

§ 1.95 *Officer's report; when and how served.* After expiration of the time set for filing briefs, if the proceeding be one in which a hearing has been held, the officer's report will be prepared and served by mailing a copy to each party. An officer's report prepared in a proceeding in which a hearing has not been held will be served by mailing a copy to each party of record and to any other persons not parties to the proceeding who are believed to have an interest in the proceeding.

§ 1.96 *Exceptions to officer's report*—(a) *Generally.* Exceptions to the officer's report with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. When exception is taken to a statement of fact contained in the report, reference also must be made to the page or part of the record relied upon to support the exception and a corrected statement must be incorporated.

(b) *When filed.* Within 30 days after service of the officer's report, any party may file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed as provided in § 1.23. In any case the Commission may, in its discretion, upon notice to the parties reduce or extend the time for filing exceptions or replies.

(c) *Exceptions and request for hearing by person not party.* If the proceeding is one in which no oral hearing has been held, any person not a party to the proceeding, but having an interest therein, may file and serve upon applicant, or complainant, as the case may be, exceptions to the officer's report and reasons in support thereof. A request for hearing may be included therein but the exceptions need not include a request for hearing if none is deemed necessary.

§ 1.97 *Effect of exceptions or absence thereof*—(a) *Upon report and recommended order.* The filing of exceptions to a recommended order operates to stay the effectiveness of the order and thereafter decision by the Commission will be made in due course. If no exception is filed to the recommended order and the Commission does not stay it, the recommended order becomes the order of the Commission upon expiration of the period for filing exceptions provided in § 1.96 (b), or of any postponement of such period, or postponement of the effective date of such order, and a notice stating that the recommended order has, giving the date, become the order of the Commission will be mailed to the parties by the Commission.

(b) *Upon proposed report.* A proposed report will not become the decision of the Commission through failure to file objections, but in the absence of exceptions or of ascertained error the officer's statement of the issues and of

the facts ordinarily will be taken by the Commission as the basis of its decision.

§ 1.98 *Oral argument before Commission*—(a) *Request; how made.* If no officer's report is to be served, request for oral argument before the Commission must be made at hearing or by letter (original only need be filed with the Commission) within 10 days after the hearing. If an officer's report is to be served, the request for oral argument must be included as part of the exceptions brief or reply thereto.

(b) *Request for time allotment.* If the petition is granted a notice will be served by the Commission upon the parties setting the date for the oral argument. At least 10 days before that date any party desiring to participate in the oral argument must make request by letter (original only need be filed with the Commission) for an allotment of time. Only those making request in this manner will be permitted to participate.

ORDER COMPLIANCE; DAMAGE STATEMENTS

§ 1.99 *Compliance with Commission's orders.* When in consequence of proceedings under the act, the Commission has by its order directed a defendant or a respondent to do or desist from doing a particular thing, such defendant or respondent must notify the Commission on or before the date upon which such order becomes effective whether or not compliance has been made therewith. If a change in rates or schedules is required the notification must be given in addition to the filing of proper tariffs or schedules, and must specify the Interstate Commerce Commission numbers of the tariffs or schedules so filed.

§ 1.100 *Statements of claimed damages based on Commission findings.* When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the form No 5. (See Appendix B.) The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not field with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and correct agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

REHEARING; REARGUMENT; OR RECONSIDERATION

§ 1.101 *Petitions for rehearing, reargument, or reconsideration*—(a) *In general.* A petition seeking any change in a decision, order, or requirement of the Commission should specify whether the prayer is for reconsideration, reargument, rehearing, further hearing, modification of effective date, vacation, suspension, or otherwise.

(b) *Rehearing or further hearing.* When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(c) *Modification of effective date.* A petition under this section seeking only modification of the effective date of a decision, order, or requirement, or in the period of notice, or other period or date prescribed therein, must be filed seasonably, except that, in case of unforeseen emergency satisfactorily shown by petitioner, such relief may be sought informally by telegram or otherwise, provided like notice is simultaneously communicated to all parties of record.

(d) *Reconsideration.* If relief under this section other than under paragraphs (b) and (c) is sought, the matters claimed to have been erroneously decided and the alleged errors or relief sought must be specified with the particularity respecting exceptions as outlined in § 1.96 (a), as should also any substitute finding or other substitute requirement desired by petitioner.

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this rule must be filed within 30 days after the date of service of a decision or order.

(f) *Successive petitions on same grounds, not entertained.* A successive petition under this section submitted by the same party or parties, and upon substantially the same grounds as a former petition, which has been considered and denied by the entire Commission will not be entertained.

(g) *Petitions for reconsideration of appellate division decisions on review of board decisions.* When an appellate division has denied a petition seeking a reversal, change, or modification of an original determination by a board of employees, any further petition for reconsideration by the same party or parties upon substantially the same grounds will not be entertained. If in the consideration of such a petition, however, by the appellate division, the previous determination of the board of employees has been reversed, changed, or modified, a further petition may be filed by any party to the proceeding adversely affected by the decision of the appellate division, within the time specified in paragraph (e) of this section, and the petition will be considered and disposed of by the same appellate division which passed upon the initial petition.

§ 1.102 *Petitions not otherwise covered.* When the subject matter of any desired relief is not specifically covered by the rules in this part, a petition seeking such relief and stating the reasons therefor may be served and filed.

SPECIAL RULES OF PRACTICE

§ 1.200 *Special rules of practice governing the procedure of the Board of Suspension and Fourth Section Board.* (a) The proceedings of the Board of Suspension and the Fourth Section Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Board of Suspension when tariffs or schedules have been suspended, and petitions for reconsideration of any action taken by the Fourth Section Board, may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following receipt of notice of such action. The original and six copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission. In all other respects, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) When the Board of Suspension has declined to suspend a proposed tariff or schedule, or any part thereof, a petition in writing by any protestant or protestants may be filed with the Commission for reconsideration by the designated appellate division provided it reaches the Commission at least two work-days prior to the effective date of the tariff or schedule in question. For the purposes of this section, a work-day shall be considered any day except Saturday, Sunday, or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a work-day within the meaning of this section.) Petitions submitted under this section shall be filed with the Secretary of the Commission by 4:00 p. m., United States Standard Time (or by 4:00 p. m., Local Daylight Saving Time if that time is observed in the District of Columbia). Telegraphic notice or the equivalent thereof must be given by the petitioners to the respondent or respondents. As no replies to the petitions for reconsideration are contemplated under this rule, petitioners will be expected, except in unusual circumstances, to rely wholly on the information previously filed with the Board of Suspension. Written or tele-

graphic communication in intelligible form requesting reconsideration will be sufficient. Such request shall contain the following prefatory statement: "This matter requires expedited handling under the Commission's Special Rules of Practice." A petition not timely filed shall be rejected by the Secretary.

§ 1.225 *Special rules of practice governing the procedure of the Motor Carrier Board, as amended April 18, 1955.* (a) The proceedings of the Motor Carrier Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Motor Carrier Board may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following service of notice of such action. In all other respects, except as otherwise provided by paragraph (c) of this section, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) The original and four copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

§ 1.240 *Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of (1) applications under section 5 (2) of the Interstate Commerce Act respecting control, lease, and unification of operating rights and properties of motor carriers of property or passengers, and (2) applications for temporary authority respecting the transportation of property or passengers under section 210a (b) of the act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations are deemed to be "applications" for the purpose of this part. Such amendments will not be allowed if tendered after an application has been assigned for oral hearing.

(b) *Notice to interested persons.* Notice of the filing of such applications to interested persons shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligations to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers as required by the instructions which are a part of the prescribed form of application.

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(3) In addition to other requirements of § 1.40 of the general rules of practice, 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.

(4) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for hearing is necessary or desirable.

(5) Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of the notice of the filing of the application.

(6) Except when circumstances require immediate action, an application for approval under section 210a (b) of the act of the temporary operation 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 the notice of the filing of the application. If a protest is received prior to action being taken, it will be considered.

§ 1.241 *Special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto*—(a) *Scope of special rules.* These special rules govern the filing and handling of applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206, 209, and 211 of the Interstate Commerce Act. Except as otherwise herein provided, the general rules of practice shall apply. Amendments to applications which broaden the scope of proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER.

(b) *Notice to interested persons.* (1) Notice to interested persons of the filing of such applications shall be given by publication in the FEDERAL REGISTER of a summary, prepared by the Commission, of the authority sought.

(2) If an oral hearing or a prehearing conference is to be held, the date, hour, and place of the hearing or prehearing conference, together with the name of the examiner or number of the joint board before whom the matter is assigned, shall be made a part of the notice. Notice of a change in the time or place of hearing will be given as provided in paragraph (e) of this section, and may or may not be published in the FEDERAL REGISTER.

(3) If the Commission, acting upon request of an applicant for handling without oral hearing or upon its own motion, determines that an oral hearing is not necessary, that fact shall be made a part of the notice. Such a proceeding is hereinafter referred to as a "no oral hearing proceeding."

No other notice by applicants to interested persons of the filing of the applications is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are a part of the prescribed form of application.

(c) *Protests to applications assigned for hearing.* (1) Any person opposed to an application assigned for oral hearing need not file a formal protest, but may become a party protestant at the oral hearing provided he has notified the applicant and the Commission of his intention to protest the application. Such notification shall be made by letter or telegram dispatched so as to reach applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing) at least 10 days prior to the date of hearing. Two dated copies of such notification simultaneously shall be mailed to the Commission.

(2) No person who fails to notify the applicant of his intention to protest will be permitted to intervene in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with Rule 72 of the general rules of practice.

(3) Any person opposed to an application assigned for prehearing conference may become a party protestant at the prehearing conference.

(4) Rule 73 of the general rules of practice relating to participation without intervention is inapplicable to proceedings subject to this paragraph.

(d) *Handling of applications without oral hearing.* (1) An applicant who believes his application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made, the applicant shall submit with his application verified statements of the facts to which his witnesses would testify at an oral hearing if one were held. Applicant shall furnish copies of his verified statements to interested persons upon request from such interested persons.

(2) Protests to the granting of an application in a no oral hearing proceeding shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(3) Failure seasonably to file a protest in a no oral hearing proceeding will be construed as a waiver of opposition and participation in the proceeding except as hereinafter provided in paragraph (d) (6) of this section.

(4) A protest in a no oral hearing proceeding shall include a request for an oral 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.

(5) The Commission will determine whether an assignment for oral hearing should be made.

(6) If it is determined that an oral hearing should be assigned, notice thereof (except as otherwise provided in paragraph (d) (8) of this section respecting hearings limited to cross-examination) will be published in the FEDERAL REGISTER. Subsequent participation in such proceeding will be governed by the provisions of paragraph (c) of this section.

(7) If the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with Rules 45 (b), 46 (b), 47, 48, 49, 50, 51, 52, 53, and 54 of the general rules of practice.

(e) *Notice of changes in time or place of hearing.* Those who file notice of opposition to an application and any person who requests notice of changes in the time or place of hearing will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

APPENDIX A—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

PREAMBLE

No rules of conduct can be framed which will particularize all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethern; but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid,

he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a practitioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncracies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner; agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring news-

paper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commisison for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

### APPENDIX B—APPROVED FORMS

[These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary. Before using such forms the pertinent rules, particularly those referred to in the footnotes, should carefully be studied.]

#### NO. 1. COMPLAINT[1]

Before the Interstate Commerce Commission

COMPLAINT

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v.

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[Insert without abbreviation the names of complainant and defendant (including each of the receivers, operating trustees, or other legal representatives of defendant), and whether a corporation, firm, or partnership, specifying the individual names of the parties composing the partnership; and the postoffice address of any motor-carrier defendant.]

The Complaint of the above-named complainant respectfully shows:

I. That [complainant should here state nature and place of business, also whether a corporation, firm, or partnership, and if a firm or partnership, the individual names of the parties composing the same.]

II. That the defendant above named is [here state whether: (a) carrier by railroad, express, motor vehicle (common or contract), water (common or contract), a freight forwarder, or otherwise; (b) the transportation is of property or passengers, or both; and (c) the transportation involves a freight forwarder or more than one type of carrier, specifying particulars] between points in the State of_____ and points in the State of_____ [a complaint under part II should specifically name the States in and through which the transportation which gives rise to the complaint is performed] and as such defendant is subject to the provisions of the Interstate Commerce Act.

III. That [state in this and subsequent paragraphs to be numbered IV, V, etc., the matter or matters intended to be complained of, naming every rate, fare, charge, classification, regulation, or practice the lawfulness of which is challenged, and also, if practicable, the points between which the rates, etc., complained of are applied. Where it is

[1] See §§ 1.26 to 1.33, inclusive.

impracticable to designate each point, describe clearly the rate territory or rate group involved. Whenever practicable tariff or schedule reference should be given.]

[Where unlawful discrimination, preference, or prejudice is alleged the particular elements specified in the act as constituting such violation (see sections 2, 3, 4, 13, 216, 217, 218, 305, and 406) and the facts upon which complainant relies to establish the violation should be stated clearly. Where any provision of the act other than those just mentioned, or any requirement established pursuant to the act, is alleged to be violated, the pertinent statutory provision, or established requirement, together with the facts which are alleged to constitute the violation, should be stated. If two or more subsections of the act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one subsection, or requirement, should be stated separately from those claimed to constitute a violation of another subsection, or requirement, wherever that can be done by reference or otherwise without undue repetition.]

X. That by reason of the facts stated in the foregoing paragraphs complainant has been subjected to the payment of rates [fares or charges, etc.] for transportation which were when exacted and still are (1) unjust and unreasonable in violation of section ------ of the Interstate Commerce Act, and (2) unjustly discriminatory in violation of section--------, and (3) unduly preferential or prejudicial in violation of section--------, and (4) in violation of the long-and-short haul [or aggregate of intermediate rates] provision of section 4 thereof. [Use one or more of the allegations numbered (1), (2), (3), (4), or other appropriate allegation according to the nature of the complaint.] That [if recovery of damages is sought] complainant has been injured thereby to his damage in the sum of $----------.

Wherefore complainant prays that defendant be required to answer the charges herein; that after due hearing and investigation an order be made commanding said defendant [and each of them] to cease and desist from the aforesaid violations of said act, and establish and put in force and apply in future to the transportation of---------- between the origin and destination points named in paragraph----------hereof, in lieu of the rates [fares, or charges, etc.], named in said paragraph, such other rates [fares, or charges, etc.], as the Commission may deem reasonable and just [and also, if recovery of damages is sought, pay to complainant by way of reparation for the unlawful charges hereinbefore alleged the sum of $ ----------, or such other sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to an award of damages under the provisions of said act for violation thereof], and that such other and further order or orders be made as the Commission may consider proper in the premises.

Dated at----------, 19-----

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(Complainant's signature [2])

---

(Office and post-office address)

---

(Signature of practitioner)

---

(Post-office address)

VERIFICATION [3]

STATE OF----------
County of----------} ss:

----------, being duly sworn, deposes and says: that he is the complainant (or, one of the complainants; or, is the (insert title of the affiant if complainant is a corporation) of the ---------- company, complainant) in the above-entitled proceeding; that he has read the foregoing complaint, and knows the contents thereof; that the same are true as stated, except as to matters and things if any, stated on information and belief, and that as to those matters and things, he believes them to be true.

---

Subscribed in my presence, and sworn to before me, by the affiant above named, this ------ day of ----------, 19-----.

[USE AN L. S. IMPRESSION SEAL]

---

[Title of Officer]

Commission expires ----------

[1] See footnote to Verification.

[2] Signature and verification by complainant unnecessary if complaint is signed by a practitioner. See § 1.17.

[4] See §§ 1.35 to 1.37, inclusive.

No. 2. ANSWER [4]

Before the Interstate Commerce Commission

ANSWER

Docket No. ----------

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v.

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The above-named defendant, for answer to the complaint in this proceeding, respectively states:

I. [Here set forth appropriate and responsive admissions, denials, and averments, specifically answering the complaint paragraph by paragraph.]

Wherefore defendant prays that ---------

Dated ----------, 19-----.

---

[Name of defendant]

By [5] ----------

---

[Title of officer]

---

[Office and post-office address]

---

[Signature of practitioner]

---

[Post-office address]

No. 3. CERTIFICATE OF SERVICE [6]

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (here state the precise manner of making service, which must be consistent with the provisions of Rule 22).

Dated at ----------, this ---- day of ----------, 19---.

(Signature) ----------

No. 4. PETITION FOR LEAVE TO INTERVENE [7]

Before the Interstate Commerce Commission

PETITION

----------
v. } Docket No. ----------
----------
[or state other title]

Comes now your petitioner, ----------, and respectfully represents that he has an interest in the matters in controversy in the above-entitled proceeding and desires to intervene in and become a party to said proceeding, and for grounds of the proposed intervention says:

I. That [petitioner should here state nature and place of business, and whether a corporation, firm, or partnership, etc., as in form No. 1].

II. [Petitioner should here set out specifically his position and interest in the proceeding.]

III. [If affirmative relief is sought see paragraphs III and X and prayer in form No. 1]

Wherefore said ---------- prays leave to intervene and be treated as a party hereto with the right to have notice of and appear at the taking of testimony, produce and cross examine witnesses, and be heard in person or by counsel upon brief and at the oral argument, if oral argument is granted.

[If affirmative relief is sought insert appropriate prayer here.]

Dated at ----------, 19-----.

[See forms Nos. 1 and 3 as to subscription, verification, and certificate of service.]

No. 5.—FORM OF REPARATION STATEMENT UNDER § 1.100

Claim of ---------- under decision of the Interstate Commerce Commission in Docket No. ----------

| Date of shipment | Date of delivery or tender of delivery | Date charges were paid | Car [1] initials | Car [2] number | Origin | Destination | Route | Commodity | Weight | As charged | | Should be | | Reparation on basis of the Commission's decision | Charges paid by [3] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | Rate | Amount | Rate | Amount | | |
| | | | | | | | | | | | | | | | |

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any other person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

---
Claimant

By ----------
Practitioner

---
Address

---
Date

Total amount of reparation $----------

The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date ---------- Concurred [4] in: ---------- Company

---------- Company, Defendant Collecting Carrier, Defendant.[4]

By ----------, Auditor. By ----------, Auditor.

[1] Substitute "Vessel" if water carrier involved. [2] Substitute "Voyage No." if water carrier involved.

[3] Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

[4] If not a defendant, strike out word "defendant."

[4] For concurring certificate in case collecting carrier is not a defendant.

[5] See § 1.17.

[6] See § 1.22.

[7] See § 1.72.

[F. R. Doc. 56-7741; Filed, Sept. 25, 1956; 8:47 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### Subchapter A—Aid of Civil Authorities and Public Relations

### PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Part 504 is revised to read as follows:

Sec.



AUTHORITY: §§ 504.1 to 504.16 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 360-5, June 21, 1956.

§ 504.1 *Definitions.* (a) The term "public information" pertains to information concerning the Army which is released to the public. Such information is disseminated to provide the people of the United States with a factual report of Army activities, missions, and objectives, so as to create public understanding of the Army.

(b) A public information release is defined as any material, spoken, pictorial, or written, released to the general public to accomplish public information objectives of the Department of the Army.

§ 504.2 *Authority and responsibilities.* (a) The American public has the right of access to all unclassified information concerning the objectives and activities of the Army, the release of which is not prohibited by appropriate service regulations. The provision of such information is in the national interest and is an important function of command. The policy of the Department of the Army is that the discharge of this responsibility will be accomplished in a positive and anticipatory manner.

(b) Coordination and clearance of public information activities and material with appropriate agencies within the Army Establishment is the responsibility of all persons, commands, and agencies engaged in public information activities or proposing the public release of material subject to review. Where the material to be released consists of information from Department of the Army records, coordination will be effected with those agencies charged with responsibility for taking final action on behalf of the Secretary of the Army upon requests for information from, access to, or copies of such records. Material falling within the following broad categories is subject to additional clearance or coordination with the Department of Defense by the Chief of Information and Education, Department of the Army:

(1) Information concerning interservice activities and missions.

(2) Information concerning the foreign or military policy of the United States Government.

(3) Information concerning atomic energy; chemical, biological, or radiological warfare; guided missiles; or new developments in general.

(4) Discussions of the military policy of another service, or information pertaining to any activity under joint responsibility, or under the separate responsiiblity of another service.

(5) Information having overriding national defense policy implications.

§ 504.3 *Public information operations in the field; objective.* (a) The United States Army has an obligation to report on its activities to the American people. In order that they may be continuously informed of the activities and accomplishments of the Army, it is essential that, consistent with military security, the American people be given factual information relating to the:

(1) Missions and objectives of the Army and their support of national aims.

(2) Progress and accomplishments of the Army in the United States and oversea areas.

(3) Utilization of funds appropriated by Congress.

(4) Continuous effort of the Army to provide weapons, weapons systems, training, equipment, methods, and techniques having a margin of superiority which will assure success in battle.

(5) Necessity for maintaining an Army of sufficient strength to meet the requirements of national security, including oversea commitments.

(6) Relationship of the Army to the American people.

(7) Present and future requirements of the Army in men, money, and materials.

(8) Role of the Army in relation to the other services in protecting the nation.

(9) Identification of leaders and accomplishments of individuals and unis.

(10) Activities in the public interest, to include resulting public benefits.

(11) Opportunities for advancement, individual development, and financial security afforded by the Army.

(12) The role of the reserve components in national defense and their need for continuous public support, particularly at the community level.

(b) In accomplishing these objectives, sound principles of community relations, press relations, and public relations will be observed. Commanders will take cognizance of the fact that publicity is only one element of any public relations program and will insure that members of their commands fully realize that each member of the Army shares in responsibility for individual maintenance of public confidence and support. Emphasis will be placed on the fact that such things as good human relations, good performance, and an individual code of honorable conduct form the foundation of favorable public opinion.

§ 504.4 *Visits requested by media representatives.* Cooperation with news media representatives requesting permission to visit an installation under Army jurisdiction for the purpose of obtaining information for public release may be given by and at the discretion of the installation commander. Such action may be taken without reference to the Chief of Information and Education, Department of the Army, provided that:

(a) Requests for such permission originate with a responsible editor or executive of the news media concerned.

(b) Requests initiated by a reporter or other representative of comparable status are investigated to the extent necessary to insure that the applicant is a representative of a recognized news agency, or is a bona fide free lance journalist.

§ 504.5 *Travel of news media representatives to and from oversea areas at Government expense.* (a) The general policies of the Department of the Army concerning nonreimbursable transportation of correspondents between the continental United States and oversea areas, including Alaska, via military aircraft or military surface craft are:

(1) News media representatives will not be furnished military transportation between the United States and oversea areas.

(2) The Army will not be placed in a position of competing with United States commercial transportation.

(3) Air transportation will not be provided for news media representatives on any given route if civil air carriers adequate to handle such traffic are in operation on that route.

(b) It is recognized that in unusual circumstances exception may be made to the general policies stated above where the travel is primarily of official concern to the Department of the Army, for compelling reasons such as:

(1) The Department of the Army desires to invite a group of correspondents on a trip to report on a matter of special interest to the Army.

(2) The military travel itself is a vital part of the story or stories to be covered as in air evacuation, maneuvers, or the movement of troops. In such cases the transportation furnished will be limited to the extent and duration of the assignment requiring military travel. All requests for such transportation will be carefully evaluated as to the importance of the coverage and the audience to be reached by the media.

(3) The story or stories to be covered are of an emergency nature and the coverage will be impaired or delayed, to the serious detriment of the national defense establishment, if military transportation is not provided.

(4) The proposed coverage is of unusual importance to the Department of the Army and will bring extraordinary benefits to the Army. The determination will be made, in cases where the coverage is of primary concern to the Army, by the Chief of Information and Education, Department of the Army, with the concurrence of the Deputy, Public Affairs, Office of the Assistant Secretary of Defense (L&PA).

(5) The proposed coverage is in an area not served by commercial transportation from and to the United States.

(c) Except in emergency cases where time or policy does not permit accreditation, no correspondent will be given military transportation until he is accredited to the Department of Defense. No Army agency will commit Government transportation to any requesting news agency or correspondent until the request has been approved by the Chief of Information and Education, Department of the Army.

(d) Correspondents furnished military transportation will be informed that they will be expected to pay for meals, hotel accommodations, or any other personal expenses incidental to the travel.

§ 504.6 *Authorization to witness tests or photograph classified material.* (a) Unless otherwise authorized by the Department of the Army, invitations to witness tests of new or modified arms or equipment of a classified nature, will be limited to those persons (in the military service and civilian technicians) intimately concerned with the research and development, production, adoption, or use of the article in question.

(b) Photographs or other information concerning new or newly modified arms or equipment will not be released without specific authorization by the Department of the Army.

§ 504.7 *Army theme in commercial advertising.* (a) The Army theme may be used in commercial advertisements provided the advertisement does not disclose classified military information, bring discredit on the military service, or express or imply Army approval of or preference for the products advertised over like products of another company. Army personnel on active duty may not indorse such products in such a way to involve the Army uniform, or their title or grade, or express or imply other official Army connotation.

(b) In cooperating with an advertiser, the Department of the Army does not assume responsibility for the accuracy of the advertiser's claims or for his compliance with laws protecting the rights of privacy of military personnel whose photographs, names, or statements appear in the advertisement.

§ 504.8 *Army cooperation in commercial motion picture, radio, and television productions*—(a) *Motion pictures.* (1) Commercial motion picture film scrips are certified for Army cooperation after approval by the Department of the Army and the Department of Defense. When a film script has been approved, agencies of the Department of the Army will cooperate with the company concerned. Cooperation will be at no cost to the Government; arrangements will be made for the reimbursement of any cost incurred. This cooperation may include furnishing technical advisors, access to locations, equipment, weapons, and troops. In the interest of economy, the use of military personnel and facilities will be included as a part of, or in conjunction with, normal training activities to the maximum practicable degree. As a pre-requisite to this cooperation, the Department of the Army is able to require that the film scrip and production reflect the Army's traditions, ideals, and devotion to the public service.

(2) Army cooperation in motion pictures produced by a foreign firm in an oversea command normally will be authorized in the manner outlined in subparagraph (1) of this paragraph. Oversea Army commanders may, however, authorize Army cooperation in such motion pictures when production schedules make proper and accurate portrayal of the Army dependent upon immediate cooperation.

(3) Commanders learning of motion picture projects concerning Army subjects that are being produced without the knowledge of the Department of the Army will report such information to the Department of the Army, ATTN: Chief of Information and Education.

(b) *Radio and television.* (1) Radio and television scripts and productions are certified for Army cooperation in the same manner as are motion pictures when proposed for, or subject to, release on a national scale, or when the subject matter thereof concerns information reserved to the review authority of the Department of the Army or the Department of Defense.

(2) A major commander may authorize Army cooperation in a radio or television production which is regional to his command in public interest and coverage. An installation commander has similar authority in the case of productions that are limited in public interest to his own local area.

(c) *Legitimate stage productions.* (1) Limited Army cooperation may be extended to legitimate stage productions, not classed as "little theater," in the same manner as indicated in certifying cooperation for motion pictures and television.

(2) Since legitimate stage productions for "little theater" normally are restricted to local audiences, commanders of installations in the vicinity of such activities may authorize cooperation in such productions in accordance with authority contained in paragraphs (a) and (b) of this section. Such cooperation normally will consist of technical advice and informational assistance. However, if necessary to assure accuracy of presentation, commanders may provide necessary items of equipment, etc.

§ 504.9 *Visits of media representatives to military installations and facilities of Department of Defense contractors.* Subject to the provisions of §§ 505.17 to 505.20 of this subchapter and Subchapter E of Chapter I of this title, visits of media representatives, including those representing national media and representatives of advertisers, to military installations and the facilities of contractors engaged in work for the Army, may be authorized by the commanding officers and the Department of Defense contractors concerned.

§ 504.10 *Release of information on nonbattle losses (accidents) occurring within the Continental United States.* The Department of the Army policy is to reduce the minimum overall delay between the time of an accident and the release of information to the press.

(a) In cases of accidents within the confines of installations of the Armed Forces, public release of names and addresses of killed or injured military personnel may be withheld until such times as the next of kin can reasonably be expected to have received the official notification of the accident. In order to allay the anxiety of relatives of other personnel of the installation, however, every effort will be made to release such names and addresses at the same time that the news of the accident itself is released, or as soon thereafter as possible. In cases where the identification of victims of an accident involving more than one person introduces a delay in notifying some of the nearest of kin concerned, the names and addresses of individuals killed or injured will be released separately as notification is accomplished.

(b) In case of accidents outside the confines of installations of the Armed Forces:

(1) If military personnel figure in accidents involving civilian or military automobiles, trains, commercial or private aircraft, or in any other types of accidents with the exception of subparagraph (3) of this paragraph, the names and addresses of the military personnel should be released immediately upon positive identification.

(2) If the accidents involve military aircraft which crash in or upon the borders of cities or towns, or which cause civilian deaths or injuries or appreciable damage to property, the names and addresses of the military personnel should be released immediately upon positive identification.

(3) If the accidents involve military aircraft which crash in localities remote from populated areas involve no civilian deaths or injuries and cause no appreciable property damage, names and addresses of military personnel may be withheld until such time as the next of kin can reasonably be expected to have received notification of the accident.

(4) For the purpose of this section, an aircraft chartered by the Department of the Army for the exclusive use of the military, or by individual members of the Army for their exclusive use, will be considered to be military aircraft and the releasing of information relative to casualties will be governed accordingly.

(c) When circumstances permit, one-story coverage of accidents is desirable. Normally, information released will be substantially as follows:

(1) Statement that the accident has occurred.

(2) Location of the accident and the time.

(3) Names and addresses of the deceased or injured persons.

(4) In answer to questions on the cause of the accident, the customary reply will be that a board of officers will investigate and determine the exact cause. Unclassified information based upon approved finding of such boards may be made available to media.

(d) In all accidents, prompt action will be taken to safeguard items of Government property or projects which are classified.

This responsibility should be discharged with due consideration for reporters and photographers in the performance of their duties. Harmony and cooperation between public information officers and members of the press usually will promote fair and unsensational reporting of accident stories.

(e) Information regarding line of duty or misconduct status of individuals will not be released to the public except with the express approval of the Secretary of the Army or The Adjutant General.

§ 504.11 *Release of information on casualties and nonbattle losses in oversea areas.* The policy of the Department of the Army is to release information to news media on casualties (except missing in action, paragraph (a) (3) (iii) of this section) and nonbattle losses as soon as possible after the emergency addressees have been officially notified. Information will be released as follows:

(a) *Casualties.* (1) Immediately, if notification has been made by the oversea commander to the emergency addressee, or next of kin, residing within the oversea command.

(2) In all other cases, not less than 72 hours after dispatch of notification telegram by The Adjutant General.

(3) Casualties will be identified according to type, except missing in action, in news releases and the term "casualty" itself will be avoided in order to correct a popular tendency to construe "casualties" to mean "killed." News releases will identify casualties as:

(i) Total deaths.

(*a.*) Killed in action.

(*b*) Died of wounds received in action.

(ii) Wounded in action (with a subparagraph indicating percentage of wounded returned to duty based on medical records).

(iii) Missing in action—Notification will be made to next of kin only and should disclose no information other than the fact that the man is missing.

(4) In all cases pertaining to casualties, notification of the emergency addressee takes precedence over the release of such information to the public.

(5) The Adjutant General will furnish information concerning casualties to the Chief of Information and Education for dissemination to news media.

(b) *Nonbattle losses.* (1) Immediately, if notification has been made by the oversea commander to the emergency addressee, or next of kin, residing within the oversea command.

(2) In all other cases (except subparagraph (3) of this paragraph) not less than 48 hours after dispatch of report to The Adjutant General by the oversea commander, unless definite information is available that notification to the emergency addressee or next of kin has been accomplished.

(3) In those cases where local civil authorities have released the names of deceased personnel, theater commanders of military assistance advisory groups, military missions, or other Army organizations not under theater commands, may authorize release or confirmation. Such action will be taken only when necessary to preserve good press relations, and must be simultaneously reported to the Chief of Information and Education, Department of the Army.

§ 504.12 *Release of aerial photographs.* (a) Even though unclassified, official aerial photographs of military installations and other possible target areas will not be publicly released except as authorized by appropriate Department of the Army or Department of Defense authority. Requests for exceptions to this policy will be referred to the Chief of Information and Education, Department of the Army. In addition to this restriction on the release of such official aerial photographs, commanders will, when called upon for such advice by media, recommend against the taking or publishing by news media of aerial photographs of military installations and other possible target areas, stressing that compliance with this recommendation is voluntary but desirable in the interests of national security.

(b) The photographing of vital (classified) military installations without the permission of the commander of the installation concerned is punishable by law. The reproduction, publication, or sale of an aerial photograph of such installations is also an offense punishable by law unless such a photograph indicates it has been reviewed and cleared for release by the authority competent to accomplish the security review thereof (see Title 18, United States Code, Sections 795, 796, and 797, as implemented by Executive Order No. 10104, February 1, 1950, 15 F. R. 597). Where recourse to legal authority becomes necessary in connection with such requests, guidance should be obtained from the staff judge advocate or other legal officer of the command or installation concerned.

§ 504.13 *Release of information concerning activation, reactivation, or inactivation of military installations.* As security restrictions permit, accurate and timely information concerning activation, reactivation, or inactivation of military installations will be released at Department of the Army level. Release to Members of Congress will be made by the Chief of Legislative Liaison in advance of release to the public. After the Congress has been notified, the releases will be made through normal public information channels through the Office of Public Information, Department of Defense.

§ 504.14 *Use by Department of the Army of personal letters or communications.* Generally the writer of a personal letter or communication expects that the contents will be treated in a personal and confidential manner, or at least not released to the public. Therefore, in every case where it is proposed to release a letter or communication to the public, the consent of the writer thereof will be obtained in writing in advance of the release. In the event the writer is deceased, the written consent of the personal representative or the nearest of kin, as appropriate, will be obtained. In those cases where compliance with this policy is impracticable, request for exception will be submitted to the Department of the Army for determination.

§ 504.15 *Release of information regarding travel by very important persons (VIPs)*—(a) *Definition.* A very important person (VIP) is defined as an individual (civilian official, ranking member of an armed service, foreign government head, etc.) whose position is of such importance that his travels are of especial interest to public information media representatives.

(b) *General.* Normally there is no reason to classify the movement of VIPs. Unnecessary classification of the movement of VIPs, traveling in military aircraft, vessels, or other conveyances, or arriving at military bases results in conflicts with media representatives with consequent embarrassment to the Department of Defense and the military departments.

(c) *Policy.* (1) The movement of VIPs will not be classified, except where required in the interest of national security, or where it is deemed that adverse foreign reaction will result if information regarding the movement is released. Classification is authorized only when directed by the Secretary of the Army or the Secretaries of other military departments concerned, the Secretary of State or the Secretary of Defense, or higher authority.

(2) Itineraries of VIPs will be released in advance to commanders of installations and activities concerned, and normal media relations will be observed.

(3) Where the movement is not classified but the VIP does not desire media coverage, every effort will be made to comply with his wishes.

§ 504.16 *Photography at courts-martial.* (a) Department of the Army policy prohibits the photographing of prisoners, except for official purposes. Disregard of this policy could subject the Army to criticism on grounds of defamation, embarrassment, mental anguish, and similar charges.

(b) In cases of national public interest in matters of a nonclassified nature, certain photography in connection with court-martial is permitted.

(c) On receipt of requests from news media for permission to take photographs during the period of a trial by court-martial, commanders will be guided by the following:

(1) Photography of the interior of the courtroom may be permitted when per-

sonnel involved in the proceedings are not physically present therein.

(2) During the period of the trial, photography of the accused may be permitted at such times as he is out-of-doors in public view. At their option, members of the court or the accused, may be photographed in the room or rooms assigned to the press. Any photography of the accused will be accomplished only under appropriate circumstances, never in a courtroom, cell, cellblock, prison yard, or like area. A military prisoner will not be photographed when other prisoners are present nor be forced to pose for photographs, except for official purposes. Any photography permitted will not impede or interfere with the progress of the trial.

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

[F. R. Doc. 56-7725; Filed, Sept. 25, 1956; 8:45 a. m.]

# TITLE 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

ASBESTOS REGULATION: NONFERROUS CHRYSOTILE ASBESTOS PURCHASE PROGRAM

Sec.
99.301 Basis and purpose.
99.302 Definitions.
99.303 Participation in the program.
99.304 Specifications.
99.305 Tenders and deliveries.
99.306 Price.
99.307 Access to books and records.
99.308 Duration of the program.

AUTHORITY: §§ 99.301 to 99.308 issued under sec. 4, 70 Stat. 580; Pub. Law 733, 84th Cong. Interpret or apply sec. 2, 70 Stat. 579; Pub. Law 733, 84th Cong.

§ 99.301 *Basis and purpose.* It is the purpose of this program to provide temporary assistance to asbestos producers for an interim period to enable them to adjust production, largely related to defense programs, to normal competitive market conditions. Sections 99.301 to 99.308 interpret and implement the authority of the Administrator of General Services to purchase nonferrous chrysotile asbestos pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (Public Law 733, 84th Congress), and the delegation of authority thereunder to the Administrator of General Services by the Secretary of the Interior (21 F. R. 5872). In accordance with the program set forth in §§ 99.301 to 99.308 the General Services Administration will buy nonferrous chrysotile asbestos produced from ores mined in the United States, its Territories and possessions.

§ 99.302 *Definitions.* As used in §§ 99.301 to 99.308:

(a) "Government purchase depot" means the depot established and maintained by the General Services Administration at Globe, Arizona, for the purchase of nonferrous chrysotile asbestos.

(b) "Asbestos" means soft or semisoft, nonferrous chrysotile asbestos produced from ores mined in the United States, its Territories and possessions.

(c) "Program" means the terms and conditions set forth in §§ 99.301 to 99.308 pursuant to which the Government will purchase asbestos.

§ 99.303 *Participation in the program.* Any person or firm desiring to participate in the program shall apply in writing to the Regional Commissioner, General Services Administration, San Francisco 3, California, for a certificate of participation. The application shall state the name and location of the mine or mines from which the applicant proposes to obtain asbestos for delivery under the program, and shall be signed and a return address given. Each eligible applicant will promptly be sent a certificate of participation authorizing him to deliver asbestos to the General Services Administration pursuant to the terms and conditions of §§ 99.301 to 99.308.

§ 99.304 *Specifications.* Purchase of asbestos under the program shall be restricted to the following grades and specifications:

(a) Grades:

(1) *Grade No. 1.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ¾ inch or longer; 85 percent of the fibre by weight shall be ¾ inch or longer.

(2) *Crude No. 2.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ⅜ inch or longer; 85 percent of the fiber by weight shall be ⅜ inch or longer.

(3) *Crude No. 3.* Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ¼ inch or longer; 85 percent of the fibre by weight shall be ¼ inch or longer.

(b) Hygroscopic water shall not exceed 2 percent by weight.

(c) Foreign matter such as grit, particles of serpentine and other extraneous matter shall not exceed 5 percent by weight. Pieces of wood shall be cause for rejection.

(d) All fibre shall have sufficient tensile strength to permit its use singly or in combination with other fibre in the production of asbestos tape, cloth, corded fibre or other textiles.

§ 99.305 *Tenders and deliveries.* (a) Asbestos offered to the General Services Administration under the program shall be delivered by the participant to the Government purchase depot, Globe, Arizona, and unloaded by the participant at that point, such delivery and unloading to be at the expense of the participant.

(b) Crude No. 1 and Crude No. 2 will be purchased separately or together in any ratio. Crude No. 3 will be purchased only when offered with Crude No. 1 or Crude No. 2, or both, at a ratio of not in excess of one ton of Crude No. 3 to one ton of Crude No. 1 or to one ton of Crude No. 2 or to one ton of Crude No. 1 and Crude No. 2 combined.

(c) Each lot of asbestos offered to the General Services Administration under the program shall contain not less than 100 pounds of Crude No. 1 or Crude No. 2, or a combination of both.

(d) Asbestos failing to meet the specifications provided herein will be rejected and shall be removed at the expense of the participant tendering such asbestos.

(e) All asbestos shall be delivered to the Government in packages of the type and size customarily used in the trade, and each package shall have legible markings showing (1) the grade or grades, and (2) the name and location of the mine from which the asbestos was obtained.

(f) Inspection of each lot of asbestos offered to the General Services Administration under the program will be made by a representative of said Administration at the Government purchase depot or at such place as may be mutually agreeable to the participant and the General Services Administration: *Provided, however,* That such inspection will not be made beyond a 150-mile radius of the Government purchase depot.

(g) Notice of each proposed delivery of asbestos hereunder shall be given by the participant to the Regional Commissioner, General Services Administration, San Francisco 3, California. Delivery shall be made only upon and in accordance with instructions issued to the participant by said Regional Commissioner.

§ 99.306 *Price.* Payment for asbestos accepted under the program shall be made on the basis of the following price schedule:

| *Grade* | *Per short ton* |
|---|---|
| Crude No. 1 | $1,500 |
| Crude No. 2 | 900 |
| Crude No. 3 | 400 |

§ 99.307 *Access to books and records.* By participating in the program, each participant agrees to permit authorized representatives of the United States Government, during the duration of the program and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the participant involving transactions related to the program.

§ 99.308 *Duration of program.* The program is limited to 2,000 tons of Crude No. 1 and Crude No. 2 combined and shall terminate when the Administrator of General Services determines that approximately that amount has been delivered to and accepted by the General Services Administration under the program, or on December 31, 1958, whichever first occurs: *Provided, however,* That the quantity which the Government shall be obligated to purchase hereunder at any time shall be limited to the quantity which can be purchased with funds currently available.

Dated: September 21, 1956.

FRANKLIN G. FLOETE,
*Administrator of General Services.*

Approved: September 24, 1956.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-7790; Filed, Sept. 25, 1956; 8:53 a. m.]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

FLUORSPAR REGULATION: ACID GRADE FLUORSPAR PURCHASE PROGRAM

Sec.
99.401 Basis and purpose.
99.402 Definitions.
99.403 Purchases.
99.404 Specifications and price.

AUTHORITY: §§ 99.401 to 99.404 issued under sec. 4, 70 Stat. 580; Pub. Law 733, 84th Cong. Interpret or apply sec. 2, 70 Stat. 579; Pub. Law 733, 84th Cong.

§ 99.401 *Basis and purpose.* The purpose of this program for the purchase of acid grade fluorspar is to provide temporary assistance to fluorspar producers for an interim period to enable them to adjust production, largely related to defense programs, to normal competitive market conditions. This regulation interprets and implements the authority of the Administrator of General Services to purchase acid grade fluorspar pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (Public Law 733, 84th Congress), hereinafter referred to as the "act", and the delegation of authority thereunder to the Administrator of General Services by the Secretary of the Interior (21 F. R. 5872). The act authorizes the purchase, during the period ending on December 31, 1958, of not to exceed 250,000 short tons of newly mined acid grade fluorspar produced from ores mined in the United States, its Territories and possessions.

§ 99.402 *Definitions.* As used in §§ 99.401 to 99. 404:

(a) "Fluorspar" means acid grade fluorspar.

(b) "Newly mined acid grade fluorspar" means acid grade fluorspar produced from ores mined subsequent to July 19, 1956.

§ 99.403 *Purchases.* Any person or firm desiring to participate in the program for the purchase of acid grade fluorspar pursuant to the act should make a request in writing to the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C. The purchase of fluorspar will be made under contracts negotiated with individual persons or firms by the Defense Materials Service, General Services Administration. Limited funds presently available for the purchase of fluorspar pursuant to the act will require that such contracts be made initially only for such quantities as can be purchased with such funds. As additional funds become available, further contracts will be negotiated.

§ 99.404 *Specifications and price.* The following requirements of the act are applicable in the negotiation of contracts to be executed under this program:

(a) Fluorspar to be purchased shall meet chemical and physical requirements which are not less favorable to producers (sellers) than those set forth in the National Stockpile Material Specifications P–69a, dated February 13, 1952, copies of which may be obtained by writing to the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C.

(b) The base price of fluorspar to be purchased shall be $53 per short dry ton f. o. b. carrier's conveyance at producer's (seller's) milling point for base quality fluorspur containing 97 percent calcium fluoride and 1 percent silica on a dry weight basis. The base price shall be adjusted by premiums or penalties which are not less favorable to producers than the following:

(1) The price shall be increased 1.1 percent for each 1 percent calcium fluoride above 97 percent, fractions pro rata, and/or

(2) The price shall be increased 4.2 percent for each 1 percent silica below 1 percent, fractions pro rata, and/or

(3) The price shall be decreased 1.1 percent for each 1 percent calcium fluoride below 97 percent, fractions pro rata, and/or

(4) The price shall be decreased 4.2 percent for each 1 percent silica above 1 percent, fractions pro rata.

(c) For the purpose of determining the number of short dry tons (or fractions) upon which payment will be based, the dry weight, in pounds, shall be increased by one (1) per centum and the result divided by 2,000. Dry weight shall be determined by deducting from the delivery weight (out-turn U. S. Railroad Scale Weights) all moisture, as established by the certificates of analysis of the General Services Administration's sample.

Dated: September 21, 1956.

FRANKLIN G. FLOETE,
*Administrator of General Services.*

Approved: September 24, 1956

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-7791; Filed, Sept. 25, 1956; 8:53 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 11784; FCC 56-889]

[Rules Amdt. 3-26]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (BISHOP, CALIFORNIA)

1. The Commission has under consideration its notice of proposed rule making issued in this proceeding on July 16, 1956 (FCC 56-682) and published in the FEDERAL REGISTER on July 20, 1956 (20 F. R. 5451) proposing to assign Channel 19 or 23 to Bishop, California in response to a petition for rule making filed by the Inyo Broadcasting Company.

2. No comments were filed opposing the proposed amendment. In support of the proposal petitioner stated that there are no television assignments in the community of Bishop; that such an assignment would make possible television service to this community of about 3000 persons; and that either Channel 19 or 23 can be assigned in full conformance with the rules. The Commission is of the view that making a first television channel available to Bishop would serve the public interest.

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

4. In view of the foregoing: *It is ordered*, That effective October 25, 1956, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended by adding the following:

| *City* | *Channel No.* |
|---|---|
| Bishop, California | 19 |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: September 19, 1956.

Released: September 21, 1956.

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

[F. R. Doc. 56-7745; Filed, Sept. 25, 1956; 8:48 a. m.]

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[Docket No. 11435; FCC 56-894]

[Rules Amdt. 11-1]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. By notice of proposed rule making of June 29, 1955 (FCC 55-737), the Commission proposed to amend its rules governing operation in the Power Radio Service to provide therein for the eligibility of communications common carriers having requirements for radio in connection with the performance of construction and maintenance activities. An order and further notice of proposed rule making in the above-entitled matter was adopted on September 7, 1955 (FCC 55-933). The date for filing comments was subsequently extended to December 8, 1955.

2. Of a total of fifty-nine comments received in this proceeding, the great majority are in opposition to the Commission's proposal. One (that of the Administrator, Rural Electrification Administration) favors it only if additional frequencies are allocated to the Power Radio Service. The United States Independent Telephone Association (USITA) generally favors the proposal; it states, however, that it has need for three two-frequency channels on a primary basis. The American Telephone and Telegraph Company (AT&T) comments, in part, that "should the telephone companies be made eligible in the Power Radio Service, we believe that frequencies should be designated specifically for their use to permit operation on an interference-free basis with respect to the utilities presently eligible in this service". AT&T further comments that "one frequency pair in the 40 Mc range and two frequency pairs in the 450 Mc range should be common throughout the United States in order to facilitate large area use in the

construction, maintenance, and repair of long haul toll circuits as well as provide a common meeting ground for radio equipped vehicles which may be dispatched from the various telephone companies to a particular area of the country which has been subjected to floods, hurricanes or major disaster. Frequencies of the remaining channels need not be the same in all areas, but should, if possible, be common within a state area".

3. The National Committee for Utilities Radio (NCUR) concludes, in its comments, that the communications common carriers should not be made eligible under the Power Radio Service Rules. Its main objections to the proposal are encompassed in the following: (1) Incompatibility of the communications companies and the power utilities for purposes of effective coordination of frequency usage, and (2) impracticability of providing for the eligibility of additional persons without, simultaneously, remedying the frequency congestion problems which will result therefrom. Virtually all of the objections expressed in the remaining adverse comments can be reduced to one or both of the above generalizations.

In connection with the contention that the addition of such a large body of potential radio users to the Power Radio Service would result in overcrowding, it is emphasized that only by the most careful and cooperative coordination in the matter of frequency assignments have present licensees been able to accomplish even a moderately effective usage of the frequencies currently available in the Power Radio Service. Additionally, it is urged that, based on the number of power utilities which have not yet applied for authorizations, projection of potential future usage by persons already eligible for radio in the Power Radio Service indicates that the problem of overcrowding will become even greater. In the same regard, it is contended that the communications common carrier operations would closely parallel the areas and peak periods of present power radio users and that this could possibly result in chaotic conditions during periods of emergency.

4. Comments relative to the problem of effective frequency coordination between the power companies and the communications common carriers emphasize that coordination and effective usage have thus far been achieved by the combining of intensive urban type licensees with a relatively large number of limited-area, small usage licensees, all of which operate under the same fundamental concepts and purposes. It is stressed that those areas wherein coordination problems presently exist are those areas wherein the greatest concentration of common carrier usage can be expected to take place. It is also contended that the area-type coordination presently used is incompatible with the requirements of the communications common carriers, whose operations frequently spread over several states. This, it is alleged, along with the diversity of basic interests between the two groups, makes for incompatibility in the matter of cooperative and coordinated use of frequencies.

5. That the common carriers have need for radio facilities to be used in connection with construction and maintenance and repair operations, there is little doubt, and this need was expressly recognized in the Commission's proposed report and order in Docket 9703, released on October 29, 1954. Because the communications common carriers are engaged in industrial-type operations similar, in many respects, to the types of operation presently contemplated by the rules governing the Power Radio Service, the Commission retains its view (more fully expressed in its order and further notice of September 7, 1955) that their requirements can most properly be provided for by making them eligible in this Service. It was the Commission's original intention that, should the communications common carriers be ultimately made eligible in the Power Radio Service, all of the frequencies presently allocated to that Service would be available to them without immediate reservation. Thus, in the above order and further notice of proposed rule making, the Commission stated: "Further, the notice of proposed rule making goes only to the point of making the communications common carriers eligible in the Power Radio Service. The saturation of some existing Power Radio Service assignments and the degradation which might result from additional assignments are separate matters which are under active study and will not be prejudiced by the proceedings in this docket." However, because of the serious problems posed by the large number of adverse comments filed in this proceeding, the Commission feels that departure from its original proposal is here justified. Accordingly, the Commission is modifying the original proposal to the extent that it is presently making available to the communications common carriers only a selected number of frequencies; these frequencies have been selected with a view to providing for the carrier's immediate requirements and with a view to maintaining a status quo with respect to those frequencies which currently appear to be the most heavily loaded from the usage standpoint. The Commission is reserving judgment with respect to these most heavily loaded frequencies for the purpose of determining the saturation and degradation which might result were they also to be made available to the carriers. Not unrelated are the matters under consideration in the proceeding (Docket 11253) proposing reduced separations between certain of the Commission's presently assignable frequencies.

6. Consistent with the foregoing, a total of three two-frequency pairs (six frequencies) in the 450 Mc Industrial bands are being made available for assignment to the common carriers at this time. For the present, these frequencies will be shared with the other Industrial Radio Services, with further consideration to be given the matter in connection with the above-mentioned proceedings in Docket 11253. Admittedly, the number of frequencies being made available does not meet the stated requirements of the common carriers, and it does not satisfy their requests for the allocation of frequencies on a primary basis. The Commission believes, however, that the three frequency-pairs will meet the present requirements of the carriers; furthermore, these frequencies will permit of an interchange of equipment for the reason that they appear to be little used for mobile service operation and, consequently, readily available in most areas of the country.

It is anticipated that a large portion of the operational requirements of the communications common carriers will continue to be handled by means of wire line facilities. This consideration is a determining factor in the Commission's decision to limit availability, at this time, to 450 Mc frequencies only. The propagation characteristics of this frequency band make it readily adaptable for multiple receiver-transmitter operation to obtain wide area coverage. With this type of operation, extensive use of wire line or fixed radio facilities is mandatory; considering the extensive wire facilities of the common carriers, it is expected that multiple base stations and remote receivers can be installed to effect coverage which might otherwise dictate the use of frequencies located lower in the spectrum.

Because of the present, light, mobile service loading on the six 450 Mc frequencies being made available, it is expected that the problem of frequency coordination will not be particularly difficult. In any event, the Commission can see no reason why coordination between a gas company and a telephone company should be any more difficult to achieve than between the same gas company and a power company or city water department.

7. Comments from the Central Committee on Radio Facilities of the American Petroleum Institute, the Special Industrial Radio Service Association and the Texas Eastern Transmission Corporation are directed, in whole or in part, to the matter of proposed eligibility to conduct point-to-point operations in the Power Radio Service. The Commission is presented with no requirement for point-to-point use by the communications common carriers in this proceeding and, accordingly, is not providing for such use.

8. Comments of the Administrator, Rural Electrification Administration, in addition to giving qualified support to the Commission's original proposal, also request that sharing of frequencies and equipment be permitted between telephone and electric organizations. In connection therewith, the Administrator has attached to his comments a petition (already on file with the Commission) containing the details and rationale of this request. To consider the petition at this juncture would be to unnecessarily prolong the instant proceeding, with a resultant delay in satisfying the immediate requirements of the communications common carriers. In this connection, the Commission's decision to limit the number of frequencies available to the communications common carriers has increased the complexity of the problems presented by the petition. In view of the above, the Commission is defer-

ring final action on the petition, and so much of the Administrator's comments as relates thereto, until a later date.

9. In view of all of the foregoing: *It is ordered*, Pursuant to the authority contained in §§ 303 (c), (f) and (r) of the Communications Act of 1934, as amended, that effective October 29, 1956, Part 11 of the Commission's rules governing the Industrial Radio Services is amended as set forth below.

Adopted: September 19, 1956.

Released: September 21, 1956.

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

Amend Part 11, rules governing the Industrial Radio Services as follows:

1. In § 11.251 (a), redesignate subparagraph (4) as paragraph subparagraph (5) and substitute a new paragraph subparagraph (4) to read as follows:

(4) Persons primarily engaged in offering a communications common carrier service by means of radio or wire line, for use by the general public or by the members of a cooperative organization.

2. In § 11.252 amend paragraph (a) preceding the frequency table to read as follows:

(a) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) only:

3. In § 11.252, amend paragraph (b) preceding the frequency table to read as follows:

(b) The following frequencies are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services, under the terms of a developmental grant only: The exact frequency and the authorized bandwidth will be specified in the authorization.

4. In § 11.252, amend paragraph (d) preceding the frequency table to read as follows:

(d) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services, under the terms of a developmental grant only: The exact frequency and the authorized bandwidth will be specified in the authorization.

5. In § 11.253, amend paragraph (a) preceding the frequency table to read as follows:

(a) Subject to the condition that no harmful interference will be caused to reception of television channel number 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services:

6. In § 11.253, amend paragraph (b) preceding the frequency table to read as follows:

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) on a shared basis with other services, under the terms of a developmental grant only. The exact frequency and the authorized bandwidth will be specified in the authorization.

7. Amend paragraph (a) of § 11.254 to read as follows:

(a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Power Radio Service (except those of communications common carriers eligible under § 11.251 (a) (4) or (5)) for developmental operation only (see Subpart E of this part), and are shared with other radio services.

8. Add a new § 11.255 to Subpart F to read as follows:

§ 11.255 *Frequencies available for Base and Mobile Stations of communications common carriers.* (a) The following frequencies are available for assignment to communications common carriers in the Power Radio Service for Developmental Operation (see Subpart E of this part) and are shared with other radio services:

*Frequency pairs*

| *Base and mobile* | *Mobile only* |
|---|---|
| *Mc* | *Mc* |
| 451.75 | 456.75 |
| 451.85 | 456.85 |
| 451.95 | 456.95 |

(b) Not more than one pair of frequencies listed in paragraph (a) of this section will ordinarily be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station.

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

[F. R. Doc. 56-7746; Filed, Sept. 25, 1956; 8:48 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T. D. 54196]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA FOR QUOTA YEAR BEGINNING SEPTEMBER 15, 1956

SEPTEMBER 20, 1956.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), for the 12-month period beginning September 15, 1956, is 1,000,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1956, made by the United States Department of Agriculture as of September 1, 1956, was 389,460,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, the 1,000,000 bushels prescribed in the second proviso are not increased since the estimated production is greater than 350,000,000 bushels.

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

[F. R. Doc. 56-7750; Filed, Sept. 25, 1956; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

CASPER SALES PAVILION

DEPOSTING OF STOCKYARD

It has been ascertained that the Casper Sales Pavilion, Casper, Wyoming, originally posted on June 26, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 20th day of September 1956.

[SEAL] H. E. REED,
*Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-7734; Filed, Sept. 25, 1956; 8:46 a. m.]

## Office of the Secretary

SOIL BANK PROGRAM; COMMODITY STABILIZATION SERVICE

RESERVATION OF FUNCTIONS

Pursuant to authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Acting Secretary's order dated December 24, 1953 (19 F. R. 74), as amended by the Acting Secretary's order of June 13, 1956 (21 F. R. 4260) to include the assignment of functions to the Commodity Stabilization Service with respect to the Soil Bank Program, is further amended to reserve to the Secretary the function of designating grazing areas, and to read as follows:

SEC. 1101. *Reservations*—a. *Reservations to the Secretary.* * * *

(5) Designation of areas in which grazing is permitted under Soil Bank Program (70 Stat. 189, 192).

Done at Washington, D. C., this 21st day of September 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-7736; Filed, Sept. 25, 1956; 8:46 a. m.]

FARMERS HOME ADMINISTRATION AND COMMODITY STABILIZATION SERVICE

TRANSFER AND RESERVATION OF CERTAIN FUNCTIONS WITH EMERGENCY LIVESTOCK FEED PROGRAMS

Pursuant to the authority contained in section 42 (d) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1016 (d)), Reorganization Plan No. 2 of 1953, and the delegation from the Administrator, Federal Civil Defense Administration, as amended (18 F. R. 4609; 19 F. R. 2148, 5364); sections 1100 and 1400 of the Acting Secretary's Order of December 24, 1953 (19 F. R. 74) are further amended to transfer from the Commodity Stabilization Service to the Farmers Home Administration certain additional functions and responsibilities with respect to the Emergency Livestock Hay and Roughage Feed Programs. Sections 1101 and 1401 of that Acting Secretary's Order are also amended to reserve to the Secretary certain functions with respect to such programs. The amendments read as follows:

SEC. 1100. *Assignment of functions.* * * *

d. Emergency Livestock Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 875, 81st Congress, Public Law 38, 81st Congress, as amended, and section 301 of Public Law 480, 83d Congress; except (1) the Emergency Livestock Hay and Roughage Feed Programs, and (2) the establishment of rules and regulations for determining eligibility, and certification of eligibility, of farmers, ranchers, and stockmen for assistance under Emergency Livestock Feed Programs.

SEC. 1101. *Reservations*—a. *Reservations to the Secretary.* * * *

(4) Designation of areas in which Emergency Livestock Feed Programs may be carried on, and entering into cooperative agreements with the several States with respect to such programs.

SEC. 1400. *Assignment of functions.* * * *

o. Emergency Livestock Hay and Roughage Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 38, 81st Congress, as amended; and the establishment of rules and regulations for determining the eligibility of farmers, ranchers, and stockmen for assistance under other Emergency Livestock Feed Programs administered in accordance with cooperative agreements with the several States and pursuant to Public Law 875, 81st Congress, Public Law 38, 81st Congress, as amended, and section 301 of Public Law 480, 83d Congress, and the certification of eligible applicants pursuant to such rules and regulations by county committees established under the Bankhead-Jones Farm Tenant Act, as amended.

SEC. 1401. *Reservations*—a. *Reservations to the Secretary.* * * *

(9) Designation of areas in which Emergency Livestock Hay and Roughage Feed Programs may be carried on, and entering into cooperative agreements with the several States with respect to such programs.

Done at Washington, D. C., effective August 24, 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

SEPTEMBER 21, 1956.

[F. R. Doc. 56-7737; Filed, Sept. 25, 1956; 8:46 a. m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Bureau Order 551, Amdt. 24]

SPECIFIC LEGISLATION

REDELEGATION OF AUTHORITY

Order 551 (16 F. R. 2939) as amended (16 F. R. 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 6590, 5442; 21 F. R. 222, 503, 1455, 1905, 2896) is further amended by adding a new section 362 under the heading Functions Relating to Specific Legislation, to read as follows:

SEC. 362. *Authority under act approved August 12, 1953 (67 Stat. 558).* The taking of action with respect to those matters provided for in section 1 of said act. Appeals from determinations made by the Area Director under this section shall be taken directly to the Secretary of the Interior or his authorized representative, notwithstanding the provisions of section 1 of this order.

W. BARTON GREENWOOD,
*Acting Commissioner.*

SEPTEMBER 20, 1956.

[F. R. Doc. 56-7726; Filed, Sept. 25, 1956; 8:45 a. m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

VERN I. MCCARTHY, JR.

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. Vern I. McCarthy, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 14, 1956.

4. Title of position: Deputy Director, Containers & Packaging Division.

5. Name of private employer: Vulcan Containers, Inc., P. O. Box 161, Bellwood, Illinois.

CARLTON HAYWARD,
*Director of Personnel.*

SEPTEMBER 4, 1956.

*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.

Bendix Aviation Corp.
Century Printing Ink Co.
Commonwealth Edison Co.
Continental Can Co.
Cudahy Packing Co.
Filtrol Corp.
First National Bank, Maywood, Ill.
Ford Motor Co.
International Minerals.
National Malleable & Steel Castings.
Northern Illinois Gas Co.
Portsmouth Steel Co.
Schenley Industries.
Sperry Rand Corp.
Sun Chemical Corp.
U. S. Hoffman Machinery Corp.
Vulcan Containers, Inc.
Vulcan Steel Container Co.
Bank Deposits.

Dated: September 19, 1956.

VERN I. MCCARTHY, Jr.

[F. R. Doc. 56-7744; Filed, Sept. 25, 1956; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 56M-881]

CLAREMORE BROADCASTING CO.

ORDER RESCHEDULING PREHEARING CONFERENCE

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, file No. BP-10306; for construction permit.

By order dated September 12, 1956, a pre-hearing conference in the above-entitled proceeding was scheduled for Friday, October 12, 1956, and the commencement of the formal hearing was scheduled for November 1, 1956. The Hearing Examiner's present schedule will permit the advancement of the date for the pre-hearing conference and the Hearing Examiner is advised informally that an earlier date will be satisfactory to the counsel involved.

*It is ordered*, This the 20th day of September 1956, that the pre-hearing conference in the above-entitled proceeding now scheduled to begin on Friday, October 12, 1956, be and the same is rescheduled and will be held on Monday, October 1, 1956, beginning at 2 p. m. in the offices of the Commission, Washington, D. C.

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

[F. R. Doc. 56-7747; Filed, Sept. 25, 1956; 8:48 a. m.]

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[Docket Nos. 11763, 11764; FCC 56M-875]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of J. E. Willis, Lafayette, Indiana, Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana, Docket No. 11764, File No. BP-10460; for construction permits.

The Hearing Examiner having under consideration a Motion for Continuance of the hearing in the above-entitled proceeding filed on September 18, 1956, by Crawfordsville Broadcasters, Inc.;

It appearing that all parties to this proceeding have consented to a grant of the Motion and to its immediate consideration;

*It is ordered*, This 20th day of September, 1956, that the Motion for Continuance filed by Crawfordsville Broadcasters, Inc. on September 18, 1956 is granted, and the hearing is continued from September 25, 1956, to October 25, 1956.

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

[F. R. Doc. 56-7748; Filed, Sept. 25, 1956; 8:48 a. m.]

[Docket No. 11765; FCC 56M-879]

BABYLON-BAY SHORE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Babylon-Bay Shore Broadcasting Corp., Babylon, New York, Docket No. 11765, File No. BP-10144; for construction permit.

The hearing in the above-entitled proceeding is presently scheduled to begin at 10 a. m. on September 25, 1956, in the offices of the Commission. The Hearing Examiner's schedule is such that the formal hearing cannot be held on such date.

The Hearing Examiner is advised informally that the parties would welcome a further pre-hearing conference on Tuesday, September 25, 1956.

*It is ordered*, This the 20th day of September 1956, on the Hearing Examiner's own motion, that a further pre-hearing conference in the above-entitled proceeding will be held on Tuesday, September 25, 1956, beginning at 9:30 a. m. in the offices of the Commission, Washington, D. C.;

*It is further ordered*, That the formal hearing in this proceeding presently scheduled to begin on September 25, 1956, is continued to Monday, October 1, 1956, beginning at 10 a. m. in the offices of the Commission, Washington, D. C.

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

[F. R. Doc. 56-7749; Filed, Sept. 25, 1956; 8:48 a. m.]

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## FEDERAL FACILITIES CORPORATION

ALCOHOL BUTADIENE PLANT, LOUISVILLE, KENTUCKY

INVITATION FOR PROPOSALS FOR LEASE

The existence of the Rubber Producing Facilities Disposal Commission terminated on September 23, 1956. By Executive Order 10678, effective September 24, 1956, the President has designated Federal Facilities Corporation to administer all matters involving the Commission, including the powers and authority conferred by Public Law 433, 84th Congress, 2nd Session (70 Stat. 51) relative to the leasing of the alcohol butadiene plant at Louisville, Kentucky.

Pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 408) (Act), and Public Law 433, 84th Congress, 2nd Session (70 Stat. 51), Federal Facilities Corporation invites written proposals for the lease of the Government-owned alcohol butadiene plant, Louisville, Kentucky.

This facility, designated Plancor 1207, produces butadiene from ethyl alcohol. It has an annual capacity of 87,000 short tons, and is presently leased from the Government by Publicker Industries Inc. This lease will expire April 4, 1958. Copies of the lease are available upon application to Federal Facilities Corporation. Proposals shall be made subject to the existing lease.

Proposals shall be in writing and may be submitted at any time through October 31, 1956, at the office of Federal Facilities Corporation, 811 Vermont Avenue NW., Washington 25, D. C.

Proposals shall be accompanied by a deposit of $2,500. Deposits shall be made by certified check payable to the order of Federal Facilities Corporation and will be refunded without interest at the conclusion of negotiations.

Any lease shall contain a "National Security Clause" and shall also contain provisions for the recapture of the facility and the termination of the lease if the President determines that the national interest so requires. Any lease shall be for a term of not less than 5 years nor more than 15 years from the date of termination of the existing lease; the precise term desired should be specified in the proposal.

Upon receipt of proposals, Federal Facilities Corporation will enter into lease negotiations for a period of not less than 30 days from October 31, 1956, with those submitting proposals. The date of termination of negotiations will be determined by Federal Facilities Corporation and announced to all eligible bidders.

A detailed descriptive brochure relating to the Louisville facility may be obtained upon application to Federal Facilities Corporation.

The act and Public Law 433 prescribe in detail, as well as generally, procedural and substantive standards pursuant to which lease of the Louisville facility is to be effected. To facilitate compliance with these standards, Federal Facilities Corporation has prepared Instructions for the Submission of Proposals which set forth the requirements for such proposals. Copies of the Instructions will be available upon application to Federal Facilities Corporation.

Dated: September 25, 1956.

FEDERAL FACILITIES CORPORATION,
[SEAL] LAURENCE B. ROBBINS,
*Administrator.*

[F. R. Doc. 56-7717; Filed, Sept. 25, 1956; 8:45 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-3250]

THEO. HAMM BREWING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 18, 1956.

Take notice that Theo. Hamm Brewing Co. (Applicant), a Minnesota corporation with principal place of business at 217 Hamm Building, St. Paul 2, Minnesota, filed, on September 27, 1954 as amended October 3, 1955 and December 19, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the ap-

plication which is on file with the Commission and open for public inspection.

Applicant sells natural gas in interstate commerce from production of 381.5 acres, North Louise Field, Wharton County, Texas, to Tennessee Gas Transmission Company for resale.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Tuesday, October 23, 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 application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

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

[F. R. Doc. 56-7727; Filed, Sept. 25, 1956; 8:46 a. m.]

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[Project No. 2217]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 18, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Pacific Power & Light Company, of Portland, Oregon, for preliminary permit for proposed water power Project No. 2217 to be located on the South Fork of Coquille River in the region of Coos Bay, Myrtle Point, and Powers in Coos County, Oregon, affecting lands of the United States within the Siskiyou National Forest. The proposed project would consist of an earth and rock fill dam about 170 feet high with crest at elevation 2200 feet at the Eden Ridge dam site (approximately river mile 23) creating a reservoir with usable storage of about 23,000 acre-feet; a tunnel about 11,000 feet long; a steel penstock about 4,100 feet long; a powerhouse located at about river mile 11.5 having an installation of about 67,500 kilowatts; and appurtenant facilities. The energy generated would be distributed through the applicant's transmission system to its customers and to the Northwest Power Pool. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 5, 1956. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 56-7728; Filed, Sept. 25, 1956; 8:46 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3506]

CENTRAL PUBLIC UTILITY CORP.

ORDER AUTHORIZING LIMITED RENEWALS OF GUARANTY BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY

SEPTEMBER 20, 1956.

Central Public Utility Corporation ("Cenpuc"), a registered holding company, has filed a declaration and an amendment thereto pursuant to sections 7 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder regarding the following proposed transactions:

Cenpuc proposes to guarantee, for an additional period from September 24, 1956 to January 4, 1957, and thereafter for additional periods not exceeding nine months from September 24, 1956, payment of the renewal promissory note or notes of its wholly-owned subsidiary The Islands Gas and Electric Company ("Islands") to the order of The Hanover Bank, New York, New York, in the principal amount of $2,000,000, with interest at the rate of 3½ percent per annum. Cenpuc will pledge to said bank, as security for the due payment of Islands' note or notes, a Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum.

The proposed renewal or renewals represent a further extension of Cenpuc's guaranties of the aforesaid obligation of Islands to said bank, originally authorized by the Commission on December 16, 1955, and renewed at 90-day intervals thereafter. Although anticipating that Islands will receive sufficient moneys to pay its note to the bank before January 4, 1957, Cenpuc seeks authority to extend its guaranty to a date not later than June 24, 1957 in the event of further delay.

Due notice having been given of the filing of said declaration as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act are satisfied:

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

By the Commission.

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

[F. R. Doc. 56-7729; Filed, Sept. 25, 1956; 8:46 a. m.]

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[File No. 7-1825]

BENGUET CONSOLIDATED, INC.

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

SEPTEMBER 20, 1956.

In the matter of application by the Cincinnati Stock Exchange for unlisted trading privileges in Benguet Consolidated, Incorporated, Capital Stock; File No. 7-1825.

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

Upon receipt of a request, on or before October 5, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 56-7730; Filed, Sept. 25, 1956; 8:46 a. m.]

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DRESSER INDUSTRIES, INC. (DELAWARE)

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

SEPTEMBER 20, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in Dresser Industries, Inc. (Delaware), Common Stock; File No. 7-1827.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading

privileges in the specified security, which is listed and registered on the New York Stock Exchange and Los Angeles Stock Exchange.

Upon receipt of a request, on or before October 5, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F. R. Doc. 56-7731; Filed, Sept. 25, 1956; 8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 131]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 21, 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 supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person not a protestant, desiring to receive notice of the time and place of any hearing, prehearing 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 operation 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 217 Sub 1, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road SE, Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation in Lordstown Township, Trumbull County, Ohio as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Akron, Ohio, over Pennsylvania Highways 88 and 51, Ohio Highways 7 and 14, and U. S. Highway 224. Applicant is authorized to conduct operations in Pennsylvania, Ohio, and West Virginia.

No. MC 217 Sub 2, filed September 10, 1956, POINT TRANSFER, INC., 1927 Sherrick Road SE, Canton, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Chrysler Corporation Plant located on or near Ohio Highway 82 in Twinsburg Township, Summit County, Ohio as an off-route point in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Akron, Ohio, over Pennsylvania Highways 88 and 51, Ohio Highways 14 and 7, and U. S. Highway 224. Applicant is authorized to conduct operations in Pennsylvania, Ohio, and West Virginia.

No. MC 873 Sub 27, filed September 4, 1956, SOONER FREIGHT LINES, A Corporation, 3000 West Reno, Box 2488, Oklahoma City, Okla. Applicant's representative: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. 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 Liberal, Kans., and junction U. S. Highways 83, 64 and 270, ten miles south of Liberal, over U. S. Highways 270 and 83, serving all intermediate points, and (2) between Liberal, Kans., and Hooker, Okla., over U. S. Highway 54, serving all intermediate points. Applicant is authorized to conduct operations in Kansas, Oklahoma, and Texas.

No. MC 1366 Sub 2, filed September 12, 1956, HERMAN CONDIT, doing business as CONDIT TRUCKING CO., 20 Edgewood Road, Denville, N. J. Applicant's representative: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pumps* and *pump materials*, from Rockaway, N. J., to points in Ohio and West Virginia; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

No. MC 7663 Sub 2, filed September 12, 1956, LAPP EXPRESS CO., INC., 410 East Center Street, Medina, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Navy Night Drift Signals, Class B Explosives;* (2) *Navy Depth Charge Markers (Calcium Phosphide), Class C Explosives;* (3) *Army Ordnance Time Fuse, Class C Explosives*, from the town of Murray, Orleans County, N. Y., to railhead in Village of Holley, Town of Murray, Orleans County, N. Y., and to motor carriers' freight terminals in Rochester and Buffalo, N. Y.

No. MC 8948 Sub 36, filed August 30, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Class A, B and C explosives*, as defined by the Commission, *ammunition and component parts* not included in Class A, B and C explosives, and *component parts of Class A, B and C explosives*, between El Paso, Tex., and points in Arizona authorized to be served in the transportation of General Commodities, with the usual exceptions, as described in Certificate No. MC 8948 and subs thereunder, serving the territory in Arizona authorized under irregular-route operations and all intermediate points located on the regular routes authorized therein and all off-route points authorized therefrom, including Fort Huachuca, Ariz. Applicant is authorized to conduct operations in Texas, California, Nevada, and Arizona.

No. MC 10928 Sub 30, filed August 29, 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*, 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 Chicago, Ill., and Houston, Tex., as follows: from Chicago, over Illinois Highway 50 to junction U. S. Highway 54, thence over U. S. Highway 54 to junction U. S. Highway 45, thence over U. S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U. S. Highway 51, thence over U. S. Highway 51 to Cairo, Ill., thence over U. S. Highway 60 to Poplar Bluff, Mo., thence over U. S. Highway 67 to Texarkana, Tex.-

Ark., thence over U. S. Highway 59 to Houston, 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. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 17091 Sub 4, filed August 20, 1956, ISAAC JONES, JR., 321 Lexington Avenue, Pitman, N. J., Applicant's representative: G. A. Bruestle, President, Motor Carriers Service Bureau, Inc., southeast corner Broad and Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Coke*, in dump vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, and New Jersey, and (2) *Sulphate of Ammonia*, in bulk, in dump vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, and New York. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 23976 Sub 7, filed August 21, 1956, BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving to and from the Pelton Damsite, near Warm Springs, Oreg., and points within seven (7) miles thereof, as intermediate and off-route points in connection with applicant's authorized regular route operations between Portland, Oreg., and Burns, Oreg. Applicant is authorized to conduct operations in Oregon.

NOTE: Applicant has regular route authority in Certificate No. MC 23976, dated October 12, 1956, which describes the highway from Portland to junction U. S. Highway 97 as being Oregon Highway 50. The destination of this highway was changed by the Oregon Highway Commission from Oregon Highway 50 to U. S. Highway 26.

No. MC 28813 Sub 18, filed September 4, 1956, MOTOR EXPRESS, INC., OF INDIANA, 701 Illinois Building, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, from Aurora, Ind., to points in Indiana. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, and Wisconsin.

No. MC 29886 Sub 90, filed September 10, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, moving and road building equipment, cranes, straddle trucks, fork lift trucks, tractors, tow-motors, trucks* (with or without bodies or machinery attached thereto), *trailers* (except those designed to be drawn by passenger automobiles) and *parts thereof*, when such parts move with the unit being transported, and *such commodities in need of repair or rebuilding*, on return, from Portland, Oreg., to points in the United States.

No. MC 30387 Sub 208, filed September 6, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, Kenosha Auto Transport Corporation (same address as applicant). For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Los Angeles, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 31600 Sub. 413, filed September 13, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 24, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products*, and *cocoa butter*, in bulk, in tank vehicles, from New York, N. Y., to Bryan, Ohio. Applicant is authorized to conduct operations in Massachusetts, Connecticut, New Hampshire, Rhode Island, Vermont, Maine, New York, New Jersey, and Pennsylvania.

No. MC 36144 Sub 3, filed September 4, 1956, LAW & INGHAM TRANSPORTATION COMPANY, INC., 118½ Amherst Street, Nashua, N. H. Applicant's representative: Thomas J. O'Loughlin, Jr., 18 Baker Street, Hudson, N. H. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over a REGULAR ROUTE, between Nashua, N. H., and Lowell, Mass., over U. S. Highway 3, serving all intermediate points; and over IRREGULAR ROUTES, between points in Hillsboro County, N. H., on the one hand, and, on the other, points in that part of Franklin County, Mass., on and east of Massachusetts Highway 63 and points in Worcester, Middlesex, Essex, Suffolk, and Norfolk Counties, Mass. Applicant is authorized to conduct regular and irregular operations in Massachusetts and New Hampshire.

No. MC 37830 Sub 6, filed August 6, 1956, COHENNO INC., 57 Lambert Avenue, Stoughton, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from New Bedford, Mass., to points in Massachusetts and Rhode Island, and from Providence, R. I. to Boston, Mass. and points in Massachusetts within a 50-mile radius of Boston. Applicant is authorized to conduct operations in Rhode Island, New Hampshire, and Massachusetts.

No. MC 40663 Sub 5, filed August 27, 1956, M & H TRANSPORT SERVICE COMPANY, a corporation, 3403 Detroit Avenue, Toledo, Ohio. 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 Toledo, Ohio, and Detroit, Mich., over the Detroit-Toledo Expressway, serving the intermediate point of Monroe, Mich., (2) *empty containers or other such incidental facilities* (not specified) from Detroit, Mich., to Toledo, Ohio, over the Detroit-Toledo Expressway, serving the intermediate point of Monroe, Mich. (3) Serving the site of the Ford Motor Company plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's authorized regular route operations to and from Detroit, Mich., and the Commercial Zone thereof.

No. MC 42329 Sub 126, filed September 10, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Clayton and Lambert Manufacturing Company plant near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations (a) between Louisville, Ky., and Cincinnati, Ohio, over U. S. Highway 42, and (b) between Cincinnati, Ohio, and Fulton, Ky., over U. S. Highways 25, 60, and 51.

No. MC 42487 Sub 319, filed August 27, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Los Angeles, Calif., on the one hand, and, on the other, San Bernardino, Redlands, Riverside, and Santa Ana, Calif., as follows: (a) From Los Angeles over U. S. Highway 66 to San Bernardino; (b) from Los Angeles over U. S. Highways 70 and 99 to Redlands; (c) from Los Angeles, over U. S. Highway 60 to Riverside; and (4) from Los Angeles over U. S. Highways 101 and By-Pass 101 to Santa Ana; (2) between West Covina, Calif., and junction California Highway 39 and U. S. Highway 101, over California Highway 39; and (3) between Colton, Calif., and junction U. S. Highways 91 and 101, over U. S. Highway 91, and return over the above routes, serving all intermediate points, and off-route points within five (5) miles of the above-specified routes. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states that the above transportation is to be in connection with applicant's authorized regular route operations to and from Los Angeles, Calif.

No. MC 42487 Sub 320, filed September 4, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in tank vehicles, from Kellogg, Idaho and points within five miles thereof, to points in that part of Washington on and east of U. S. Highway 97 and on and north of U. S. Highway 2.

No. MC 45893 Sub 9, filed September 7, 1956, FINIS ROSS, doing business as ROSS TRUCK LINES, 204 South Diamond, P. O. Box 249, Paola, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Household goods, emigrant movables*, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, from Parker, Kans., to Osawatomie, Kans., from Parker over unnumbered highway to junction of Kansas Highway 7, thence over Kansas Highway 7 to junction U. S. Highway 169, thence over U. S. Highway 169 to Osawatomie, Kans., and return over the same route, serving intermediate and off-route points within 25 miles of Parker, Kans., not including Ottawa, Paola and Hillsdale, Kans.

NOTE: This application to obtain same authority northbound between Parker and Osawatomie, Kans., as now exists southbound between the same points, under authority Docket No. MC 45893 Sub 6.

No. MC 48880 Sub 6, filed August 28, 1956, HARRY C. GOODWIN AND GENIO D. ARCIPRETE, doing business as GOODWIN & COMPANY, 675 Concord Avenue, Cambridge, Mass. Applicant's representative: George C. O'Brien, Ten State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum products*, generally handled in warehouse stock, as more fully described in the application, from Boston and Cambridge, Mass., and points within ten (10) miles of Boston and Cambridge, to points in Massachusetts, Rhode Island, Connecticut, New Hampshire, and points in Vermont on and south of a line beginning at the New York-Vermont State line and extending through Orwell, Brandon, Bethel, and Thetford, Vt., to the Vermont-New Hampshire State line.

No. MC 52657 Sub 496, filed August 27, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: Glenn W. Stephens, 121 West Doty, Madison, Wis. 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, in initial movements, in truckaway and driveaway service, from Cortland, N. Y., and points within five miles of Cortland, to points in the United States, and (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Cortland, N. Y., and points within five miles of Cortland, 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.

No. MC 52869 Sub 47, filed August 27, 1956, NORTHERN TANK LINE, 8 South Seventh Street, Miles City, Mont. Applicant's representative: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from points in Wibaux County, Mont. to points in Wyoming, South Dakota, and North Dakota; (2) from Billings, Mont., and Laurel, Mont. to points in North Dakota and South Dakota; (3) from Miles City, Mont., and Glendive, Mont. and points within five (5) miles of each to points in South Dakota; (4) from Tioga, N. Dak. and Mandan, N. Dak. and points within five (5) miles of each to points in Minnesota; *damaged and returned shipments of petroleum and petroleum products* on return. Applicant is authorized to conduct operations in Montana, Wyoming, South Dakota, North Dakota, and Minnesota.

No. MC 52947 Sub 24, filed August 9, 1956, PINSON TRANSFER COMPANY, INC., 119 20th Street, Huntington, W. Va. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 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 Huntington, W. Va., and Aberdeen, Ohio, over U. S. Highway 52, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

No. MC 61438 Sub 12, filed August 20, 1956, KANSAS CITY SOUTHERN TRANSPORT COMPANY, INC., 114 West 11th Street, Kansas City 5, Mo. Applicant's representative: Wm. E. Davis, 114 West 11th Street, Kansas City 5, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Sallisaw, Okla., and Spiro, Okla., over U. S. Highway 59, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations (1) between Siloam Springs, Ark., and Fort Smith, Ark., and (2) between Fort Smith, Ark., and Mena, Ark.; provided that this route shall not be used in connection with the transportation of traffic entirely by motor vehicle in either direction between Shreveport, La., or points south thereof and Joplin, Mo., or points north thereof. RESTRICTIONS: (a) The service to be performed by said carrier is limited to service which is auxiliary to, or supplemental of, rail service of The Kansas City Southern Railway Company or The Arkansas Western Railway, hereinafter called the Railways; (b) Said carrier shall not service any point not a station on a rail line of the Railways; (c) No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to, or from, more than one of said points: Kansas City, Mo.-Kans., Pittsburg, Kans., Joplin, Mo. (except in respect of shipments between Pittsburg and Joplin), Fort Smith, Ark., Shreveport and Lake Charles, La. (except in respect of shipments between Lake Charles, on the one hand, and, on the other, points south of Fort Smith, including Shreveport but not including Fort Smith), and Beaumont, Tex. Nor shall they be transported from Kansas City, Mo.-Kans., to Neosho, Mo.; (d) All contractual arrangements between applicant and the Railways shall be reported to this Commission and shall be subject to revision, if and as it is found necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct regular route operation under Certificate Nos. MC 61438 and Subs 2 and 10, in the transportation of *General commodities* in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, and under Certificate Nos. MC 52666 and Subs 3 and 5 of *Passengers and their baggage*, and of *light express, mail*, and *newspapers*, in the same vehicle with passengers, in Arkansas, Louisiana, Missouri, and Oklahoma.

No. MC 62537 Sub 57, filed August 30, 1956, GREAT LAKES FORWARDING CORPORATION, 1292 Fuhrmann Boulevard, Buffalo, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* and *trucks*, in secondary movements, in truckaway service, from Baltimore, Md., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 69224 Sub 24, filed September 11, 1956, URBAN J. HAAS AND CYRIL H. WISSEL, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Jackson Street, Dubuque, Iowa. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities, including Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special*

*equipment*, but excluding commodities of unusual value, over the following alternate routes for operating convenience only with no service at intermediate points, and serving the termini for purpose of joinder only, (1) between junction U. S. Highway 52 and Iowa 64 and junction of Iowa Highway 64 and U. S. Highway 61 over Iowa Highway 64; (2) between Marshalltown, Iowa, and Cedar Falls, Iowa, over Iowa Highways 14 and 57; (2) *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 Iowa City, Iowa, and Mount Vernon, Iowa, from Iowa City over Iowa Highway 261 to Mount Vernon, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, and as an alternate route for operating convenience only; (3) *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, over the following service route, between site of Savanna Proving Grounds (also known as Savanna Ordnance), located near Savanna, Ill. (also known as Proving Grounds, Ill.), and site of Camp McCoy, near Sparta, Wis., from Savanna Proving Grounds over Illinois Highway 80 to the Illinois-Wisconsin boundary line, thence over Wisconsin Highway 80 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to junction U. S. Highway 61, thence over U. S. Highway 61 to junction Wisconsin Highway 27, thence over Wisconsin Highway 27, to junction of Wisconsin Highway 21, thence over Wisconsin Highway 21 to Camp McCoy, and return over the same route, serving no intermediate points. RESTRICTION: To truckload or volume traffic moving on Government Bills of Lading. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, and Minnesota.

No. MC 76032 Sub 105, filed September 14, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's representative: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. 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 Gallup, N. Mex., and Window Rock, Ariz., from Gallup over U. S. Highway 666 to junction of New Mexico Highway 68, approximately five miles north of Gallup, thence over New Mexico Highway 68 to the Arizona-New Mexico State line, thence over unnumbered highways to Window Rock, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, and Iowa.

No. MC 86687 Sub 43, filed August 23, 1956, SEABOARD AIR LINE RAILROAD COMPANY, A Corporation, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's representative: James S. Cremins, Commerce Attorney, Law Department, Seaboard Air Line Railroad Company, Norfolk 10, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value*, and *Class A and B explosives*, but excluding household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Andrews, S. C., and Charleston, S. C., from Andrews over South Carolina Highway 41 to junction U. S. Highway 17, thence over U. S. Highway 17 to Charleston, and return over the same route, serving the intermediate point of Jamestown, S. C. RESTRICTION: The service by motor vehicle proposed above shall be limited to service which is auxiliary to, or supplemental of, applicant's rail service. Applicant shall not serve any point not a station on its rail line. Shipments to be transported shall be limited to those moving under a through bill of lading or Railway Express receipt. Applicant is authorized to conduct motor carrier operations in Florida, Georgia, North Carolina, South Carolina, and Virginia.

No. MC 87206 Sub 2, filed August 16, 1956 (correction), PERKINS TRUCKING CO., INC., 46-25 54th Avenue, Maspeth 78, N. Y., published on page 7039, issue of September 19, 1956. The docket number shown was incorrect. The correct number is MC 87205 Sub 2.

No. MC 92983 Sub 174, filed August 27, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils*, including *blends and products thereof* (except those derived from petroleum), in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 92983 Sub 177, filed September 13, 1956, ELDON MILLER, INC., 330 East Washington Street, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles equipped for protection against heat and cold, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Mississippi, Louisiana, Missouri, and Kentucky. Applicant is authorized to conduct operations in Illinois, Nebraska, Iowa, Wisconsin, Missouri, Minnesota, Arkansas, Nebraska, and Kansas.

No. MC 95540 Sub 276, filed September 17, 1956, WATKINS MOTOR LINES, INC., Cassidy Road (P. O. Box 785), Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainsville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Nebraska on and east of U. S. Highway 281.

No. MC 97264 Sub 15, filed August 31, 1956, M AND M OIL TRANSPORTATION, INC., 2000 East Yellowstone, P. O. Box 2050, Casper, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from producing, refining and distributing points in Wyoming to points in Jackson County, Colo., and (2) from producing, refining and distributing points in Colorado located on and north of U. S. Highway 40 to points in Wyoming. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, North Dakota, South Dakota and Wyoming.

NOTE: Duplicating authority to be eliminated.

No. MC 98404 Sub 2, filed August 27, 1956, JAMES C. COPE, doing business as COPE TRUCKING COMPANY, Bryson City, N. C. Applicant's representative: T. D. Bryson, Jr., Bryson City, N. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk*, but excepting commodities requiring special equipment, between points in North Carolina: (1) from Murphy, N. C. over U. S. Highway 19 to Asheville, N. C., serving Murphy, Andrews, Topton, Bryson City, Cherokee, Maggie, Waynesville, Lake Junaluska, Clyde, Canton, Enka, and Asheville, N. C.; (2) from Cherokee, N. C. to the North Carolina-Tennessee State line over N. C. Highway 107; (3) from Lauada, N. C. to Franklin, N. C. over North Carolina Highway 28; (4) from Lake Junaluska, N. C. over U. S. Highway 23-19A to Waynesville, Hazelwood, Sylva, Dillsboro, and Franklin, N. C. (5) from Sylva, N. C. to Whittier, N. C. over U. S. Highway 19-A, serving Dillsboro and Ela; (6) from Franklin, N. C. over U. S. Highway 64 to Hayesville and Murphy, N. C.; (7) from Topton, N. C. over U. S. Highway 129 to Robbinsville and Tapoco, N. C. and the North Carolina-Tennessee State line, and over an unnumbered highway to Fontana Village; (8) from Bryson City, N. C. over U. S. Highway 19 to Lauada, N. C., thence over U. S. Highway 19 to junction North Carolina Highway 28, thence over North Carolina Highway 28 to Stecoah, N. C., thence over unnumbered highway to Fontana Village; and return over the aforesaid routes, serving all intermediate points; IRREGULAR ROUTES: between points within a 50-mile radius of Asheville, N. C., and points in North Carolina west of U. S. Highway 1; *caustic soda* from points within a 50-mile radius

of Asheville, N. C. to Plymouth, New Bern, and Fayetteville, N. C.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission.

No. MC 103378 Sub 75, filed August 30, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Foley, Fla., to Savannah, Ga. Applicant is authorized to conduct operations in Florida, Georgia, and South Carolina.

No. MC 103435 Sub 70, filed September 12, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, (a) between Minneapolis, Minn., and Miles City, Mont.; from Minneapolis over U. S. Highway 12 to Miles City, and return over the same route, serving no intermediate points and (b) between Mobridge, S. Dak., and Buffalo, S. Dak.: From Mobridge over South Dakota Highway 8 to Buffalo, and return over the same route, serving no intermediate points, as alternate routes in connection with applicant's authorized regular route operations. Applicant requests that service at Mobridge be restricted to point of joinder with its authorized routes (c) *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities requiring the use of tank vehicles, and currency, over a regular route, between Lusk, Wyo., and Hill Field (near Ogden), Utah: from Lusk over U. S. Highway 20 to Casper, Wyo., thence over Wyoming Highway 220 to junction U. S. Highway 287, thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to junction U. S. Highway 30–S, thence over U. S. Highway 30–S to junction U. S. Highway 89, and thence over U. S. Highway 89 to Hill Field, and return over the same route, serving no intermediate points.

NOTE: The purpose of route (c) is to remove the restriction in Certificate No. MC 103435 Sub No. 23 confining shipments originating at Rapid City, S. Dak., Air Force Base. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

No. MC 103435 Sub 71, filed September 13, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's representatives: Alan Foss, 506 First National Bank Building, Fargo, N. Dak., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. 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 points in the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission, and points in the Moorhead, Minn.-Fargo, N. Dak. Commercial Zone: from points in the Minneapolis-St. Paul Commercial Zone over U. S. Highway 10 to points in the Moorhead-Fargo Commercial Zone, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, Montana, and North Dakota.

NOTE: This application is directly related to BMC 44 involving Twin City-Fargo Freight, Inc. (purchase), portion of Buckingham Transportation, Inc., MC-F-6392.

No. MC 104654 Sub 105, filed September 7, 1956, COMMERCIAL TRANSPORT, INC., South 20th Street, P. O. Box 297, Belleville, Ill. Applicant's representative: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from Evansville, Ind. and points within 10 miles thereof, to points in Illinois on and south of U. S. Highway No. 36. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Arkansas, Kentucky, and Tennessee.

No. MC 105632 Sub 18, filed August 16, 1956, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, A Corporation, 227 West Broad Street, Savannah, Ga. Applicant's representative: Walter C. Scott, Jr., Commerce Counsel, Law Department, Central of Georgia Railway Company, P. O. Box 642, Savannah, Ga. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities, including Class A and B explosives* (moving in both freight and express service), in service auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway Company, (1) between Irwinton, Ga., and Tennille, Ga., from Irwinton over Georgia Highway 57 to junction Georgia Highway 68, thence over Georgia Highway 68 to Tennille, and return over the same route, serving Irwinton for joinder only, and serving the intermediate point of Toomsboro, Ga., and the off-route points of McIntyre and Oconee, Ga., and (2) between Bartow, Ga., and junction Georgia Highway 24 and U. S. Highway 221 west of Louisville, Ga., over U. S. Highway 221, serving said junction for joinder only and serving no intermediate or off-route points. RESTRICTION: The service proposed in (1) above is subject to the conditions provided in the last RESTRICTION on pages 5 and 6 of Certificate No. MC 105632, dated March 31, 1956 as follows: (a) The service by motor carrier vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway Company, hereinafter called the railway. (b) Said carrier shall not serve any point not a station on the lines of the railway. (c) Shipments transported by said carrier shall be limited to those moving under a through bill of lading or express receipt, covering, in addition to movement by said carrier, a prior or subsequent movement by rail to or from either Macon or Tennille. (d) All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to revision if and as the Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties. (e) Such further conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, the rail service of the railway. The service proposed in (2) above is subject to the same restrictions as now apply on applicant's Millen-Tennille, route as authorized on Sheets 1 and 2 of Certificate No. MC 105632 issued May 31, 1956. (If the authority herein sought is granted, applicant requests that its operations over U. S. Highway 441 between Irwinton and Milledgeville, Ga., via McIntyre, Ga., be revoked, which operations are a portion of its authorized regular route between Macon and Milledgeville, Ga., and that its operations between Wadley, Ga., and junction Georgia Highway 24 and U. S. Highway 221, over U. S. Highway 1 and Georgia Highway 24 via Louisville, Ga., be revoked, which operations are a portion of its authorized regular route between Millen and Tennille, Ga.)

No. MC 107002 Sub 104, filed September 12, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt compounds*, in bulk, in tank vehicles, from Memphis, Tenn., to (a) points in Alabama on and north of U. S. Highway 11; (b) points in that part of Missouri on and east of a line extending along U. S. Highway 65 from the Missouri-Arkansas State line to Springfield, Mo., thence along U. S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U. S. Highway 67, thence along U. S. Highway 67 to Farmington, Mo., and thence along Missouri Highway 32 to St. Genevieve, Mo.; (c) points in that part of Illinois on and south of a line extending along Illinois Highway 150 from Chester, Ill., to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U. S. Highway 51, thence along U. S. Highway 51 to Ashley, Ill., and thence along U. S. Highway 460 to the Illinois-Indiana State line; and (d) points in Kentucky on and west of U. S. Highway 231; except, no authority is sought to that part of Alabama on, west and north of a line extending from the Tennessee-Alabama State line over U. S. Highway 31 to Cullman, Ala., thence over Alabama Highway 69 to Jasper, Ala., thence over Alabama Highway 18 to the Alabama-Mississippi State line, and to that part of Missouri bounded by a line beginning at the Missouri-

Arkansas State line and extending along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Mississippi River, and thence along the Mississippi River to the Missouri-Arkansas State line. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Missouri, Alabama, Florida, Georgia, Kentucky, North Carolina, Texas, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 107107 Sub 80, filed September 11, 1956, ALTERMAN TRANSPORT LINES, INC., Office: 2424 NW. 46th Street, Mailing: P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Illinois, Indiana, Kansas, and South Dakota.

No. MC 107515 Sub 234, filed September 7, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, 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 Montgomery and Birmingham, Ala., to points in Illinois, Ohio, Indiana, Missouri, Michigan, and Wisconsin.

No. MC 107515 Sub 235, filed September 10 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Candy* and *frozen foods*, from Loring, Kans., to points in Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia, and Florida.

No. MC 108736 Sub 6, filed September 10, 1956, A. H. VIETOR, doing business as ALBERT LEA TRANSFER CO., 423 Adams Avenue, Albert Lea, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Eggs*, shelled (egg albumen, whites or yolks), *poultry*, (dessicated (dry) or frozen and dressed), from points in Faribault and Freeborn Counties, Minn., to points in Illinois, Indiana, Kentucky, Michigan (Lower peninsula), Missouri, New York, New Jersey, Ohio, Pennsylvania, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application.

No. MC 109141 Sub 20, filed September 7, 1956, WYOMING BUTANE GAS COMPANY, a corporation, 3739 Montana Avenue, Billings, Mont. Applicant's representative: Jerome Anderson, 415 Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in pressurized tank vehicles, from points in Township 11 North, Range 57 East, in Wibaux County, Mont., to points in North Dakota, South Dakota, and Wyoming, and *contaminated shipments* of liquefied petroleum gas on return. Applicant is authorized to conduct operations in Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

No. MC 110252 Sub 42, filed August 27, 1956, JAMES J. WILLIAMS, INC., North 1106 Pearl Street, Spokane, Wash. Applicant's representative: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizers* and *fertilizer solutions*, in bulk, in tank vehicles, between points in Washington on and east of U. S. Highway 97, on the one hand, and, on the other, points in Oregon on and west of U. S. Highway 97 and those in Idaho south of the southern boundary of Idaho County, Idaho.

No. MC 110841 Sub 6, filed August 29, 1956, PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N. J. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, clay*, and *pitch*, in bulk and in bags, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N. J., to points in Massachusetts, Rhode Island and Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 111320 Sub 27, filed September 4, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment*, and *parts thereof*, by driveaway and truckaway method, between Hudson, Ohio and points within five (5) miles thereof, and points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 111320 Sub 28, filed September 14, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile unit consisting of tractor and semi trailer*, containing training school equipment and facilities to operate and maintain road building and earth moving equipment, in driveaway, truckaway and towaway service, between points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 111812 Sub 29, filed August 27, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in California, Oregon, and Washington, and to Denver, Colo., and Salt Lake City, Utah. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, Oregon, South Dakota, Utah, and Washington.

No. MC 112020 Sub 22, filed September 4, 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: *Fish oils, fish solubles, fish sediments*, and *liquid fish products*, in bulk, in tank vehicles, from points in Mississippi, Louisiana and Texas, to points in Illinois, Indiana, and Wisconsin.

No. MC 112223 Sub 32, filed August 30, 1956, QUICKIE TRANSPORT COMPANY, A Corporation, 1121 South Seventh Street, Minneapolis 4, Minn. 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 Minnesota, Wisconsin and Upper Michigan. Applicant is authorized to conduct operations in Iowa, Minnesota, Michigan and Wisconsin.

NOTE: Applicant states no authority is sought between points in any one state and all duplicating authority is to be eliminated.

No. MC 113440 Sub 2, filed August 22, 1956, GUY E. BARTHOLOMEW, doing business as BARCO TRANSPORTATION COMPANY, Perry, Ohio. Applicant's representative: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, uncrated*, and *new furniture in fiberboard cartons*, in mixed shipments with uncrated new furniture, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Iowa, Rhode Island, North Carolina, and South Carolina; *damaged and returned shipments* of the above indicated on return. Applicant is authorized to conduct operations from Mahoning County, Ohio to points in Indiana, Illinois, New York, Maryland, Pennsylvania, Kentucky, Virginia, West Virginia, Tennessee, New Jersey, and the District of Columbia.

No. MC 114364 Sub 20, filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas, those in Missouri on and south of U. S. Highway 66 (except St. Louis, Mo.), Memphis, Tenn., and Texarkana, Tex., to points in Colorado, Wyoming,

those in Kansas and Nebraska on and west of U. S. Highway 183, those in New Mexico on and north of U. S. Highway 66, and those in San Juan County, Utah, excluding duplications. Applicant is authorized to conduct operations in Arkansas, Colorado, and Texas.

No. MC 114364 Sub 21, filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned and used empty containers for petroleum products*, (1) from points in Wyoming, and those in Nebraska on and west of U. S. Highway 281, to Ponca City, Okla.; (2) from points in Texas east of U. S. Highway 281 to Kansas City and Eldorado, Kans.; (3) from points in New Mexico on and north of U. S. Highway 66, to Kansas City, Kans.; and (4) from points in Idaho and Utah, and those in Nebraska on and west of U. S. Highway 281, to Houston, Tex. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

No. MC 114803 Sub 1, filed September 14, 1956, JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 2505 North Water Street, Decatur, Ill. Applicant's representative: W. L. Jordan, 201 National Building, Terre Haute, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Compressed gases* (other than poison), such as acetylene, air, argon, helium and oxygen, in shipper owned tank vehicles, from Tuscola (Ficklin) Ill., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NOTE: Applicant states that Tuscola is the mailing address while the loading plant of National Petro Chemical Company is located at Ficklin, 4 miles west of Tuscola.

No. MC 115437 Sub 1, filed August 27, 1956, and amended September 10, 1956, MONTERREY FREIGHT FORWARDING CORPORATION, P. O. Box 1170, Brownsville, Tex. Applicant's representative: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass*, and *glassware* as defined by the Commission, for the Mex-Cal Glass Corporation, from points in Cameron and Hidalgo Counties, Tex., to points in Michigan, Illinois, Indiana, Missouri, Arkansas, California, Wisconsin, Georgia, Alabama, Mississippi, Louisiana, Arizona, New Mexico, Colorado, Tennessee, and Ohio, (2) *Mirror chemical solutions* (silver solution and copper sulphate) for the Monterrey Sales Corporation, from points in California to points in Cameron and Hildalgo Counties, Tex., (3) *Cotton gin machinery*, new and used; *waste paper* and *waste burlap* for export only, for the Monterrey Sales Corporation, from points in Georgia, Alabama, Mississippi, and Louisiana, to points in Cameron and Hildalgo Counties, Tex., (4) *Waste paper; waste burlap; citrus pulp; citrus concentrates*, frozen and canned; *citrus juices*, frozen and canned; *machinery* and *motors*, new and used; when moving other than oil field equipment, for export only, for the Monterrey Sales Corporation, from points in Florida to points in Cameron and Hildalgo Counties, Tex., and (5) *Aluminum and steel windows and door frames, aluminum building surfaces* (shins), *aluminum furniture and aluminum bathroom fixtures*, new, for the Monterrey Sales Corporation, from points in Florida, to points in Cameron and Hildalgo Counties, Tex.

NOTE: Dual operations may be involved as applicant has a pending application for *common carrier* authority in MC 115436.

No. MC 115841 Sub 9, filed September 10, 1956, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Avenue North, P. O. Box 2169, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531-34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food* and *food products*, requiring refrigeration in transit, from points in Arkansas, to points in Wisconsin, Minnesota, Indiana, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, Delaware, and Arkansas.

No. MC 115873 Sub 2, filed August 24, 1956, HAROLD WAGGONER, doing business as HAROLD WAGGONER & CO., 1208 Niedringhaus, Granite City, Ill. Applicant's representative: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission, to points in Maryland.

No. MC 115964 Sub 1, filed August 24, 1956, M. C. BRYAN, doing business as BRYAN TRANSFER & STORAGE CO., 770 Fifth Street, Macon, Ga. Applicant's representative: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat products, meat byproducts* and *articles distributed by meat-packing houses*, in refrigerated equipment, from Macon, Ga., to points in that part of Georgia bounded by a line beginning at Macon and extending north along U. S. Highway 129 to Gray, thence along Georgia Highway 22 to Milledgeville, thence along U. S. Highway 441 to junction Georgia Highway 117, thence along Georgia Highway 117 to Eastman, thence along U. S. Highway 341 to Fort Valley, thence along Georgia Highway 49 to junction with U. S. Highway 41, and thence along U. S. Highway 41 to point of beginning, serving all points on the portions of the highways specified.

No. MC 115999 Sub 1, (Amended), filed July 25, 1956, published in the August 8, 1956 issue, on page 5956, DAVIS BROS. MOTOR TRANSPORT, INC., 656 Hamphill Avenue NW., Atlanta, Ga. Applicant's representative: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *forest products*, between points in Florida and Georgia, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 116053 Sub 1, filed September 14, 1956, W. B. NEW, 48 53d Street, Gulfport, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Treated* and *untreated poles, piling* and *lumber*, from Gulfport and Gautier, Miss., to points in Louisiana and Alabama.

No. MC 116094, filed July 11, 1956, ELMER JACOBSON, Dell Rapids, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry feeds*, and *livestock*, when transported on the same vehicle with non-exempt commodities, from Council Bluffs, Iowa and Sioux City, Iowa to points, except municipalities, within 35 miles of Dell Rapids, S. Dak.

No. MC 116158 (amended) filed August 10, 1956, published in the August 29, 1956 issue, page 6531, ROBERT H. BURNHAM AND LAURENCE M. BURNHAM, doing business as BURNHAM BROS. TRUCKING, 52 Fletcher Street, Ayer, Mass. Applicant's representative: Joseph Levco, 209 Washington Street, Boston, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Automatic mechanical pin setting machines* and *parts thereof* when moving with shipments of the described machines, from Boston, Mass. to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia; *damaged and returned shipments of automatic mechanical pin setting machines and parts* on return. Applicant is authorized to conduct operations under the second proviso of section 206 (a) (1), Interstate Commerce Act, in Massachusetts.

No. MC 116173, filed August 21, 1956, LAKELAND BUS LINES, INC., Route 46, Dover, N. J. Applicant's representative: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, except articles of a corrosive, poisonous, inflammable or explosive nature, in packages, not exceeding 80 pounds in weight and not exceeding 12 cubic feet in dimension, between the Borough of Manhattan, New York, N. Y., on the one hand, and, on the other, applicant's authorized regular route operations contained in Certificate Nos. MC 109802 and Sub 5, with the restriction that all traffic be delivered or picked up at the car-

riers' terminals or delivered to or received from applicant's motor busses.

No. MC 116187, filed September 4, 1956, ILLINOIS TERMINAL RAILROAD COMPANY, 710 North 12th Boulevard, St. Louis, Mo. 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, fodder, hay, straw and green hides, between Alton, East Alton, Federal, Wood River, Hartford, Roxana, Edwardsville, and East St. Louis, Ill., and St. Louis, Mo. Applicant states that no less than truck load traffic will be handled.

No. MC 116192, filed September 6, 1956, JAMES F. McBALL, 123 Garfield Avenue, West Chester, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Innerspring units and accessories for mattresses and furniture*, and *materials, equipment* and *supplies* used or useful in the manufacture and sale of such commodities, between West Chester, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

No. MC 116193, filed September 6, 1956, LEE L. MONROE, 850 North Clark, Los Angeles 46, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Wearing apparel*, on hangers, between Los Angeles, Calif., and Tucson, Ariz., from Los Angeles over U. S. Highway 70 to Phoenix, Ariz., thence over U. S. Highway 80 to Tucson, and return over the same route, serving no intermediate points, but serving Corona, Calif., as an off-route point.

No. MC 116195, filed September 10, 1956, NALON COMPANY, a corporation, Thomas Avenue and Lafferty Street, Jeannette, Pa. Applicant's representative: Charles F. McKenna, 508 Grant Street, Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Corrugated paper containers*, from Pittsburgh, Pa., to Whippany, Salem, Rutherford and Clifton, N. J., Glendale and Newell, W. Va., Elyria, East Palestine, Youngstown, Martins Ferry, Steubenville and East Liverpool, Ohio, and La Pelle and Terre Haute, Ind., (2) *Scrap*, from Pittsburgh, Pa., to Whippany, Salem, Rutherford, and Clifton, N. J. and La Pelle and Terre Haute, Ind. (3) *Sheets, Roll stock paper*, and *Chipboard paper*, from Whippany, Salem, Rutherford, and Clifton, N. J. and La Pelle and Terre Haute, Ind., to Pittsburgh and Jeannette, Pa.

No. MC 116198, filed September 12, 1956, DON'S TRUCKING, INC., Georgetown, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Alabama, Arkansas, Louisiana and Mississippi to points in Benton, Boone, Clay, Clinton, Daviess, Dubois, Fountain, Gibson, Greene, Hendricks, Jasper, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Newton, Owen, Parke, Pike, Pulaski, Putnam, Sullivan, Tippecanoe, Vigo, Warren and White Counties, Ind., and Champaign, Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Ford, Gallatin, Grundy, Hamilton, Iroquois, Jasper, Jefferson, Kankakee, La Salle, Lawrence, Livingston, Macon, Marion, McLean, Montgomery, Piatt, Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White, and Williamson Counties, Ill. Applicant, as a contract carrier under Permit No. MC 114668, is authorized to perform operations between certain territory in Illinois, Indiana, Kentucky, and Ohio, transporting fertilizer and fertilizer materials. Dual operations under section 210 may be involved.

No. MC 116204, filed September 14, 1956, VAN E. HAMLETT, 1224 Greenfield Avenue, Nashville 6, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, and *hardened materials, bursted bags and over stocked materials of fertilizer*, between points in Tennessee, and points in that part of Kentucky west of U. S. Highway 25–E, starting at Middlesboro, to U. S. Highway 25 at Corbin, then to U. S. Highway 150 at Mt. Vernon to Danville and Constitution Square to U. S. Highway 68, then points southwest of U. S. Highway 68 to Lebanon, then over Kentucky Highway 84 to Hodgenville, then over Kentucky Highway 61 to Elizabethtown, then over U. S. Highway 62 to Leitchfield, then over Kentucky Highway 65 to Harned, thence over U. S. Highway 60 to Cloverport at Indiana State line westward.

No. MC 116211, filed September 18, 1956, JESSE D. LENHART, doing business as LENHART TRAILER SERVICE, 304 East Nelson Avenue, Alexandria, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers* and *boat trailers*, in initial and secondary movements, between points in Maryland, Virginia and the District of Columbia, on the one hand, and, on the other, points in Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, Michigan, Indiana, Illinois, and the District of Columbia.

### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1504 Sub 129, filed August 21, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. 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 421 near Guthrie, N. C., and junction Old and Relocated U. S. Highways 421 near Kernersville, N. C., over Relocated U. S. Highway 421, serving all intermediate points. Carrier presently operates between Guthrie and Kernersville, N. C., over old U. S. Highway 421 in connection with its regular route between Abington, Va., and Greensboro, N. C.

No. MC 1504 Sub 130, filed August 21, 1956, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's representative: L. 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 52 southeast of Mt. Airy, N. C., and junction Old and Relocated U. S. Highways 52 southeast of Pilot Mountain, N. C., over Relocated U. S. Highway 52, serving all intermediate points. Carrier presently operates between Mt. Airy and Pilot Mountain, N. C., over Old U. S. Highway 52 in connection with its regular route between Fort Chiswell, Va., and Atlanta, Ga.

No. MC 2353 Sub 7, filed September 7, 1956, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's representative: S. Harrison Kahn, 726–734 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the racing seasons, between points on U. S. Highway 40 in New Jersey, except Atlantic City, N. J. on the one hand, and, on the other, the sites of the Bowie, Laurel, and Pimlico racetracks in Maryland, and the Delaware Park racetrack in Delaware. Applicant is authorized to operate in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Maine Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 3647 Sub 205, filed September 10, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Moorestown, N. J. and Gloucester, N. J., from junction West Main Street, Camden Avenue and Kings Highway, Moorestown, N. J., over Kings Highway to junction Market Street, Mt. Ephraim, N. J., thence over Market Street to junction New Jersey Highway 42, North-South Freeway, Gloucester, N. J., and return over same route, serving all intermediate points.

No. MC 5038 Sub 3, filed September 17, 1956, J. T. FUQUA, doing business as FUQUA'S BUS LINES, 651½ East Twelfth Street, Bowling Green, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express*, in the same vehicle with passengers, between Bowling Green, Ky., and Scotts-

ville, Ky., from Bowling Green over U. S. Highway 231 to Scottsville and return over the same route, serving all intermediate points.

No. MC 102299 Sub 6, filed September 19, 1956, THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, a corporation, 100 South Howard Street, Baltimore, Md. Applicant's representative: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Friendship International Airport, Md., and Washington, D. C., from Friendship International Airport over Maryland Highway 170 to junction Maryland Highway 176, thence over Maryland Highway 176 to junction Maryland Highway 713, thence over Maryland Highway 713 to junction Maryland Highway 175, thence over Maryland Highway 175 to Fort George G. Mead, Md., thence over unnumbered highways within Fort George G. Mead to Maryland Highway 602, thence over Maryland Highway 602 to Maryland Highway 32, thence over Maryland Highway 32 to the Baltimore-Washington Parkway to Maryland Highway 602, thence over Maryland Highway 602 to U. S. Highway 1, thence over U. S. Highway 1 to Washington, D. C., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland.

No. MC 113418 Sub 1, filed August 23, 1956, DEWEES BUS LINES, a corporation, 28 First Avenue SE., Oelwein, Iowa. Applicant's representative: Erwin Larson, Ellis Block, Charles City, Iowa. 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 operations, beginning and ending at Oelwein, Iowa, and points within sixty (60) miles thereof, and extending to points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE: Applicant states that transportation will be limited to charter groups only, but not limited to Schools and Colleges. Applicant further states that the purpose of this application is to extend its present operations to all of the other states in the United States and to remove the restrictions imposed in Certificate No. MC 113418 as to starting points.

No. MC 115420 Sub 5, filed August 29, 1956, MERLE E. MARTIN, doing business as SUPERIOR BUS SERVICE, P. O. Box 169, Harrisburg, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Strasburg, Va., and Mathias, W. Va., from Strasburg over Virginia Highway 55 to the Virginia-West Virginia State line, thence over West Virginia Highway 55 to Wardensville, W. Va., thence continue on West Virginia Highway 55 to junction West Virginia Highway 259 at Baker, W. Va., thence over West Virginia Highway 259 to Mathias, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 116140, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main Street, Concord, N. H. Applicant's representative: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *mail, express*, and *newspapers* in the same vehicle with passengers, between Manchester, N. H. and Plymouth, N. H., from Manchester over U. S. Highway 3 to Plymouth, and return over the same route, serving all intermediate points (also, from Manchester over U. S. Highway 3 to junction unnumbered highway, thence over unnumbered highway via Hooksett and Suncook to junction U. S. Highway 3 and thence over U. S. Highway 3 to Concord, and return over the same route, serving all intermediate points); (also between Manchester, N. H. and Concord, N. H., from Manchester over U. S. Highway 3A to Concord, and return over the same route, serving all intermediate points); (also from Manchester over U. S. Highway 3A to Hooksett, N. H. and thence over unnumbered highway to Hooksett Village, and return over the same route, serving all intermediate points).

NOTE: The authority sought is subject to restrictions that no passengers shall be picked up for transportation in either direction wholly within the following areas: (1) On that portion of the routes authorized in the City of Manchester south of the intersection of Beech and Webster Streets, and between points in Manchester south of the intersection of Front Street and Dunbarton Road; (2) between the underpass formerly on U. S. Highway 3, south of Franklin, and a point one-half mile north of Tilton on U. S. Highawy 3; (3) between a point on U. S. Highway 3 one mile south of Pearl Street and Court Street in the City of Laconia and The Weirs, except that passengers may be picked up and discharged at Laconia, Lakeport, and The Weirs on vehicles operating schedules to connect with trains leaving Concord for Boston in the afternoon or evening, and with trains leaving Concord for points in the north in the afternoon or evening.

No. MC 116140 Sub 1, filed July 30, 1956, CAPITAL TRANSIT, INC., South Main Street, Concord, N. H. Applicant's representative: Joseph Kovner, 88 North Main Street, Concord, N. H. 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 operations beginning and ending at Allenstown, Andover, Ashland, Belmont, Boscawen, Bow, Bradford, Bristol, Canterbury, Chichester, Concord, Contoocook, Danbury, Dunbarton, Epsom, Franklin, Gilmanton, Gilmanton Iron Works, Henniker, Hooksett, Hopkinton, Laconia, Loudon, Meredith, New Hampton, New London, North Sanbornton, Pembroke, Penacook, Pittsfield, Plymouth, Potter Place, Salisbury, Sanbornton, Suncook, Sutton, The Weirs, Tilton, Warner, Webster, West Andover, Wilmot Flat, and Winnisquam, N. H., and extending to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12650, filed September 11, 1956, OLYMPIC TRAVEL SERVICE, INC., 1118 Cortelyou Road, Brooklyn 18, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For a license as a *broker* (BMC 5) at Brooklyn, N. Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of groups of *passengers and their baggage* in the same vehicle with passengers, in special or charter service, in round-trip all-expense tours between New York City, N. Y., points in Westchester, Nassau and Suffolk Counties, N. Y., Bergen, Passaic, Essex, Hudson and Union Counties, N. J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Application indicates that applicant proposes to act as ticket and sales agent for motor carriers and other carriers in arranging packaged tours for groups of people, either church or other religious organizations, or recreational organizations to places of interest, amusement, or recreation.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6370, published in the August 29, 1956, issue of the FEDERAL REGISTER on page 6532. Application filed September 17, 1956, for temporary authority under section 210a (b).

No. MC–F 6392. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 Eighth Street SE., Minneapolis, Minn., of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, of control of such rights through the purchase. Applicants' representatives: Van Osdel & Foss, 506 First National Bank Building, Fargo, N. Dak., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. 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 Fargo, N. Dak., and junction U. S. Highway 10 and Minnesota Highway 32, between Fargo, N. Dak., and Little Falls, Minn., and between St. Paul, Minn., and Little Falls, Minn., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6393. Authority sought for purchase by CROSS TRANSPORTATION, INC., Carli's Corner, Bridgeton, N. J., of a portion of the operating rights and certain property of NATIONAL FREIGHT, INC., 122 Wood Street, Vineland, N. J., and for acquisition by JOHN J. CROSS, also of Bridgeton, of control of such rights and property through the

purchase. Applicants' representatives: Brodsky and Lieberman, 1776 Broadway, New York, N. Y. and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Building materials* other than those ordinarily transported in dump trucks, as a *common carrier*, over irregular routes, between points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, South Carolina, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Maryland, Delaware, Virginia, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6395. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of KENNETH POORMAN COMPANY, 1835 Southeast Grand Avenue, Portland 14, Oreg. Applicants' representative: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *Plywood, forest products, lumber mill products*, and *building materials*, in quantities of not less than 10,000 pounds, and *construction materials*, and *construction and contractor's equipment*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related parts, materials, equipment, and supplies* when their transportation is incidental to the transportation by applicant of the aforementioned articles, as a *common carrier*, over irregular routes, between certain points in Washington on the one hand, and, on the other, points in Oregon; *steel and cast iron pipe*, and *fittings* therefor when transported incidentally to the movement of such commodities, *wooden tanks, pumice blocks, brick, structural and reinforcing steel, steel tanks*, and *contractors' machinery and related machinery parts* when transported incidentally to the shipments of contractors' machinery, between Portland, Oreg., and Vancouver and Longview, Wash., on the one hand, and, on the other, points in that part of Idaho south of and including Idaho County; *lumber*, between points in Oregon, on the one hand, and, on the other, points in that portion of Idaho south of and including Idaho County, and between points in Oregon on and west of U. S. Highway 97 on the one hand, and, on the other, certain points in Oregon and Vancouver and Longview, Wash.; *machinery and equipment*, incidental to, or used in general construction work, between points in Oregon and Washington; *materials and supplies*, incidental to or used in general construction work, from Portland, Oreg., and points within 25 miles of Portland, to certain points in Washington; *cement* and *lime*, from Lime, Oreg., to points in Idaho; *perlite ore (rock)*, between points in Idaho, Oregon, and Washington; *processed perlite and perlite products*, between certain points in Oregon, Washington, and Idaho on the one hand, and, on the other points in California on and north of U. S. Highway 50 and points in Idaho, Oregon and Washington. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Nevada, Minnesota, North Dakota, Montana, Utah, Wisconsin, Illinois, Wyoming, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6396. Authority sought for purchase by POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va., of the operating rights and property of COOPER TRANSFER COMPANY, 401 Second Avenue, Beckley, W. Va., and for acquisition by HARLEY H. HARTLEY, VITUS HARTLEY, SR., WILLIAM P. FINNERAN, ART E. HARTLEY, VITUS HARTLEY, JR., AND PAUL YOUNGBLOOD, all of Charleston, of control of such rights and property through the purchase. Applicants' representative: John C. White, 400 Union Bldg., Charleston 1, W. Va. Operating rights sought to be transferred: *General commodities*, with no exceptions, as a *common carrier* over regular routes, between Beckley, W. Va., and Mabscott, Raleigh, and Cranberry, W. Va., between Raleigh, W. Va., and Cranberry and Mabscott, W. Va., and between Mabscott, W. Va., and Cranberry, W. Va., serving certain intermediate points; *packing-house products*, between Charleston, W. Va., and Beckley, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods and commodities in bulk, over irregular routes, between Beckley, W. Va., on the one hand, and, on the other, points in West Virginia within 35 miles of Beckley, and between Beckley, W. Va., on the one hand, and, on the other, Bluefield, Va., and points in Virginia within five miles of Bluefield; *household goods*, as defined by the Commission, between Beckley, W. Va., and points within 25 miles thereof, on the one hand, and, on the other, points in West Virginia, Kentucky, Ohio, Virginia, North Carolina, Maryland, Pennsylvania, the Lower Peninsula of Michigan, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6397. Authority sought for purchase by J. T. FUQUA, doing business as FUQUA'S BUS LINE, 651½ East 12th Street, Bowling Green, Ky., of a portion of the operating rights of BOWLING GREEN - HOPKINSVILLE BUS CO., INC., Russellville, Ky. Applicants' representative: J. T. Fuqua, Owner, Fuqua's Bus Line, 651½ East 12th Street, Bowling Green, Ky. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Bowling Green, Ky., and Glasgow, Ky., and between Glasgow, Ky., and Somerset, Ky., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6399. Authority sought for control by DENNIS TRUCKING COMPANY, INC., 2519 Morris Street, Philadelphia, Pa., of JOHNSONS TRANSFER, INC., 1251 South 28th Street, Philadelphia, Pa., and for acquisition by DENNIS J. McNICHOL, JR., also of Philadelphia, of control of JOHNSONS TRANSFER, INC., through the acquisition by DENNIS TRUCKING COMPANY. Applicant's representative: Beverley S. Simms, 1624 Eye Street NW., Washington, D. C. Operating rights sought to be controlled: *Lumber, lath* and *shingles*, as a *common carrier* over regular routes from Baltimore, Md., to Washington, D. C., serving certain intermediate and off-route points; *scrap metal* and *rags*, from Washington, D. C., to Baltimore, Md., serving no intermediate points; *building materials, cranberries, fruit, vegetables, canned goods, sugar*, and *such camp equipment* as is used or useful in boy scout jamborees, over irregular routes, from, to and between points and areas, varying with the commodity transported, in Maryland, Virginia, Pennsylvania, West Virginia, New Jersey, New York, and the District of Columbia. Applicant is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6401. Authority sought by WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, to merge the operating rights and property of MEEKS MOTOR FREIGHT, 3636 Follett Avenue, Cincinnati 23, Ohio, and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ and S. DAVID SHOR, all of Cincinnati, of control of such rights and property through the transaction. Applicant's representative: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D. C. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Louisville, Ky., and Evansville, Ind., Cincinnati, Ohio, and Harlan, Ky., and Nashville, Tenn., between Lexington, Ky., and Manchester, Ky., between Bowling Green, Ky., and Hopkinsville, Ky., between New Albany, Ind., and Dale, Ind., between Jeffersonville, Ind., and Versailles, Ind., and between junction Indiana Highway 62 and Indiana Highway 56 and Paoli, Ind., serving certain intermediate and off-route points. WILSON FREIGHT FORWARDING COMPANY is authorized to operate as a *common carrier* in Indiana, Ohio, Penn-

sylvania, New York, Maryland, Kentucky, New Jersey, Massachusetts, Virginia, North Carolina, Tennessee, West Virginia, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 56-7739; Filed, Sept. 25, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

HATSUTARO KANEKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Hatsutaro Kaneko, Tokyo, Japan, Claim No. 44658; $868.75 in the Treasury of the United States.

Vesting Order No. 14238.

Executed at Washington, D. C., on September 14, 1956.

For the Attorney General.

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

[F. R. Doc. 56-7751; Filed, Sept. 25, 1956; 8:49 a. m.]

ANNA PINCUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Anna Pincus, London, England, Claim Number 45721; $770.74 in the Treasury of the United States.

Vesting Order No. 7925.

Executed at Washington, D. C., on September 14, 1956.

For the Attorney General.

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

[F. R. Doc. 56-7752; Filed, Sept. 25, 1956; 8:49 a. m.]

GWLADYS ELVIRA THOMPSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Gwladys Elvira Thompson, London, England, Claim No. 63253; $747.50 in the Treasury of the United States;

$100.00 Conversion Office for German Foreign Debts 3 percent dollar bond due January 1, 1946 with January 1, 1941, S. C. A., evidenced by Certificate No. 73656;

$50.00 Conversion Office for German Foreign Debts 3 percent Bonds, Series B, represented by Certificates Nos. 285,811 and 285,812, each of the face value of $20.00, and No. 122,482 of the face value of $10.00.

The Certificates are presently in the custody of the Federal Reserve Bank in New York.

Vesting Orders Nos. 8567 and 9068.

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

For the Attorney General.

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

[F. R. Doc. 56-7753; Filed, Sept. 25, 1956; 8:49 a. m.]

W. E. ZOELLNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

W. E. Zoellner, London, England, Claim No. 59710; $264.38 in the Treasury of the United States.

Vesting Order No. 8711.

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

For the Attorney General.

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

[F. R. Doc. 56-7754; Filed, Sept. 25, 1956; 8:49 a. m.]

HERMINE HERZIG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Hermine Herzig, Nuremberg, Germany, Claim No. 66656; $1,000 German Central Bank for Agriculure 6 Percent Farm Loan Secured Gold Sinking Fund Bond, Second Series of 1927, due October 15, 1960, evidenced by Certificate No. M-9317. The October 15, 1938, coupon and subsequent coupons and a Validation Certificate are attached. The property is in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 17128.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

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

[F. R. Doc. 56-7755; Filed, Sept. 25, 1956; 8:49 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF ELLA GOUDSMIT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of:

Ella Goudsmit, Wilhelmina van Kerckhof, Elisabeth van Strien and Diana Pimentel, L. S. Claim No. 647, $784.16 in the Treasury of the United States.

Salomons Pimentel L. S. Claim No. 648, $1,176.24 in the Treasury of the United States.

Mietje, Hans and Ernst Pino, Robert Goedsmit and Lina Noach, L. S. Claim No. 649, $392.08 in the Treasury of the United States.

Philip Rintel, L. S. Claim No. 682, $1,176.24 in the Treasury of the United States.

Henny de Vries, L. S. Claim No. 784, $784.16 in the Treasury of the United States.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on September 19, 1956.

For the Attorney General.

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

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