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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—NONCOMPETITIVE ACQUISITION OF COMPETITIVE STATUS

INCUMBENTS OF POSITIONS BROUGHT INTO THE COMPETITIVE SERVICE

Section 3.101 (a) is amended as set out below.

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined that one of the following situations exists, a person occupying a continuing position when it is brought into the competitive service may be retained in such position and may acquire a competitive status subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A, B, or C in accordance with § 06.6 of this chapter, or is otherwise made subject to competitive examination.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 57-8606; Filed, Oct. 17, 1957; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.333 is amended as set out below.

§ 6.333 *General Services Administration—(a) Office of the Administrator.* (1) Four Members of the Board of Review.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 57-8589; Filed, Oct. 17, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

PART 475—EMERGENCY FEED PROGRAMS SUBPART—1954, 1955 AND 1956 EMERGENCY FEED PROGRAMS

This bulletin contains regulations pertaining to the granting of relief pursuant to Public Law 85-312 with respect to claims arising out of deliveries of eligible surplus feed grains on ineligible dates in connection with purchase orders issued under the 1954, 1955, and 1956 Emergency Feed Programs.

Sec.

- 475.101 General statement.
- 475.102 Administration.
- 475.103 Definitions.
- 475.104 When relief may be granted.
- 475.105 Adjustment of claims without application.
- 475.106 Adjustment of claims with application.
- 475.107 Burden of proof.
- 475.108 Findings and notice to applicant.
- 475.109 Refunds.
- 475.110 Appeals.
- 475.111 Claims settled by or pending in the Department of Justice.
- 475.112 Regulations under Emergency Feed Programs.

AUTHORITY: §§ 475.101 to 475.112 issued under Pub. Law 85-312.

§ 475.101 *General statement.* (a) Under Public Law 85-312, Commodity Credit Corporation is authorized, under

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regulations approved by the Secretary of Agriculture, to grant relief to farmers and dealers on claims arising out of early and late deliveries under purchase orders for emergency feed issued under the 1954, 1955 and 1956 Emergency Feed Programs. The act authorizes the recognition of purchases and deliveries of designated surplus feed grains and approved mixed feeds which were actually purchased on or after the date the county was declared eligible by the Secretary of Agriculture for assistance under the Emergency Feed Program and which were physically delivered not later than six months from the expiration date of the purchase order.

(b) The purpose of the act, as explained in the Committee Reports H. Rep. 341 and S. Rep. 1041, 85th Congress, 1st Session was to permit the Commodity Credit Corporation to dismiss claims against feed dealers and farmers for technical violations of regulations relating to the 1954, 1955 and 1956 Emergency Feed Programs involving early and late deliveries of feed under such programs. In a number of instances feed was delivered to the farmer before the Farmers Home Administration county committee had formally approved his application or after the delivery date on the purchase order had expired. None of the cases covered by this act involve substantive violations of the regulations such as underdelivery, delivery of ineligible feed or delivery without a purchase order.

§ 475.102 Administration. The relief authorized in this part will be admin-

istered by Commodity Credit Corporation (hereinafter called CCC) under the general direction and supervision of the Executive Vice President of CCC through the Commodity Stabilization Service (hereinafter called CSS) in the field through the Agricultural Stabilization and Conservation State office (hereinafter called ASC State office). No representative nor employee of any of the above has authority to modify or waive any of the provisions of this part, except that the Executive Vice President may grant such waivers (other than a waiver of subparagraphs (1) through (4) of § 475.104 (a)) upon such terms and conditions as he determines necessary to effectuate the purposes of the act.

§ 475.103 *Definitions.* The following terms shall have the following meanings in this subpart and in all forms and documents used in connection herewith except where the subject matter otherwise specifically requires or provides:

(a) "Dealer" means any person including but not limited to an individual, partnership, corporation, cooperative or other business entity who was eligible to present a purchase order to the ASC county office in exchange for a dealer's certificate under the 1954, 1955, or 1956 Emergency Feed Programs.

(b) "Farmer" means a farmer, rancher or stockman to whom was issued a purchase order under the 1954, 1955, or 1956 Emergency Feed Programs.

(c) "Feed" means designated surplus feed grains and approved mixed feed as defined in the 1954, 1955, and 1956 Emergency Feed Programs.

(d) "The date on which the county was declared to be eligible for assistance" means the date on which the county was first declared by the Secretary of Agriculture to be eligible to receive assistance under the Emergency Feed Program for a particular program year.

Where only a portion or portions of the county were declared eligible for assistance at any one time, the date as to any particular portion shall be the one on which that portion of the county was first declared eligible for assistance by the Secretary of Agriculture under the particular program year.

(e) "Early deliveries" means purchases of feed by a farmer and deliveries thereon by a dealer on or after the date the county was declared to be eligible for assistance during a particular program year and within not more than 30 days prior to the date the farmer's application for the purchase order, on which credit is claimed, was approved by the ASC county committee.

(f) "Late deliveries" means physical deliveries of feed to a farmer after the expiration date of the purchase order, but not later than six months after such date: *Provided*, That the purchase order was transferred by the farmer to the dealer before its expiration date as part payment on an agreement to purchase such feeds and the dealer allowed the farmer credit for the applicable value of the purchase order.

(g) "Expiration date of the purchase order" means the following number of

calendar days after the date the purchase order was issued under the respective Emergency Feed Program plus, with respect to a particular purchase order, any extension of time heretofore granted by CCC:

1954 Emergency Feed Program—120 calendar days or such shorter period as shown on the purchase order by the ASC county committee.

1955 Emergency Feed Program—60 calendar days.

1956 Emergency Feed Program—60 calendar days.

(h) "A calendar month" means that period of time commencing on a given date in a month and extending to, but not including, the same date in the following month.

(i) "Six months from the expiration date of the purchase order" means the six calendar months commencing on the first day after the expiration date of a particular purchase order.

(j) "Purchase" means a purchase, or an agreement, oral or written, for the purchase of feed.

§ 475.104 *When relief may be granted.*

(a) Any claim by CCC against a dealer under the 1954, 1955, or 1956 Emergency Feed Programs will be adjusted to the extent that the following is established:

(1) That such claim includes early and late deliveries as defined in § 475.103 (e), and (f);

(2) That as to any deliveries the purchase order was accepted by the dealer before its expiration date as part payment on the farmer's purchase of feeds;

(3) That actual, physical delivery was made of the feeds not later than six months from the expiration date of the applicable purchase order;

(4) That the dealer gave full credit to the farmer for the amount of the purchase order on which the early and late deliveries were made, and

(5) As to any amounts included in the application for relief, (i) the dealer has collected no portion thereof from the farmers, or (ii) if the dealer has collected any portion thereof from the farmers, the dealer has repaid to the farmers the amount so collected or the farmers, from whom such collections were made and who have not been repaid, consent to the application of the dealer for claim adjustment and to any refund by CCC to the dealer.

(b) A farmer may receive relief in the form of a payment from CCC to the extent that he can establish that he has paid the dealer the value of the purchase order with respect to any early or late deliveries on which the dealer has paid the claim of CCC and would be entitled to relief under these regulations, except for such dealer's refusal to repay the farmer or reclaim from CCC the amount collected. For the purposes of this part, a dealer will be deemed to have refused repayment if such dealer (1) has declined to repay or to file with CCC an application or request to which the farmer may consent as hereinafter provided or (2) within 30 days after a written request by the farmer to the dealer for repayment fails to repay or to file with CCC such application or request.

§ 475.105 *Adjustment of claims without application.* Any claim by CCC against a dealer under the 1954, 1955 or 1956 Emergency Feed Programs will, as to early and late deliveries, be adjusted by the ASC State office, without application by the dealer for claim relief, to the extent that information in the possession of CSS establishes that such deliveries meet the requirements of subparagraphs (1) through (4) of § 475.104 (a): *Provided, however*, That the dealer (a) certifies that no part of the amount being considered for adjustment has been collected by the dealer from farmers or (b) if any such collection has been made, either certifies that the amount of such collection has since been repaid to farmers or files with the ASC State office written consent by the farmers to claim adjustment and to any refund by CCC to the dealer. If any portion of the amount by which the claim is being adjusted has been paid by the dealer to CCC, in order to obtain a refund thereof as provided in § 475.109, the dealer must file with the ASC State office a written request for such refund. As to any portion of a claim not adjusted as provided in this section, if the dealer believes that he can qualify for claim relief, he shall file an application for relief as provided in § 475.106.

§ 475.106 *Adjustment of claims with application.* As to any claim with respect to early or late deliveries not adjusted pursuant to § 475.105 hereof application for adjustment of such claim may be made as follows:

(a) *When to apply.* Applications by dealers must be filed within six months after the date the regulations in this subpart are issued or within six months after the demand by CCC for payment of the claim is first received, whichever is later. A farmer who believes he is entitled to relief under § 475.104 (b) must make application within six months after the date these regulations are issued.

(b) *Where to apply.* Applications for adjustments of claims or refunds of amounts paid shall be made at the ASC State office which established the claim.

(c) *Application by a dealer.* The application by a dealer shall be in writing and shall include and be accompanied by the following:

(1) Amount of adjustment or refund requested.

(2) The identification of each purchase order on which credit is claimed including the name of the farmer to whom the purchase order was issued, the number of such purchase order, and the ASC county office which issued it.

(3) The dates of the purchases and quantities and types of feed purchased.

(4) The dates of actual physical deliveries and the quantities and types of feeds delivered on each of such dates.

(5) The credits given the farmer on the purchase orders listed and the dates such credits were given.

(6) Such other information as will establish that the dealer is entitled to relief under the requirements of § 475.104 (a).

(7) A certification by the dealer as follows:

I certify that the information set forth herein is true and correct and that no amount covered by this application has been collected from any of the farmers whose purchase orders are referred to in this application or that, if collections have been made from said farmers, the amount so collected has been repaid to them, or they have consented to this application and refund to the dealer by CCC. I have been informed and am fully aware that any false certification or representation herein or any documents supplied in support of this claim which are not, in fact, true and correct, may subject me to prosecution under the Federal Criminal Statutes and to action under the Civil False Claims Act.

This certification shall be sworn and subscribed to by the dealer or his authorized representative before a notary or other official authorized to administer oaths.

(8) The application shall be accompanied by any documentary evidence of purchase and delivery which the dealer desires to present including, but not limited to, sales slips, sales tickets, invoices, and delivery slips or certified or photostatic copies thereof, photostats of books or records of the dealer, or affidavits from farmers or others with actual knowledge of the facts, sworn and subscribed to as true and correct before a notary or other official authorized to administer oaths. Where the dealer has collected from farmers any amounts included in the application and not repaid to the farmers the amounts so collected, the application shall be accompanied by written statements of the farmers consenting to the dealer's application and refund by CCC to the dealer.

To the extent that any of the information or documents are in the possession of CSS, such information or documents need not be furnished by the dealer with his application. The dealer may inquire at the ASC State office as to the information and documents which are in the possession of that office.

(d) *Application by a farmer.* The application by a farmer for refund of any amount, which he paid to the dealer on a claim based on early and late deliveries and which in turn was paid by the dealer to CCC, shall be in writing and shall include the following:

- (1) The amount of refund requested.
- (2) The identification of each purchase order on which credit is claimed, including the number of such purchase order and the ASC county office which issued it, and the dealer to whom such purchase order was transferred.
- (3) The dates of the purchases and the quantities and types of feed purchased.
- (4) The dates of actual physical deliveries and the quantities and types of feeds delivered to the farmer on each of such dates.
- (5) The credit received by the farmer on the purchase orders and the dates such credits were allowed.
- (6) Such other information as will establish that the farmer is entitled to relief under the provisions of § 475.104.
- (7) A certification by the farmer as follows:

I certify that the information set forth herein is true and correct and that I paid

the amount herein claimed to -----, the dealer to whom the purchase order was transferred, who has refused or failed to repay such amount to me. I have been informed and am fully aware that any false certification or representation herein which is not true and correct may subject me to prosecution under the Federal Criminal Statutes and to action under the Civil False Claims Act.

This certification shall be sworn and subscribed to before a notary or other official authorized to administer oaths.

(8) The application shall be accompanied by any documentary evidence which the farmer desires to submit, including but not limited to, sales slips, sales tickets, invoices, delivery slips, certified or photostatic copies thereof and photostats of books or records of the dealer or affidavits from persons with knowledge of the facts, and must include a receipt or other statement from the dealer reciting that payment has been made. Such affidavits shall be sworn and subscribed to as true and correct before a notary or other official authorized to administer oaths.

§ 475.107 *Burden of proof.* The burden of proof shall be upon the dealer or farmer to establish that he qualifies for an adjustment or refund as to early or late deliveries under this part. Such dealer or farmer may be requested to furnish any information and documents not previously furnished and CCC may make such verification or investigation as may be deemed necessary.

§ 475.108 *Findings and notice to applicants.* On the basis of all information made available to it, the ASC State office shall make a determination as to whether relief shall be granted to the applicant and, if so, the extent of such relief. If relief is denied in whole or in part, the ASC State office shall state the reasons for such denial. A copy of the determination and the reasons for the denial, if any part is denied, shall be mailed to the applicant.

§ 475.109 *Refunds.* Refunds will be made by the ASC State office of any amounts that have been collected by CCC from dealers on claims to the extent such claims have been adjusted hereunder except as provided in § 475.111.

§ 475.110 *Appeals.* Any dealer or farmer whose application for relief has been denied in whole or in part and who considers that the denial was unjustified and desires to appeal therefrom must notify the ASC State office within 30 days after receipt of its determination that he desires to appeal to the Executive Vice President of Commodity Credit Corporation or his designee. With such notification, the applicant shall submit to the ASC State office a written statement of his evidence or reasons in support of the appeal. The ASC State office shall promptly forward to the Executive Vice President, CCC, the complete file on the applicant together with any comments or statements which are considered pertinent. The ASC State office may, on its own motion, refer any application for adjustment or refund to the Executive Vice President, CCC, for

determination. Any determination of the Executive Vice President, or his designee, shall be final and conclusive.

§ 475.111 *Claims settled by or pending in the Department of Justice.* Notwithstanding any provisions in these regulations, as to claims settled by or pending in the Department of Justice, CCC shall forward the determination as to any adjustment to the Office of the General Counsel for transmittal to the Department of Justice, and no refunds based on such determinations shall be allowed except to the extent the Department of Justice concurs therein.

§ 475.112 *Regulations under Emergency Feed Programs.* The regulations, as amended, issued in connection with each of the respective 1954, 1955, and 1956 Emergency Feed Programs shall remain in effect with respect to each such program except to the extent that they may be modified by the provisions of this subpart.

Issued this 15th day of October, 1957.

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

Approved:

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-8607; Filed, Oct. 16, 1957;
12:30 p. m.]

TITLE 7—AGRICULTURE

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

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in Colorado, was published in the FEDERAL REGISTER September 18, 1957 (22 F. R. 7434). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 2, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.224 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (§§ 958.1 to 958.88), to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending May 31, 1958, will amount to \$3,024.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be one-tenth of one cent (\$0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

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

Dated: October 15, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-8605; Filed, Oct. 17, 1957;
8:53 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

PIECE RATES FOR HAND-LACING OF PLASTIC AND LEATHER WALLETS, LEATHER WALLET COVERS, AND LEATHER MOCCASIN PLUGS

On August 9, 1957, notice was published in the FEDERAL REGISTER (22 F. R. 6385) that the Administrator of the Wage and Hour and Public Contracts Divisions proposed to amend Part 681 of Title 29, Code of Federal Regulations, by the issuance of piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs. In the proposal, interested persons were given until August 26, 1957, to submit for consideration data, views, or arguments, pertaining to the proposed amendment.

The sole response to the notice of amendment objected to the proposed rates on the ground that they were in excess of the piece rates actually justified by the operations in question. After consideration of all relevant material presented by the respondent and after re-examination of the data upon which the proposal was based, I am convinced that the proposed rates are fully justified. The objection is hereby overruled. This amendment is based upon the statutory authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938. Its purpose is to establish minimum piece rates commensurate with the minimum hourly rates which became effective April 4, 1957, for the leather, leather goods, shoe, and related products industry in Puerto Rico (22 F. R. 1744).

Accordingly, pursuant to authority provided in section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U. S. C. 206 (a) (2)), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), and General Order No. 85A of the Secretary of Labor (22 F. R. 7614), § 681.9 of Title 29, Code of Federal Regulations, is hereby amended by the

addition of a new paragraph (b) to read as follows:

(b) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* A minimum piece rate of $\frac{55}{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum rate of $\frac{70}{100}$ of one cent per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather moccasin plugs; a minimum piece rate of 1 and $\frac{35}{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers, and a minimum piece rate of 1 and $\frac{65}{100}$ cents per dozen stitches for homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211)

This amendment shall become effective November 18, 1957.

Signed at Washington, D. C., this 15th day of October 1957.

C. T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 57-8604; Filed, Oct. 17, 1957;
8:53 a. m.]

TITLE 50—WILDLIFE

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

PART 31—PACIFIC REGION

SUBPART—WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that portions of the Willapa National Wildlife Refuge, Washington, may be administered primarily as a wildlife management area, not subject to the prohibitions against the taking of migratory game birds, and that the hunting of migratory waterfowl and coots within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new subpart and center headline, as set forth above, and § 35.21, reading as follows, are added:

§ 35.21 *Hunting of migratory waterfowl and coots.* Migratory waterfowl and coots may be taken by hunting in accordance with the provisions of Part 6 of this chapter on the portions of the Willapa National Wildlife Refuge, Washington, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The use of boats for the purpose of hunting, subject to the provisions of Part 6 of this chapter, is permitted; *Provided*, That the use of airthrust or scull boats is prohibited.

(e) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

(f) The hunting areas are described as follows:

Area I. The area of the refuge bounded on the east by the channel of Bear River; on the north by the line (projected) between Townships 10 and 11 North, W. M.; on the west by the line (projected) between Ranges 10 and 11 West; on the south by a dike running easterly and southerly and by the south line of Section 7, T. 10 N., R. 10 W., thence east to the channel of Bear River.

Area II. The area of the refuge bounded on the east by the north and south center line (projected) of Sections 1 and 12, T. 10 N., R. 11 W.; on the north by the line (projected) between Townships 10 and 11 north; on the west by the east bank of Tarlett Slough; and on the south by the refuge boundary.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Willapa National Wildlife Refuge, Washington, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 14, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-8586; Filed, Oct. 17, 1957;
8:48 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—BRIGANTINE NATIONAL WILDLIFE REFUGE, NEW JERSEY

HUNTING

Basis and purpose. Pursuant to the authority conferred upon me by 50 CFR 21.31 and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949 (63 Stat. 600; 16 U. S. C. 718d (a)), I have determined that portions of the Brigantine National Wildlife Refuge, New Jersey, may be administered primarily as a wildlife management area, not subject to the prohibitions against the taking of migratory game birds, and

that the hunting of migratory waterfowl, coots, and rails within the area hereinafter described would be compatible with sound wildlife management. Accordingly, a new subpart and center headnote, as set forth above, and § 35.21, reading as follows, are added:

§ 35.21 *Hunting of migratory waterfowl, coots, and rails.* Migratory waterfowl, coots, and rails may be taken by hunting in accordance with the provisions of Part 6 of this chapter on the portions of the Brigantine National Wildlife Refuge, New Jersey, described in this section, subject to the following conditions and restrictions:

(a) Strict compliance with all applicable State and Federal laws and regulations is required.

(b) Entry on and use of the refuge shall be in accordance with Parts 18 and 21 of this chapter.

(c) Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) The use of boats for the purpose of hunting, subject to the provisions of Part 6 of this chapter, is permitted: *Provided*, That the use of airtight or scull boats is prohibited.

(e) State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are

issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

(f) The hunting areas are described as follows:

Area I. All areas of marshland and water on the peninsula lying east of Landing Creek, which is about three-fourths ($\frac{3}{4}$) mile east of Leeds Point Road, said area being bounded on the northeast by Great Bay; on the southeast by Main Marsh Thorofare; on the south by Drag Island Thorofare and Hammock Cove; and bounded on the southwest by: The shoreline of Hammock Cove to a point at the westerly mouth and on the south bank of Turtle Creek; thence northwesterly a straight line crossing Hammock Cove to a point at the mouth of and on the south (right) bank of Hammock Creek; thence upstream with the southwest (right) bank of Hammock Creek northwesterly to a point on the westerly (right) bank of Sedge Creek; thence upstream with the westerly bank of Sedge Creek northerly to a cut-through; thence with the southwest bank of the cut-through northwesterly to its junction with Landing Creek. Included within said area are all of Main Marsh and all of Big Main Marsh, Big Turtle, Broad, Cabin, Clam, Little Clam, Little Main Marsh, Little Turtle, Rowleys, and Sedge Creeks.

Area II. An area of marshland lying in the southeasterly part of the refuge, being all of the marsh islands known as Rock Islands in Little Bay west of Middle Thorofare; and all of the islands or parts of islands lying west of the southeast refuge boundary, as now surveyed across Marsh Elder Island, north of Brigantine Channel, east of Middle Thorofare, and south of a line described as follows: Beginning at a corner in the east refuge boundary on the north side of Marsh Elder Island at Rack Point, a concrete post monument with

bronze cap; thence northwest with the shore of Marsh Elder Island to the most northerly point thereof; thence northwesterly to the center of Big Mud Thorofare at the junction with Rack Thorofare; thence westerly with the center line of Big Mud Thorofare, approximately sixty-five (65) chains to a point opposite the most westerly north point of Marsh Elder Island, thence southwesterly crossing part of the large island between Little Mud Thorofare and Big Mud Thorofare, approximately twenty-five (25) chains to a point in a channel of Big Mud Thorofare north of an island in said thorofare; thence westerly with the center line of that channel and with the center line of Big Mud Thorofare, approximately fifty (50) chains to a point in said thorofare due east of Hospital Point; thence west across part of the aforesaid island south of Little Mud Thorofare, approximately twenty-five (25) chains to a point in Little Mud Thorofare at the junction with Little Bay.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Since the foregoing amendments involve public property and have the effect of relieving restrictions applicable to the Brigantine National Wildlife Refuge, notice and public procedure thereon are unnecessary, and they shall become effective immediately upon publication in the *FEDERAL REGISTER* (60 Stat. 238; 5 U. S. C. 1003).

Issued at Washington, D. C., and dated October 14, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-8587; Filed, Oct. 17, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

NOTICE OF PROPOSAL TO AMEND REGULATIONS GOVERNING CONFIDENTIALITY OF INFORMATION CONTAINED IN NEW-DRUG APPLICATIONS

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055; 21 U. S. C. 355, 371) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F. R. 1045) hereby announces his proposal to amend the regulation relating to confidentiality of information contained in new-drug applications (21 CFR, 1956 Supp., 130.32) and offers an opportunity to all interested persons to submit their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the *FEDERAL REGISTER*.

It is proposed to amend § 130.32 *Confidentiality of information contained in new-drug applications*, by adding the following new paragraph (c):

(c) The Food and Drug Administration may disclose to State feed control officials who have been commissioned by the Commissioner of Food and Drugs to conduct examinations and investigations under the Federal Food, Drug, and Cosmetic Act, prior or subsequent to the effective date of a new-drug application, the details of analytical control methods contained in an application or master file covering a drug intended for use in the manufacture of a medicated feed, when such methods are intended for use by feed manufacturers to control the composition of the medicated feed. The Commissioner will give consideration to any requests that such analytical control methods not be so disclosed, as well as the reasons given to support the request.

The proposed amendment is based upon the following considerations:

1. A suitable analytical procedure for use by a feed manufacturer to control the content of a drug in a medicated feed is an important part of a new-drug application for a medicated feed. A collaborative study with State feed control officials acting as duly commissioned officers of the Department of Health, Education, and Welfare as authorized by law may assist the Food and Drug Administration in evaluating the proposed analytical control procedures. The results of such a study may have a significant bearing in determining the safety of a proposed use of a drug in a feed.

2. Most States have specific laws regulating the distribution of medicated feeds. In general, such laws require registration of such products before they may be sold. The availability of a suitable analytical control procedure for a medicated feed may facilitate its registration under State laws and its control after registration.

Dated: October 11, 1957.

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

[F. R. Doc. 57-8584; Filed, Oct. 17, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[77180]

MISSISSIPPI

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

Plat of survey of the lands described below, accepted August 1, 1957, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective 10:00 a. m., on November 20, 1957:

ST. STEPHENS MERIDIAN, MISSISSIPPI

T. 9 S., R. 4 W.,
Sec. 31, Lots 3, 4, 5, 6;
Sec. 32, Lot 1.
T. 10 S., R. 4 W.,
Sec. 6, Lots 9, 10, 11.
T. 9 S., R. 5 W.,
Sec. 31, Lot 1;
Sec. 32, Lots 1, 2, 3, 4;
Sec. 33, Lots 1, 2, 3.
T. 10 S., R. 5 W.,
Sec. 3, Lots 4, 5, 6, 7;
Sec. 4, Lots 1, 2, 3, 4;
Sec. 5, Lot 1.

This survey was undertaken as an administrative measure to identify and provide adequate descriptions for the public lands on Petit Bois Island since radical changes have taken place in the island's general formation and configuration since the date of the original survey to disappearance of portions of the island and the creation of additional lands through the normal process of accretion.

Petit Bois Island is of sand formation with the higher dunes reaching approximately 15 feet above the water level. The general formation between the dunes is low and flat, with basins that are sloughy. There are several small lakes and ponds on the island. The vegetation consists mostly of small brush and grass with some small pine timber in sec. 1, T. 10 S., R. 5 W., and in sec. 36 T. 9 S., R. 5 W.

The lands in Ts. 9 and 10 S., R. 4 W., were withdrawn by Executive Order No. 1775 of May 6, 1913, for Petit Bois Island Reservation for birds, name changed to Petit Bois National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940.

Frac'l. sec. 31, T. 9 S., R. 5 W., and secs. 3 and 5, T. 10 S., R. 5 W., were reserved for military purposes by Executive Order of August 30, 1847; also reserved for Lighthouse purposes by Executive Orders of February 20, 1931 and September 3, 1900, respectively.

No application for the lands in Secs. 32, 33, T. 9 S., R. 5 W., and Sec. 4 T. 10 S., R. 5 W., may be allowed under the homestead or small tract or any other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not

be subject to occupancy or disposition until they have been classified.

Applications and selections under non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 274-284 as amended), presented prior to 10:00 a. m., on November 20, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on February 24, 1958, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on November 20, 1957, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Manager.

[F. R. Doc. 57-8588; Filed, Oct. 17, 1957;
8:49 a. m.]

Fish and Wildlife Service

[Director's Order 1]

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES FOR SPACE

OCTOBER 14, 1957.

SECTION 1. *Contracts for procurement.* (a) Except as provided in section 2 of this order, the officers and employees designated in this paragraph are severally authorized, within the monetary limits indicated in each case, to enter

into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(1) *Headquarters organization.* Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount; and Supply Officer, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

(2) *Regional offices.* Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

(3) *Other offices.* Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, \$100,000; and General Manager and Administrative Officer, Pribilof Islands Reservation, \$5,000.

(4) *Field units.* Project leaders and chiefs of field parties, open market purchases not exceeding \$500 in any one case and emergency purchases unlimited as to amount.

(b) With respect to any such contract, the officers and employees designated in paragraph (a) of this section may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the Assistant Director of the Bureau of Commercial Fisheries may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary of the Interior within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23.

SEC. 2. *Limitations.* The authority granted in section 1 of this order shall not be construed as including authority to negotiate contracts, without advertising, pursuant to the authority conferred under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 2052 et seq.).

SEC. 3. *Leases.* (a) The officers and employees designated in paragraph (b) of this section may exercise the authority vested in the Secretary of the Interior pursuant to Regulations of the General Services Administration, Title 2, Real Property Management, to perform all functions with respect to acquisition by lease of space in buildings and land incidental to the use thereof, limited to the amounts indicated in each case, when:

(1) The space is found by the Administration to be special purpose in character under section 1 (d) of Reorganization Plan 18 of 1950 (5 U. S. C. 133z-15, note).

(2) The space is required for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose.

(3) The space is leased for no rental, or for a nominal consideration of \$1.00 per annum.

(4) The space is located in Puerto Rico, the Virgin Islands, or the Territories of Alaska and Hawaii.

(5) The agency has been specifically authorized by the Administration to perform any or all such functions.

(b) *Authorized officers*—(1) *Headquarters organization*. Assistant Director, Bureau of Commercial Fisheries; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional offices*. Regional Directors and Assistant Regional Directors, and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

(3) *Other offices*. Director, Assistant Director, Administrative Officer and Assistant Administrative Officer, Pacific Oceanic Fishery Investigations, \$100,000.

SEC. 4. Redelegation. The authority granted in this order may not be redelegated.

SEC. 5. Revocation. Director's Order 1, Amdt. 1, of the former Fish and Wildlife Service (21 F. R. 1374) is superseded.

[Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 3]

DONALD L. MCKERNAN,
Director,

Bureau of Commercial Fisheries.

[F. R. Doc. 57-8571; Filed, Oct. 17, 1957; 8:45 a. m.]

[Director's Order 1]

DESIGNATED OFFICIALS OF BUREAU OF SPORT FISHERIES AND WILDLIFE

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS AND LEASES FOR SPACE

OCTOBER 14, 1957.

SECTION 1. Contracts for procurement. (a) Except as provided in section 2 of this order, the officers and employees designated in this paragraph are severally authorized, within the monetary limits indicated in each case, to enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

(1) *Headquarters organization*. Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration, and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount; and Supply

Officer, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

(2) *Regional offices*. Regional Directors and Assistant Regional Directors; and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

(3) *Field units*. Project leaders and chiefs of field parties, open market purchases not exceeding \$500 in any one case and emergency purchases unlimited as to amount.

(b) With respect to any such contract, the officers and employees designated in paragraph (a) of this section may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, any Assistant Director of the Bureau of Sport Fisheries and Wildlife may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary of the Interior within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23.

SEC. 2. Limitations. The authority granted in section 1 of this order shall not be construed as including authority to negotiate contracts, without advertising, pursuant to the authority conferred under section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 2052 et seq.).

SEC. 3. Leases. (a) The officers and employees designated in paragraph (b) of this section may exercise the authority vested in the Secretary of the Interior pursuant to Regulations of the General Services Administration, Title 2, Real Property Management, to perform all functions with respect to acquisition by lease of space in buildings and land incidental to the use thereof, limited to the amounts indicated in each case, when:

(1) The space is found by the Administration to be special purpose in character under section 1 (d) of Reorganization Plan 18 of 1950 (5 U. S. C. 133z-15, note).

(2) The space is required for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose.

(3) The space is leased for no rental, or for a nominal consideration of \$1.00 per annum.

(4) The space is located in Puerto Rico, the Virgin Islands, or the Territories of Alaska and Hawaii.

(5) The agency has been specifically authorized by the Administration to perform any or all such functions.

(b) *Authorized officers*—(1) *Headquarters organization*. Assistant Directors, Bureau of Sport Fisheries and Wildlife; Chief, Division of Administration,

and Chief, Branch of Finance and Procurement, Office of the Commissioner, Fish and Wildlife Service, unlimited as to amount.

(2) *Regional offices*. Regional Directors and Assistant Regional Directors, and Administrative Officers and Property Management Officers, Office of the Commissioner, Fish and Wildlife Service, \$100,000.

SEC. 4. Redelegation. The authority granted in this order may not be redelegated.

SEC. 5. Revocation. Director's Order 1, Amdt. 1, of the former Fish and Wildlife Service (21 F. R. 1374) is superseded. [Secretary's Order No. 2509, Amdts. 16 and 25; Commissioner's Order No. 4]

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-8572; Filed, Oct. 17, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN H. SPRAGGON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 27, 1956, 21 F. R. 8245; May 2, 1957, 22 F. R. 3135.

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

This statement is made as of October 11, 1957.

Dated: October 11, 1957.

JOHN H. SPRAGGON.

[F. R. Doc. 57-8590; Filed, Oct. 17, 1957; 8:49 a. m.]

OLIVER J. GREENWAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 25, 1956, 21 F. R. 2666; October 23, 1956, 21 F. R. 8123; April 20, 1957, 22 F. R. 2784.

A. Deletions: None.
B. Additions: Thatcher Glass Company, Canada General Fund (Mutual).

This statement is made as of October 10, 1957.

Dated: October 10, 1957.

OLIVER J. GREENWAY.

[F. R. Doc. 57-8591; Filed, Oct. 17, 1957; 8:50 a. m.]

ROBERT D. JAMES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 7, 1956, 21 F. R. 8545; April 20, 1957, 22 F. R. 2784.

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

This statement is made as of October 10, 1957.

Dated: October 14, 1957.

ROBERT D. JAMES.

[F. R. Doc. 57-8592; Filed, Oct. 17, 1957; 8:50 a. m.]

HAROLD LARSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 6, 1956, 21 F. R. 8514; November 20, 1957, 22 F. R. 2784.

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

This statement is made as of October 11, 1957.

Dated: October 11, 1957.

HAROLD LARSEN.

[F. R. Doc. 57-8593; Filed, Oct. 17, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-4]

AMERICAN MAIL LINES

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by the American Mail Lines, 740 Stuart Building, Seattle 1, Washington.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,
Director,

Division of Civilian Application.

[F. R. Doc. 57-8594; Filed, Oct. 17, 1957; 8:50 a. m.]

No. 203—2

[Docket No. 27-3]

CALIFORNIA SALVAGE CO.

NOTICE OF RECEIPT OF APPLICATION FOR LICENSE TO PROVIDE RADIOACTIVE WASTE DISPOSAL SERVICES

Please take notice that an application for a license to provide radioactive waste disposal services has been filed by the California Salvage Company, 709 North Pacific Avenue, San Pedro, California.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 4th day of October 1957.

For the Atomic Energy Commission.

HAROLD L. PRICE,

Director,

Division of Civilian Application.

[F. R. Doc. 57-8595; Filed, Oct. 17, 1957; 8:51 a. m.]

[Docket No. 50-81]

MITSUBISHI INTERNATIONAL CORP.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on October 11, 1957, issued License No. XR-15 to Mitsubishi International Corporation authorizing the export of a ten megawatt tank-type research reactor to the Japan Atomic Energy Research Institute, Tokyo, Japan. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on September 26, 1957, 22 F. R. 7666.

Dated at Washington, D. C., this 11th day of October 1957.

For the Atomic Energy Commission.

H. L. PRICE,

Director,

Division of Civilian Application.

[F. R. Doc. 57-8596; Filed, Oct. 17, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11888, 11889; FCC 57M-991]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER FOLLOWING PRE-HEARING CONFERENCE (CONTINUING HEARING)

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

1. Pursuant to agreements reached and rulings made at a prehearing conference held on October 3, 1957, looking toward

disposition of the two issues designated for hearing by Commission Order released August 8, 1957 (FCC 57-843): *It is ordered*, This 11th day of October 1957, that the following procedure shall control future steps in this proceeding:

1. The burden of proof in the two issues shall be assumed by Kermit F. Tracy.
2. Direct presentation will be made in writing.

3. Kermit F. Tracy will furnish copies of his direct presentation to counsel for Jefferson County Broadcasting Company and to counsel for the Chief of the Broadcast Bureau on or before November 14, 1957.

4. Hearing will be held on November 18, 1957.¹

5. In the event Jefferson County Broadcasting Company determines, after review of Kermit F. Tracy's direct presentation, that it intends to call witnesses to the stand in rebuttal of Tracy's showing, notice will be promptly given of that decision to counsel for Tracy and counsel for the Chief of the Broadcast Bureau, together with the names of the proposed witnesses.

6. No further pre-hearing conference will be held in this proceeding unless requested by the parties.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8597; Filed, Oct. 17, 1957; 8:51 a. m.]

[Docket Nos. 12126, 12127; FCC 57M-987]

GOLD COAST BROADCASTING CO. AND PUBLIC SERVICE BROADCASTING

ORDER CONTINUING HEARING

In re applications of Garland C. Burt and Sam C. Phillips, d/b as Gold Coast Broadcasting Company, Lake Worth, Florida, Docket No. 12126, File No. BP-11005; Robert Hecksher, tr/as Public Service Broadcasting, Riviera Beach, Florida, Docket No. 12127, File No. BP-11256; for construction permits.

The Hearing Examiner having, under consideration a motion for continuance, filed by Robert Hecksher, tr/as Public Service Broadcasting on October 10, 1957, requesting that the date for the exchange of the direct narrative presentations of each of the above-designated parties be continued from October 15, to November 8, 1957; that the date for the further prehearing conference be continued from October 22 to November 13, 1957; and that the date for the commencement of the hearing be continued from October 31 to November 20, 1957;

¹At the conference on October 3, 1957, exchange of Tracy's direct presentation was scheduled for October 14, 1957, and hearing was scheduled for October 18, 1957. At the oral request of counsel for Tracy, made to the Examiner on October 7, 1957, and with the consent of all other participants in the proceedings those dates were each extended one month.

It appearing that counsel for other parties to the proceeding have consented to a grant of the motion and to a waiver of the "four-day" rule; and that the purpose of the continuance is to allow the parties to explore the possibility of resolving the conflict between their applications;

It further appearing that no prehearing conference has been scheduled in this proceeding for October 22, 1957, but that notice of witnesses desired for cross-examination is presently scheduled to be given by that date;

It is ordered, This 11th day of October 1957, that the date for the exchange of applicants' direct cases is continued from October 15 to November 8, 1957; that the date for giving notice as to witnesses desired for cross-examination is continued from October 22 to November 13, 1957; that the date for the commencement of the hearing is continued from October 31 to November 20, 1957; and that the above motion is granted to the extent indicated.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8598; Filed, Oct. 17, 1957;
8:51 a. m.]

[Docket Nos. 12144, 12145; FCC 57M-992]

BEEHIVE TELECASTING CORP. AND
JACK A. BURNETT

ORDER FOLLOWING FIRST PREHEARING
CONFERENCE (CONTINUING HEARING)

In re applications of Beehive Telecasting Corporation, Provo, Utah; Docket No. 12144, File No. BPCT-2051; Jack A. Burnett, Provo, Utah, Docket No. 12145, File No. BPCT-2264; for construction permits for new television broadcast stations.

On the basis of agreements reached and rulings made at a prehearing conference held on October 4, 1957: *It is ordered*, This 14th day of October 1957, that the following procedures shall govern the future course of hearings:

1. Direct presentation will be made in writing.

2. Each of the applicants will have available at the hearing witnesses conversant with the direct presentation and qualified to answer all relevant and material questions on cross-examination.

3. Counsel for Beehive will furnish counsel for Burnett a written itemization of the program logs and equipment lists which he desires to obtain from Burnett in connection with the preparation of Beehive's showing. Unless the request constitutes a substantial expansion in the data orally referred to at the prehearing conference, Burnett is directed to furnish the requested information.

4. Both applicants will, insofar as possible, make their direct presentations in such a manner as to obviate objection based on incompetence of witnesses or hearsay.

5. Counsel for both applicants will, prior to the tender of direct presentations in evidence, point out to their

adversaries those portions of their adversary's showings which appear patently inadmissible as evidence, with a view toward the deletion of objectionable data prior to tender.

6. Exhibits will be submitted insofar as possible on legal-size paper.

7. Exchange of direct presentations will be effected October 30, 1957; a further preliminary conference will not be held unless specifically requested by the participants; date of hearing now scheduled for October 21, 1957, is continued to November 14, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8599; Filed, Oct. 17, 1957;
8:52 a. m.]

[Docket No. 12167; FCC 57M-965]

CAPITOL BROADCASTING Co. (WJTV)

ORDER SCHEDULING PREHEARING
CONFERENCE

In re modification of construction permit of Capitol Broadcasting Company (WJTV), Jackson, Mississippi, Docket No. 12167; pursuant to section 316 of the Communications Act of 1934, as amended.

It is ordered, This 8th day of October 1957, that a prehearing conference, in accordance with § 1.813 of the rules, will be held in the above-entitled matter at 10:00 a. m., October 23, 1957, in the Commission's offices at Washington, D. C.

Released: October 9, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8600; Filed, Oct. 17, 1957;
8:52 a. m.]

[Docket No. 12174; FCC 57M-993]

ATLANTIC COAST BROADCASTING CORPORATION
OF CHARLESTON (WTMA-TV)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Atlantic Coast Broadcasting Corporation of Charleston (WTMA-TV), Charleston, South Carolina, Docket No. 12174, File No. BPCT-2346; for construction permit for a new television broadcast station.

It is ordered, This 14th day of October 1957, that a prehearing conference will be held in the above-entitled proceeding at the offices of the Commission in Washington, D. C., at 10:00 a. m., Friday, October 18, 1957.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8601; Filed, Oct. 17, 1957;
8:52 a. m.]

[Docket No. 12206; FCC 57M-988]

CHINOOK TELEVISION Co.

ORDER SCHEDULING HEARING

In re application of Robert S. McCaw, tr/as Chinook Television Company, Yakima, Washington, Docket No. 12206, File No. BPCT-2206; for construction permit to replace expired permit.

It is ordered, This 11th day of October 1957, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled for November 13, 1957, in Washington, D. C.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8602; Filed, Oct. 17, 1957;
8:52 a. m.]

[Docket Nos. 12209, 12210; FCC 57M-989]

DAVID M. SEGAL ET AL.

ORDER SCHEDULING HEARING

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permits.

It is ordered, This 11th day of October 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 20, 1957, in Washington, D. C.

Released: October 14, 1957.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-8603; Filed, Oct. 17, 1957;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13401]

AMERADA PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Amerada Petroleum Corporation (Amerada) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 10, 1957.

Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 6 to Amerada's FPC Gas Rate Schedule No. 53.

Effective date: November 1, 1957.

¹ The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Amerada, if later.

In support of the proposed rate increase, Amerada states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8573; Filed, Oct. 17, 1957;
8:45 a. m.]

[Docket No. G-13402]

TIDEWATER OIL CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Tidewater Oil Company (Operator) et al. on September 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 16, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Tidewater's FPC Gas Rate Schedule No. 67.

Effective date: ¹ November 1, 1957.

In support of the proposed rate increase, Tidewater states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area going rate, is economically desirable and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8574; Filed, Oct. 17, 1957;
8:45 a. m.]

[Docket No. G-13403]

BERT FIELDS ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Bert Fields et al. (Fields) on September 20, 1957, tendered for filing a proposed change in its presently effective

¹The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Tidewater, if later.

rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 18, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Fields' FPC Gas Rate Schedule No. 9.

Effective date: ¹ November 1, 1957.

In support of the proposed rate increase, Fields states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area rate, is economically desirable, and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8575; Filed, Oct. 17, 1957;
8:46 a. m.]

¹The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Fields if later.

[Docket No. G-13404]

ARKANSAS FUEL OIL CORP. ET AL.
ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Arkansas Fuel Oil Corporation (Operator) et al. on September 20, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 17, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Arkansas' FPC Gas Rate Schedule No. 53.

Effective date:¹ November 1, 1957.

In support of the proposed rate increase, Arkansas states that the contract was negotiated at arm's length, the proposed rate is not unreasonable and less than the area going rate, is economically desirable and will not result in an excess return.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37

¹ The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Arkansas, if later.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.²

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8576; Filed, Oct. 17, 1957;
8:46 a. m.]

[Docket No. G-13417]

ADA OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATES

OCTOBER 14, 1957.

Ada Oil Company (Ada) on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 13, 1957.

Purchaser: Phillips Petroleum Company.

Rate schedule designation: Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3.

Effective date:³ October 17, 1957.

In support of the proposed increased rate, Ada states that the re-sale price escalation clause in its sale contract with Phillips Petroleum Company (Phillips), the Buyer, has been "triggered" by the latter's increase in rates to Michigan-Wisconsin Pipe Line Company. Phillips' increased rate presently effective is being collected subject to possible refund in Docket No. G-10793 and has not, therefore, been shown to be just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Ada's FPC Gas Rate Schedule No. 3.

² Commissioner Digby dissenting. Commissioner Kline not participating.

³ The stated effective date is the first day after expiration of the required thirty days' notice.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until October 18, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8577; Filed, Oct. 17, 1957;
8:46 a. m.]

[Docket No. G-12248]

C. N. HOUSH ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

OCTOBER 14, 1957.

Take notice that C. N. Housh et al.⁴ (Applicants), filed an application on March 18, 1957, for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants seek permission and approval to abandon their sale of natural gas in interstate commerce to Texas Illinois Natural Gas Pipeline Company. The aforesaid sale is made from the Whitehead-Rash & Phillips #1 Well in the Fairbanks Field, Harris County, Texas, which sale, in addition to sales of gas from other wells in said field, was authorized on May 31, 1956, in Docket No. G-3970.

Applicants state that the sand formation from which the aforesaid well produced has been depleted and production of commercial quantities of gas therefrom is no longer possible. Applicants state, further, that said well was plugged and abandoned on March 12, 1957, including the abandonment of the lease thereunder.

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

⁴ Applicants are C. N. Housh, E. G. Thompson, L. G. Housh, W. L. Ginther, H. C. Warren, N. C. Ginther, L. A. Grelling, and Jackie Proler.

and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 26, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) and (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 November 5, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8578; Filed, Oct. 17, 1957;
8:46 a. m.]

[Docket No. G-12976]

TEXAS, CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

OCTOBER 14, 1957.

Take notice that The Texas Company (Applicant), filed an application on July 29, 1957, for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as herein-after described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee), from the Edinburg Field, Hidalgo County, Texas, rendered pursuant to a gas sales agreement dated June 12, 1952, as amended. Said service, among others, was authorized on December 5, 1955, in Docket No. G-4820.

Applicant states that its only well on the Blewener Gas Unit was shut in during March 1957 due to the high percentage of water produced, that said well was abandoned and no further development of the unit was made due to the influx of water in the gas reservoir, and, in addition, that the leases on said unit have terminated. Prior thereto, Applicant's Brown and Snitely Gas Units, the other two units and the leases thereunder covered by the sales contract, terminated for the same reason.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 19, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will 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 November 4, 1957. 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] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8579; Filed, Oct. 17, 1957;
8:47 a. m.]

[Docket No. G-13084]

WISCONSIN SOUTHERN GAS CO., INC.

NOTICE OF APPLICATION AND DATE OF HEARING

OCTOBER 14, 1957.

Take notice that Wisconsin Southern Gas Company, Inc. (Applicant), a Wisconsin corporation, with its principal place of business at Lake Geneva, Wisconsin, filed an application on August 19, 1957, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing either (a) Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Natural Gas Pipeline Company of America (Natural), to use existing facilities for the purpose of transporting gas to Applicant and requiring Michigan Wisconsin to sell Applicant an emergency supply of gas for a period of one year, including the 1957-1958 heating season, or (b) Michigan Wisconsin to make a direct interconnection of its facilities with the facilities of Applicant and to sell to Applicant such one-year emergency supply of gas.

Applicant states that it is engaged in the distribution of gas in Lake Geneva, Burlington, Geneva City and other towns in Wisconsin and is an existing customer of Natural.

Applicant states that it expects a peak demand of 8,084 Mcf per day this coming winter. Applicant further alleges that the quantities of gas available to meet this demand are:

Daily contract quantity from Natural, 4,622 Mcf/day.

Natural Gas Storage Company of Illinois, 2,063 Mcf/day.

plus propane-air plant having a capacity of about 2,000 Mcf per day of natural gas equivalent. Applicant states, however, that since total storage withdrawals during the season are limited to about 40,000 Mcf, the amount available on cold days during the second half of the heating season may be substantially less than the 2,063 Mcf per day. Applicant also estimates a seasonal deficiency of 122,517 Mcf above the contract quantity from Natural, which would have to be met by about 40,000 Mcf from storage and 82,500 Mcf from the propane-air plant, assuming that the plant could meet the load imposed on it, which assumption Applicant doubts. Applicant also claims financial hardship if such quantity of propane-air gas is required to be made as it is expected to seriously reduce Applicant's net operating income and ability to pay established dividends.

Natural and Michigan Wisconsin now have an emergency interconnection (Docket No. G-10057) a few miles from the point where Natural delivers gas to Wisconsin Southern. Michigan Wisconsin's main line to Milwaukee crosses Applicant's system but there is no connection between the two systems.

Applicant alleges that the cheapest and most expeditious method for Michigan Wisconsin to furnish a one-year emergency supply of gas to Applicant, to include the 1957-1958 heating season, would be through the existing facilities of Michigan Wisconsin and Natural. Applicant states that it will pay any costs and expenses incident to securing an emergency supply of gas through such existing facilities and will pay such tariff charges for such gas at the Wisconsin-Illinois state line as the Commission may prescribe or approve.

Applicant states that an alternative method of providing the one-year emergency service is through a direct connection of Applicant's pipeline facilities with the facilities of Michigan Wisconsin. Such connection would make it possible for Applicant to receive, during the emergency period of the 1957-1958 heating season, sufficient gas from Michigan Wisconsin to enable Applicant to operate through the winter on a normal basis without restricting service to any firm load customers.

Applicant states that it will pay all costs and expenses of metering facilities and an interconnection of its transmission pipeline with the pipeline facilities of Michigan Wisconsin, and will contract to take 150,000 to 200,000 Mcf of natural gas for the one-year emergency period, at a daily maximum rate not to exceed 2,000 Mcf. Applicant will also pay such tariff charges for said emergency service as may be prescribed or approved by the Commission.

Applicant states on information and belief that the temporary emergency service requested in this application will not impair the ability of either Michigan Wisconsin or Natural to render adequate service to their customers and will not place any undue burden on either of said companies or their natural gas transmission facilities.

On September 20, 1957, Michigan Wisconsin filed its answer to the instant application stating that it is under no obligation to furnish natural gas to Applicant and requested that the petition of Applicant insofar as it relates to Michigan Wisconsin, be denied.

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 November 21, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 5, 1957.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8580; Filed, Oct. 17, 1957;
8:47 a. m.]

[Docket No. G-13418]

SHELL OIL CO.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

OCTOBER 14, 1957.

Shell Oil Company, (Shell), on September 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated September 12, 1957.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 29.

Effective date: November 1, 1957.

In support of the proposed increased rate, Shell states that the periodic increase in price contained in the rate schedule resulted from arm's length bargaining and is needed to offset increased operating costs. The rate presently in effect is being collected subject to possible refund, having been suspended by order issued October 30, 1956, in Docket No. G-11336, and, therefore, has not been shown to be just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

¹ The stated effective date is the date proposed by Shell.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.*

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-8581; Filed, Oct. 17, 1957;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-2059]

DEUTSCHE RENTENBANK-KREDITANSTALT

NOTICE OF APPLICATION FOR EXEMPTION

OCTOBER 11, 1957.

In the matter of Deutsche Rentenbank-Kreditanstalt (Landwirtschaftliche Zentralbank) German Central Bank for Agriculture; File No. 22-2059.

Notice is hereby given that Deutsche Rentenbank-Kreditanstalt (the Bank), a corporation organized and existing under the laws of Germany, has filed an application pursuant to sections 304 (d) and 310 (b) (1) (ii) of the Trust Indenture Act of 1939 for an order to be entered by the Commission declaring, pursuant to section 304 (d) of the act, that the Eastern Quota Certificates to be issued by the Bank shall be exempt from the provisions of the act on the basis that compliance with the provisions of the act is not necessary in the public interest and for the protection of investors, and declaring, pursuant to section 310 (b) (1) (ii) of the act, that trusteeship under a new Indenture be-

tween the Bank and The First National City Bank of New York to be qualified under the Trust Indenture Act and trusteeship of The National City Bank of New York under Trust Indentures under which certain Bonds were issued by the Bank is not so likely to involve a material conflict of interest as to make it necessary in the public interest and for the protection of investors to disqualify The First National City Bank of New York from acting as trustee under the Indenture to be qualified.

Exemption of the Eastern Quota Certificates. Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states with respect to the request for exemption of the Eastern Quota Certificates from the provisions of the Trust Indenture Act, as follows:

(1) Between 1925 and 1928 the Bank issued the following dollar obligations (old Bonds):

(i) First Lien 7 Percent Farm Loan Sinking Fund Bonds of 1925, due September 15, 1950 (hereinafter called the "First Loan").

(ii) Farm Loan Secured 6 Percent Gold Sinking Fund Bonds of 1927, due July 15, 1960 (hereinafter called the "Second Loan").

(iii) Farm Loan Secured 6 percent Gold Sinking Fund Bonds, Second Series of 1927, due October 15, 1960 (hereinafter called the "Third Loan").

(iv) Farm Loan Secured 6 percent Gold Sinking Fund Bonds, Series of 1928, due April 15, 1938 (hereinafter called the "Fourth Loan").

(2) None of the security provided for in the respective Trust Indentures remains, but in lieu thereof, all of the old Bonds are entitled to the benefits of an agreement between the Bank and the Central Agent and Deputy Central Agent appointed by the Bank Deutscher Lander (now the Deutsche Bundesbank) with the approval of the Federal Ministry of Food Supply, Agriculture and Forestry, dated March 22, 1957, which subjects certain claims of the Bank against the Federal Republic of Germany and the various States thereof to the control of the Central Agent for the protection of the holders of the old Bonds and of the Debt Adjustment Debentures to be issued under the Indenture to be qualified.

(3) After extended negotiations with the United States Committee for German Corporate Dollar Bonds the Company, on March 29, 1957, submitted an Offer to the holders of its old Bonds. In substance the Offer was as follows:

(i) Cash settlement of Bonds and related interest coupons of the Fourth Loan, which has a Western Quota of 100 percent.

(ii) A Purchase Offer for the Bonds and related coupons of the First, Second and Third Loans, terminating Septem-

* Commissioner Digby dissenting. Commissioner Kline not participating.

ber 30, 1957 and extended to December 31, 1957.

(iii) As an alternative to the Purchase Offer an Exchange Offer by the Bank under which the Bank offers to refund the Western Quotas of the First, Second and Third Loans by the issuance of Twenty Year Debt Adjustment Debentures having a principal amount equal to the London Agreement Value of such Western Quotas and bearing interest, in accordance with the provisions of London Agreement Annex II, Article V, Section 5 and to issue Certificates evidencing the rights of the holders of Bonds with respect to the Eastern Quotas thereof. The Exchange Offer will remain open for acceptance for a period of five years.

(4) The estimated maximum principal amounts of Debt Adjustment Debentures issuable under the Exchange Offer (assuming that no holder of such Bonds accepts the Purchase Offer after September 1, 1957) are as follows:

Title of Issue:	Principal amount
5½ percent Debt Adjustment Debentures, Series A-----	\$470,000
4½ percent Debt Adjustment Debentures, Series B-----	1,070,000

(5) The Eastern Quota Certificates evidence a combined indebtedness for unpaid principal and accrued interest on the Bonds estimated to exceed \$1,000,000. The offer and issuance thereof in the form and manner proposed is prohibited by the provisions of section 306 of the act, since it is not contemplated that they will be issued under a qualified Indenture or accompanied by the statement referred to in section 306 (b) of the act. Because of the novel nature of the Eastern Quota Certificates which really evidence only a right to future settlement, compliance with the provisions of section 306 of the act is neither necessary nor desirable in the public interest or for the protection of investors.

Application pursuant to section 310 (b) (1) (ii) of the act as to Dual Trusteeship. The application states, as follows, with respect to the request for an order declaring, pursuant to section 310 (b) (1) (ii) of the act, that dual trusteeship under the Indenture to be qualified and the Trust Indentures under which the old Bonds were issued does not make it necessary to disqualify The First National City Bank of New York from acting as trustee under the Indenture to be qualified.

(1) The First National City Bank of New York, the proposed trustee under the Indenture, is also trustee under the Trust Indentures pursuant to which the old Bonds were issued. No possibility of a material conflict of interest, however, makes it necessary in the public interest or for the protection of the holders of either the Debt Adjustment Debentures or the old Bonds to disqualify The First National City Bank of New York from acting as trustee under the Indenture. Even though the old Bonds have either matured by their terms or been declared due and payable, the trustee under the Trust Indentures cannot as a practical matter take any action for enforcement thereof.

(2) No security for the old Bonds presently exists and any rights to security (which right would also be subject to the provisions of section 12 of the Implementation Law) have been effectively eliminated by the terms of the Offer which, as permitted by the London Agreement, Annex II, Article V, Section 12, provide for the release and discharge of all security and right to security.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after October 28, 1957 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than October 25, 1957 at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 57-8582; Filed, Oct. 17, 1957;
8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 167]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of September, 1957, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County)

suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Plaquemines (Hurricane Esther and subsequent rains occurring on or about September 16).

Offices: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex. Small Business Administration Branch Office, Masonic Temple Building, Room 708, 333 St. Charles Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1958.

Dated: October 7, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-8583; Filed, Oct. 17, 1957;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34230: *Substituted service, motor-rail, Boston and Maine Railroad et al.* Filed by The Middle Atlantic Conference, Agent (No. 12), for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Pittsburgh, Pa., on the one hand, and Boston, East Cambridge, and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference, Agent, Substituted Freight Service Directory, I. C. C. No. 8.

FSA No. 34230: *Sulphuric acid from Le Moyne, Ala., to Baton Rouge, La.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on sulphuric acid tank-car load from Le Moyne, Ala., to Baton Rouge, La.

Grounds for relief: Water competition.

Tariff: Supplement 156 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 34232: *Plastics from Texas to official territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7132), for interested rail carriers. Rates on synthetic plastics, carloads, from points in Texas to points in official territory.

Grounds for relief: Short-line distance formula and market competition.

Tariffs: Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4258. Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4259.

FSA No. 34233: *Aluminum from the southwest to Detroit, Mich.* Filed by F. C. Kratzmeir, Agent (SWFB No.

NOTICES

B-7134), for interested rail carriers. Rates on aluminum billets, blooms, pigs, or slabs, carloads, from Ballinger, Houston, San Antonio, Tex., and Tulsa, Okla., to Detroit, Mich.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 26 to Agent Kratzmeir's tariff I. C. C. 4225.

FSA No. 34234: *Sintered clay aggregate from Denie, Tenn., to Cape Girardeau, Mo.* Filed by F. C. Kratzmeir, Agent (SWFB No. 7137), for interested rail carriers. Rates on sintered clay aggregate, carloads from Denie, Tenn., to Cape Girardeau, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 120 to Agent Kratzmeir's tariff I. C. C. 4135.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-8585; Filed, Oct. 17, 1957;
8:48 a. m.]