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FEDERAL REGISTER

VOLUME 19 NUMBER 156

Washington, Thursday, August 12, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10552

DELEGATING TO THE CIVIL SERVICE COMMISSION THE AUTHORITY OF THE PRESIDENT TO PROMULGATE REGULATIONS UNDER WHICH CERTAIN GOVERNMENT EMPLOYEES MAY BE PREVENTED OR RELIEVED FROM WORKING BY ADMINISTRATIVE ORDER

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, 65 Stat. 713, it is declared that the United States Civil Service Commission be, and it is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the joint resolution of June 29, 1938, 52 Stat. 1246, as amended by the act of June 11, 1954, 68 Stat. 249 (5 U. S. C. 86a), to promulgate regulations under which certain employees of the Government may be prevented or relieved from working by administrative order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 10, 1954.

[F. R. Doc. 54-6277; Filed, Aug. 11, 1954; 9:57 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

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1627, 2562, 3993, and 4256, and containing the specific requirements for the 1954-crop wheat price support program are amended to correct two basic county support rates as follows:

In § 421.438 (d) (2) (ii) make the following changes:

1. Under Idaho, the basic rate for Minidoka County is decreased from $2.02 to $2.00.

2. Under Minnesota, the basic rate for Olmsted County is increased from $2.36 to $2.37.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 30th day of July 1954.

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

[F. R. Doc. 54-6273; Filed, Aug. 10, 1954; 4:56 p. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1810, 3124, 4178, and 4399, and containing the specific requirements for the 1954 Crop Rye Price Support Program are amended (1) to include a provision for determining county support rates when two or more approved warehouses having the same domestic interstate freight rates are located in the same adjoining towns but not necessarily in the same county and (2) by correcting several basic county support rates in § 421.608 (d) (2) (i), as follows:

1. Section 421.608 (d) (2) (i) is amended by: a. Changing the colon after the second sentence therein to a period and adding the following new sentences: "If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such

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THE PRESIDENT

FEDERAL REGISTER

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CODIFICATION GUIDE

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

support rate shall be the highest support rate of the counties involved."

b. Under Kansas, Atchinson is changed to Atchison, and Kearney is changed to Kearny.

c. Under Minnesota, Le Seur is changed to Le Sueur.

d. Under Missouri, the basic rate for Ozark County is decreased from $1.49 to $1.41, and the rate is increased for Pemiscot County from $1.41 to $1.46.

e. Under North Dakota, the basic rate for Benson County is increased from

$1.30 to $1.35, and the rate for Billings County is decreased from $1.35 to $1.30.

f. Under Oklahoma, the basic rate for Tulsa County is decreased from $1.44 to $1.41.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 1447, 1421)

Issued this 30th day of July 1954.

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

[F. R. Doc. 54-6274; Filed, Aug. 10, 1954; 4:56 p. m.]

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, AS AMENDED; FISCAL YEAR 1955

Pursuant to section 4 of the National School Lunch Act as amended, (60 Stat. 230, 66 Stat. 591) food assistance funds available for the fiscal year ending June 30, 1955, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,349,042	$2,291,129	$57,913
Alaska	32,386	32,386	----------
Arizona	413,304	393,217	20,087
Arkansas	1,477,101	1,448,378	28,723
California	3,079,934	3,079,934	----------
Colorado	545,100	498,582	46,518
Connecticut	564,425	564,425	----------
Delaware	90,457	75,644	14,813
District of Columbia	175,580	175,580	----------
Florida	1,401,541	1,338,769	62,772
Georgia	2,268,007	2,268,007	----------
Guam	43,557	36,773	6,784
Hawaii	221,240	175,992	45,248
Idaho	300,573	291,596	8,977
Illinois	2,527,215	2,527,215	----------
Indiana	1,514,808	1,514,808	----------
Iowa	1,062,316	947,686	114,630
Kansas	705,166	705,166	----------
Kentucky	1,880,904	1,880,904	----------
Louisiana	1,639,413	1,639,413	----------
Maine	429,159	350,125	79,034
Maryland	864,020	715,029	148,991
Massachusetts	1,511,143	1,511,143	----------
Michigan	2,307,375	1,959,200	348,175
Minnesota	1,286,860	1,091,749	195,111
Mississippi	2,109,991	2,109,991	----------
Missouri	1,481,430	1,481,430	----------
Montana	234,046	210,355	23,691
Nebraska	527,764	467,268	60,496
Nevada	46,726	44,655	2,071
New Hampshire	208,053	208,053	----------
New Jersey	1,396,850	1,116,812	280,038
New Mexico	427,859	427,859	----------
New York	3,924,943	3,924,943	----------
North Carolina	3,012,294	3,012,294	----------
North Dakota	358,189	324,946	33,243
Ohio	2,606,816	2,238,341	368,475
Oklahoma	1,186,352	1,186,352	----------
Oregon	562,850	562,850	----------
Pennsylvania	3,678,708	2,990,126	688,582
Puerto Rico	2,713,356	2,713,356	----------
Rhode Island	268,221	268,221	----------
South Carolina	1,602,383	1,586,873	15,510
South Dakota	348,224	317,764	30,460
Tennessee	2,061,938	2,013,718	48,220
Texas	3,733,000	3,733,000	----------
Utah	384,691	379,702	4,989
Vermont	183,621	183,621	----------
Virginia	1,751,816	1,697,083	54,733
Virgin Islands	27,849	27,849	----------
Washington	816,423	762,434	53,989
West Virginia	1,211,313	1,182,915	28,398
Wisconsin	1,328,272	1,028,324	299,948
Wyoming	125,396	125,396	----------
Total	67,010,000	63,839,381	3,170,619

(60 Stat. 230, 66 Stat. 591; 42 U. S. C. 1751–1760)

Dated: August 6, 1954.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 54-6237; Filed, Aug. 11, 1954; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter E—Regulations Under Natural Gas Act

[Order 174-A (Superseding Order 174), Docket No. R-138]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

FILING OF RATE SCHEDULES AND APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY BY PRODUCERS AND GATHERERS OF NATURAL GAS WHICH ARE ALSO NATURAL GAS COMPANIES, AND WAIVER OF ACCOUNTING REQUIREMENTS

In the matter of compliance by natural-gas producers and gatherers with certificate and rate requirements, Docket No. R-138.

By Order No. 174 issued July 16, 1954 (19 F. R. 4534), the Commission amended Part 154—Rate Schedules and Tariffs, and Part 157—Applications for Certificates of Public Convenience and Necessity, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, by prescribing regulations governing the filing of rate schedules and applications for certificates of public convenience and necessity by persons engaged in the production and gathering of natural gas and held by the Supreme Court to be subject to all the requirements of the Natural Gas Act in Phillips Petroleum Company v. Wisconsin et al., 347 U. S. 672.

Upon further consideration of the matter, the Commission finds:

(1) Sections 157.23, 157.24, and 157.25 of the regulations under the Natural Gas Act prescribed by Order No. 174 should be revised, as hereinafter provided, so as to allow those proposing to engage in the transportation or sale of natural gas in interstate commerce as independent producers to use one of the simpler forms of application therein provided and to clarify some of the requirements of those forms, and to clarify § 154.94. Section 154.102 *Posting*, should be eliminated and § 154.103 *Applicability*, should be renumbered as § 154.102.

(2) The other sections in Parts 154 and 157 of the regulations under the Natural Gas Act prescribed by Order No. 174 which are not being revised or eliminated should be readopted and as so readopted, together with the revised §§ 157.23, 157.24 and 157.25, are necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 830; 15 U. S. C. 717c, 717f and 717o), and subject to the provisions of sections 3 and 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002, 1003), orders:

(A) Part 154—Rate Schedules and Tariffs—of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended by adding thereto new sections reading as follows:

§ 154.91 *"Independent producer" defined.* An "independent producer" as that term is used in §§ 154.91 to 154.102 means any person as defined in the Natural Gas Act who is engaged in the production or gathering of natural gas and who transports natural gas in interstate commerce or sells natural gas in interstate commerce for resale, but who is not primarily engaged in the operation of an interstate pipeline.

§ 154.92 *Filing of rate schedules by producer-gatherer "Natural-Gas Companies."* (a) Every independent producer who, on or since June 7, 1954, has engaged in the interstate transportation or sale of natural gas subject to the jurisdiction of the Commission shall on or before October 1, 1954, file with the Commission rate schedules, as defined in § 154.93, setting forth the terms and conditions of service and all rates and charges for such transportation or sale effective on June 7, 1954. To each such rate schedule there shall be attached a statement showing actual billing for a recent month in sufficient detail to show how the billing amount is determined.

(b) Every independent producer who, subsequent to the effective date of §§ 154.91 to 154.102, proposes to initiate an interstate transportation or sale of natural gas subject to the jurisdiction of the Commission to an existing or new customer shall file with the Commission not less than 30 days nor more than 60 days prior to the date such transportation or sale is proposed to be initiated a rate schedule, as defined in § 154.93, setting forth the terms and conditions of service and all rates and charges for such transportation or sale. To each such rate schedule there shall be attached a statement showing estimated sales and billing for the first month of service, in sufficient detail to show billing determinants and prices used. The statement shall also give the proposed date of commencement of service. A complete copy of all material shall be furnished to each purchaser under the rate schedule. With each such filing there shall be submitted a list of purchasers, State commissions, municipalities or other public agencies to whom such material has been mailed.

§ 154.93 *Rate schedule defined.* For the purpose of §§ 154.91 through 154.102 "rate schedule" shall mean the basic contract and all supplements or agreements amendatory thereof, effective and applicable on and after June 7, 1954, showing the service to be provided and the rates and charges, terms, conditions, classifications, practices, rules and regulations affecting or relating to such rates or charges, applicable to the transportation of natural gas in interstate commerce or the sale of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission.

§ 154.94 *Changes in rate schedules.* (a) No change shall be made in any rate, charge, or service in effect on and after June 7, 1954, for the interstate transportation or sale of natural gas in interstate commerce subject to the jurisdiction of the Commission by any independent producer required to file rate schedules pursuant to § 154.92, without first filing a change in rates pursuant to section 4 (d) of the Natural Gas Act and in accordance with this section.

(b) Every change in any rate schedule, rate, charge, classification or service effective or applicable to a sale subject to the jurisdiction of the Commission as of June 7, 1954, and on file with the Commission, or required to be filed pursuant to § 154.92, or in any rate schedule, rate, charge, classification or service effective or applicable to a sale subject to the jurisdiction of the Commission initiated subsequent to June 7, 1954, on file with the Commission, or required to be filed with the Commission pursuant to § 154.92 shall be filed with the Commission not less than 30 days nor more than 60 days prior to the date such change in rate schedule is proposed to be made effective.

(c) The operation of any provision of the rate schedule providing for future or periodic changes in the rate, charge, classification, or service after June 7, 1954, or the effective date of any rate schedule for initial service after June 7, 1954, shall constitute a change in rate schedule.

(d) Any change in rate schedule, rate, charge, classification, or service provided in a rate schedule in effect on June 7, 1954, which by the terms of said rate schedule is to be operative after June 7, 1954, and prior to September 15, 1954, may be filed on less than thirty days' prior notice, subject nevertheless to the right of the Commission to suspend any such proposed change, if the Commission in any case shall, within thirty days after the date of filing, find it necessary to suspend such proposed change. If any such proposed change is suspended, the suspension period will begin with the designated effective date of such change.

(e) With each change in rate schedule there shall be submitted reasons, nature and basis for the proposed change, and the following information and data: (1) The date on which such filing is proposed to be made effective; (2) a comparative statement of sales made and revenues therefrom by months under the then effective rate schedule and under the proposed changed rate schedule, or rate, charge, classification or service contained therein for the 12 months immediately preceding and for the 12 months immediately succeeding the proposed effective date of the rate schedule tendered for filing. Actual data shall be used wherever possible and any estimates shall be so designated and explained. The statement shall be subdivided by customers and delivery points when more than one is involved. Such data shall show the effect of all billing determinants.

(f) If the proposed change in a rate schedule will result in an increase in a rate or charge, there shall also be submitted a full statement in support of such increase. A complete copy of all material shall be furnished to each party to the rate schedule. With each such filing there shall be submitted a list of purchasers, State commissions, municipalities or other public agencies to whom such material has been mailed.

§ 154.95 *Oral agreements.* If any rate schedule or change in a rate schedule is not in writing, its terms shall be reduced to writing and filed with the Commission.

§ 154.96 *Filing date.* Filing date means the day on which a rate schedule, or a change in rate schedule, is received in the office of the Secretary of the Commission in compliance with the requirements of §§ 154.91 through 154.102.

§ 154.97 *Cancellation or termination.* When a rate schedule or part thereof is proposed to be canceled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, the filing company shall notify the Commission of the proposed cancellation or termination at least 30 days prior to the proposed effective date of such cancellation or termination. With such notice the company shall submit a statement showing the reasons for the cancellation or termination and a certification that such notice of cancellation or termination has been served on the affected party or parties, together with names of State commissions and interested parties to whom the notice has been mailed.

§ 154.98 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a rate schedule or a change in rate schedule shall be effective on less than 30 days' notice. The Commission upon request and for good cause shown may permit a rate schedule or a change in rate schedule to be filed prior to 60 days before the effective date.

§ 154.99 *Number of copies.* (a) Two copies of any rate schedule or part thereof, and material relating thereto, and Notices of Cancellation or Termination, submitted for filing must be supplied to the Commission. The Commission reserves the right to request additional copies. All copies are to be included in a single package, insofar as possible, together with a letter of transmittal and other material and information required by these rules, addressed to the Secretary of the Federal Power Commission, Washington 25, D. C.

(b) Such letter of transmittal shall contain a complete list of all material being filed, properly designated so that each item is easily identifiable.

§ 154.100 *Rejection of rate schedules and material submitted for filing.* The Commission reserves the right to reject any rate schedule or material submitted for filing which fails to comply with the requirements of §§ 154.91 through 154.102.

§ 154.101 *Acceptance for filing not approval.* Acceptance for filing of any rate schedule or part thereof, or of a Notice of Cancellation or Termination, is not to be construed as approval by the Commission, nor to serve in lieu of any requirements under section 7 of the Natural Gas Act.

§ 154.102 *Applicability of §§ 154.91 through 154.101.* Sections 154.91 through 154.101 shall be applicable only to those persons specified in § 154.91.

(B) Part 157—Applications for Certificates of Public Convenience and Necessity under section 7 of the Natural Gas Act, as amended, Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended by adding thereto new sections reading as follows:

§ 157.23 *Applications for certificate of public convenience and necessity by independent producer.* (a) Every independent producer of natural gas who, on or since June 7, 1954, has engaged in the interstate transportation or sale of natural gas subject to the jurisdiction of the Commission, and who has not heretofore obtained from the Commission a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, shall, on or before October 1, 1954, file with the Commission an application (original and 14 copies) in accordance with §§ 157.24 through 157.27. Independent producers whose sales of natural gas subject to the jurisdiction of the Commission amount in the aggregate to less than 1,000,000 Mcf annually, may, in lieu of the foregoing, file by October 1, 1954, an application (original and five copies) containing the information called for by Exhibit A shown below. Pending action by the Commission on an application hereunder, the service for which authorization is sought shall be continued.

(b) No independent producer of natural gas shall, subsequent to the issuance of §§ 157.23 to 157.29, engage in any new service with respect to the transportation of natural gas in interstate commerce or sale of such natural gas for resale in interstate commerce subject to the jurisdiction of the Commission without approval of the Commission, evidenced by a certificate of public convenience and necessity authorizing such transportation or sale upon application (original and 14 copies) pursuant to §§ 157.24 through 157.27. Independent producers whose sales of natural gas subject to the jurisdiction of the Commission will amount in the aggregate to less than 1,000,000 Mcf annually may, in lieu of the foregoing, file an application (original and five copies) containing the information called for by Exhibit A. In those instances where a certificate of public convenience and necessity is required of a natural-gas company for the construction or operation of facilities to enable it to take natural gas from another natural-gas company, the applications for certificates of public convenience and necessity shall be filed simultaneously.

§ 157.24 *Contents of application.* (a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission and shall set forth in the order indicated the following:

(1) The exact legal name of the applicant; if the applicant is a corporation, the State or territory under the laws of which the applicant is organized, the location of applicant's principal place of business, and the names of all States where applicant is authorized to do business.

(2) The same data required by subparagraph (1) of this paragraph with respect to any predecessor in interest of the applicant bona fide engaged in the transportation or sale of natural gas subject to the jurisdiction of the Commission on June 7, 1954.

(3) The name, title, and post office address of the person to whom correspondence or communications in regard to the application is to be addresed. Unless advised to the contrary, the Commission will serve all notices, orders, and other papers, service of which is required, upon the person so named.

(4) A statement of pertinent facts showing that applicant or a predecessor in interest of applicant was a natural-gas company within the meaning of the Natural Gas Act and was bona fide engaged in transportation of natural gas in interstate commerce or sale of natural gas in interstate commerce for resale on June 7, 1954, or upon commencement of the proposed transportation or sale of natural gas would be a natural-gas company. Without limitation upon the requirements of this paragraph, such statement shall include a showing of:

(i) The sources of the gas (*a*) produced by applicant or predecessor and (*b*) purchased by applicant or predecessor. In case of gas produced, give the approximate location of the fields and the points of delivery, and in the case of gas purchased, the names of the sellers and points of delivery.

(ii) The route or routes of the pipe lines over which such transportation or sale of natural gas was or will be accomplished.

(iii) Any communities served on June 7, 1954, or proposed to be served (*a*) at wholesale or (*b*) at retail.

(iv) The names of, and points of delivery to, any main line industrial customers (i. e., not located within communities under subdivision (iii) of this subparagraph) purchasing or proposing to purchase 25,000 Mcf or more per year. Such main line industrial customers purchasing 100,000 Mcf or more per year, shall be given the identifying designations I-1, I-2, etc., which designations shall be used in lieu of names on Exhibit B of the application.

(v) Any major appurtenant properties and facilities, such as compressor stations, gasoline plants, dehydration plants, purification plants, and gas storage projects.

(b) Notice of the application shall be given by applicant by service of a true copy of the application (without the exhibits provided for in § 157.25) upon the State regulatory commission, agency, or official having authority to regulate the transportation or sale of gas in every State in which applicant operated on June 7, 1954, or proposes to operate, or upon the Governor of the State when there is no such State regulatory commission, agency, or official, by delivery of said copy in person or by registered mail.

§ 157.25 *Necessary exhibits.* There shall be filed with the application as a part thereof the following exhibits. Any information required which is already on file with the Commission may be incorporated by reference. If the application covers operations on June 7, 1954, and the applicant is unable to file any designated exhibit on or before October 1, 1954, a statement setting forth the reasons for such failure should be submitted in lieu of the appropriate lettered exhibit and a further extension of time for filing the exhibit, not to exceed 90 days, may be granted. The following required exhibits are designed to amplify paragraphs (a) and (b) of § 157.24.

Exhibit A. If applicant represents a group of individuals, satisfactory proof of his authority to file the application.

Exhibit B. A general key map of applicant's facilities for the production, transportation, or sale of natural gas showing:

(a) The location of gas fields from which gas is or will be produced by applicant or affiliated companies or at which gas is or will be purchased by applicant.

(b) The location of applicant's principal pipelines and the diameters thereof.

(c) The points of connection with the facilities or pipelines systems of other companies.

(d) The designation of points of delivery of gas to applicant's system.

(e) The communities served or proposed to be served at wholesale and at retail, indicating wholesale by a small square and retail by a small circle.

(f) The designation of points of delivery of gas from applicant's system, including points of delivery to main line industrial customers purchasing 100,000 Mcf or more per year. Such main line industrial customers are to be designated I-1, I-2, etc., as indicated in § 157.24 (a) (4) (iv).

The map need be only of sufficient scale and in sufficient detail to show the geographical location of the properties.

Exhibit C. The applicant may submit as many additional exhibits as may be deemed essential for consideration of the application.

§ 157.26 *Form of filing.* An application under §§ 157.24 and 157.25 shall be in compliance with §§ 1.15 and 1.17 of this chapter, and in addition the original of the application (which shall include the originals of all exhibits accompanying said application) shall be verified under oath by a person having knowledge of the matters therein set forth.

§ 157.27 *Other information.* The applicant may be required to furnish such additional information as the Commission may deem pertinent.

§ 157.28 *Abandonment of service.* No independent producer as defined in § 154.91 of this chapter shall abandon any sale, transportation or service, subject to the jurisdiction of the Commission, being rendered on or since June 7, 1954, without the express permission and approval of the Commission first had and obtained in accordance with section 7 (b) of the Natural Gas Act.

§ 157.29 *Applicability of §§ 157.23 to 157.28.* Sections 157.23 through 157.28 shall be applicable only to an independent producer as defined in § 154.91 of this chapter.

(C) The rules and regulations herein prescribed are hereby made effective immediately upon issuance hereof.

(D) Until the further order of the Commission, the rules and regulations requiring natural-gas companies to keep and maintain their accounts in accordance with the Commission's Uniform System of Accounts for Natural Gas Companies (18 CFR Chapter I, Subchapter F) and to submit reports thereon shall not apply to independent producers as defined in § 154.91.

(E) Order No. 174 issued July 16, 1954, is hereby rescinded and superseded by this Order.

(F) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Adopted: July 30, 1954.

Issued: August 6, 1954.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

EXHIBIT A—APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY CLASS B INDEPENDENT PRODUCER[2] (FILE ORIGINAL AND FIVE COPIES)

(1) Name of applicant ________
(2) State of organization ________
(3) Location of principal place of business ________
(4) Names of States in which authorized to do business ________
(5) Person responsible for application:
(a) Name and title ________
(b) Mailing address ________
(6) Description of facilities used for operations for which certificate is requested (where applicable).
(a) Pipelines.
(i) Location ________
(ii) Length and diameter ________
(iii) Capacity (Mcf daily) ________
(b) Compressor stations.
(i) Location ________
(ii) Horsepower ________
(iii) Capacity (Mcf daily) ________
(c) Gasoline plants.
(i) Location ________
(ii) Capacity (Mcf daily) ________
(d) Dehydration plants.
(i) Location ________
(ii) Capacity (Mcf daily) ________
(e) Purification plants.
(i) Location ________
(ii) Capacity (daily) ________
(f) Storage projects.
(i) Location ________
(ii) Maximum volumes that can be stored Mcf ________
(7) Gas supply.
(a) Own production:
(i) Name and location of field ________
(ii) Acreage controlled ________
(iii) Estimated gas reserve in place ________
(b) Gas purchased:
(i) Name of seller ________
(ii) Name and location of field ________
(iii) Estimated gas reserve in place ________
(iv) Point of delivery to applicant ________

[1] Commissioner Digby dissenting.

[2] Independent producers defined in § 154.91 as transporting in interstate commerce or selling in interstate commerce for resale a total of less than 1,000,000 Mcf per year of natural gas.

(8) Gas sales or transportation contracts (for each contract).[3]
(a) Name of purchaser ----------------
(b) Point of delivery ----------------
(c) Contract volumes Mcf (daily or annually), indicating pressure base ----
(d) Price at time of filing ----------------
(e) Date of contract ----------------
(f) Term of contract ----------------
(g) Special conditions (if any) ----------------

[F. R. Doc. 54-6211; Filed, Aug. 11, 1954; 8:46 a. m.]

[3] Contracts on file as rate schedules may be incorporated by reference.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System

[No. 7542]

PART 125—ADVANCES

MORTGAGES EXCEEDING $35,000

AUGUST 6, 1954.

Resolved That, pursuant to § 108.11 of the general regulations of the Home Loan Bank Board (24 CFR 108.11), § 125.13 of the regulations for the Federal Home Loan Bank System (24 CFR 125.13) is hereby amended, effective August 12, 1954, to read as follows:

§ 125.13 *Mortgages exceeding $35,000.* A home mortgage which was originally written for more than $35,000 but which has been reduced to $35,000, or less, may be accepted as collateral, if otherwise eligible.

Resolved further That, as this amendment recognizes a liberalization granted by the Housing Act of 1954, it is found that it is not necessary to issue such regulation with notice and public procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and that, as it relieves a restriction, there is no need for deferment of the effective date thereof under section 4 (c) of the Administrative Procedure Act.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Interprets or applies sec. 10, 47 Stat. 731, as amended, sec. 502, Pub. Law 560, 83d Cong.; 12 U. S. C. 1430)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 54-6230; Filed, Aug. 11, 1954; 8:50 a. m.]

Subchapter C—Federal Savings and Loan System

[No. 7541]

PART 145—OPERATIONS

INCREASING LENDING AUTHORITY ON SECURED LOANS; MAKING CERTAIN INCREASES AND DECREASES IN LENDING ON UNSECURED LOANS

AUGUST 6, 1954.

Resolved That, pursuant to § 108.11 of the general regulations of the Home Loan Bank Board (24 CFR 108.11), and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), the rules and regulations for the Federal Savings and Loan System (24 CFR Chapter I, Subchapter C) are hereby amended, effective August 12, 1954 in the following particulars:

a. Section 145.6-5 (24 CFR 145.6-5) is amended to read as follows:

§ 145.6-5 *Purchase of loans.* Any Federal association may purchase loans of any type that it may make; it may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area, at an investment of not more than $35,000: *Provided,* That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law: *And provided further,* That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

b. Section 145.6-7 (24 CFR 145.6-7) is amended to read as follows:

§ 145.6-7 *Real estate loans and investments subject to 15-percent-of-assets limitation.* Any Federal association may make loans of the types enumerated in paragraphs (a) through (d) of this section on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 15 percent of the association's assets:

(a) Loans in excess of $35,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding $35,000 to each home or combination of home and business property which is a part of the security;

(b) Loans on other improved real estate;

(c) Loans on improved real estate located beyond the association's regular lending area;

(d) Non-installment loans;

(e) Real estate owned, except

(1) Property owned and occupied by the association as an office;

(2) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than $35,000 each:

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of section 14.1, or by any Federal association which has a Charter in any other form not inconsistent with the provisions of §§ 145.6 to 145.6-13 and any insured loan purchased by any such Federal association secured by a home or combination of home and business property outside of its regular lending area at an investment of not more than $35,000, is exempt from the limitations of this section.

c. Section 145.8 (24 CFR 145.8) is amended to read as follows:

§ 145.8 *Unsecured loans.* Any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement without the security of a lien upon such property: *Provided,* That:

(1) The net proceeds of any such loan do not exceed $2,500;

(2) The property is located in such association's regular lending area as defined in § 145.6-6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency: *Provided, however,* That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

Resolved further, That as these amendments either recognize liberalization in lending authority of Federal savings and loan associations, or restrictions thereon, as provided by the Housing Act of 1954, it is found that it is not necessary to issue such regulations with notice and public procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and that, as they either relieve restrictions or incorporate limitations on existing authority imposed by the Housing Act of 1954, deferment of the effective date of such amendments is not required under section 4 (c) of the Administrative Procedure Act.

(Sec. 5, 48 Stat. 132, as amended, sec. 503, Pub. Law 560, 83d Cong.; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 54-6229; Filed, Aug. 11, 1954; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, § 6.263 (a) is added to Schedule B as set out below.

§ 6.263 *United States Information Agency.* (a) Persons formerly employed abroad in the Foreign Service of the United States for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

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

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

[F. R. Doc. 54-6239; Filed, Aug. 11, 1954; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.312 (a).

§ 6.312 *Department of Commerce—* (a) *Office of the Secretary.* * * *

(24) One Confidential Assistant to the Assistant Secretary for Administration.

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

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

[F. R. Doc. 54-6238; Filed, Aug. 11, 1954; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 86]

PART 608—DANGER AREAS

ADDITION OF DEL RIO, TEX., LAUGHLIN AFB, AREA

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.51, a Del Rio, Texas, Laughlin AFB, area (D-462) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEL RIO LAUGHLIN AFB (D-462) (Del Rio Chart).	Latitude 29°58'30" N, longitude 103°15'00" W; latitude 29°58'30" N, longitude 102°58'00" W; latitude 29°59'00" N, longitude 102°58'00" W; latitude 29°59'00" N, longitude 102°56'00" W; latitude 30°02'00" N, longitude 102°56'00" W; latitude 30°02'00" N, longitude 102°51'00" W; latitude 30°04'00" N, longitude 102°51'00" W; latitude 30°04'00" N, longitude 102°45'00" W; latitude 30°05'00" N, longitude 102°45'00" W; latitude 30°05'00" N, longitude 102°43'00" W; latitude 30°06'00" N, longitude 102°43'00" W; latitude 30°06'00" N, longitude 102°38'00" W; latitude 29°55'00" N, longitude 102°22'00" W; latitude 29°49'00" N, longitude 102°22'00" W; thence meandering southwest along the Rio Grande River to latitude 29°36'00" N, longitude 102°46'00" W; latitude 29°36'00" N, longitude 102°51'00" W; latitude 29°38'00" N, longitude 102°51'00" W; latitude 29°38'00" N, longitude 103°02'00" W; latitude 29°51'00" N, longitude 103°15'00" W; latitude 29°58'30" N, longitude 103°15'00" W.	Surface to unlimited.	0500 to 2100 daily.	Laughlin AFB, Del Rio, Tex.

2. In § 608.51, a Del Rio, Texas, Laughlin AFB, area (D-463) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEL RIO, LAUGHLIN AFB (D-463) (Del Rio Chart).	Latitude 29°02'00" N, longitude 100°29'00" W; latitude 29°08'00" N, longitude 100°34'00" W; latitude 29°09'00" N, longitude 100°26'00" W; latitude 29°05'30" N, longitude 100°28'00" W; latitude 29°02'00" N, longitude 100°29'00" W; excluding the Del Rio Control Area.	Surface to unlimited.	0500 to 2100 daily.	Laughlin AFB, Del Rio, Tex.

3. In § 608.51, a Del Rio, Texas, Laughlin AFB, area (D-464) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEL RIO, LAUGHLIN AFB (D-464) (Del Rio Chart).	Latitude 29°37'00" N, longitude 100°36'30" W; latitude 29°37'00" N, longitude 100°30'00" W; latitude 29°30'00" N, longitude 100°30'00" W; latitude 29°30'00" N, longitude 100°36'30" W; latitude 29°37'00", longitude 100°36'30" W excluding the Del Rio Control Area.	Surface to unlimited.	0500 to 2100 daily.	Laughlin AFB, Del Rio, Tex.

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

This amendment shall become effective on August 17, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-6232; Filed, Aug. 11, 1954; 8:50 a. m.]

[Amdt. 96]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

DEVIATION FROM CRITERIA

This amendment provides that the criteria as set forth in this section will normally be adhered to in formulation of all instrument approach procedures but also provides for deviations. In addition, it provides for an area to be considered for circling approaches regardless of the type of instrument approaches being made and will be used in conjunction with criteria for all types of approaches contained in Part 609.

The amendment is adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impractical.

In § 609.3, new paragraphs (k) and (l) are added to read:

§ 609.3 *Introduction.* * * *

(k) *Deviations.* Many airports are so located with respect to unfavorable terrain, obstructions and congested areas as to require special consideration, but every effort will be made to formulate all procedures in accordance with the applicable criteria. When deviations are found necessary they will be coordinated and caution notes such as "Caution: High terrain 4½ miles to west of final approach course" will be shown on published instrument approach procedures, where safety is involved.

(1) *Circling approaches.* In addition to consideration of the area from the facility to the field, it will be necessary to consider the area 2 miles from the boundary of the field and provide an obstruction clearance of 300 feet in accordance with existing policies, over all obstructions within this area. It will be possible to eliminate from consideration an area on one side where prominent obstructions exist: *Provided,* That the landing can be effected without maneuvering over this area and a note to this effect is included in the procedure.

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

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-6208; Filed, Aug. 11, 1954; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Order 12]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL BEING

OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN PAPER-PRODUCTS MACHINES

Finding and order. On April 6, 1954, notice was published in the FEDERAL REGISTER (19 F. R. 1933) that the Secretary of Labor proposed to adopt a hazardous occupation order as therein set forth providing that for purposes of section 3 (l) of the Fair Labor Standards Act of 1938, as amended, certain specified occupations involved in the operation of power-driven paper-products machines are particularly hazardous for the employment of minors between the ages of 16 and 18 years of age or detrimental to their health or well being. The notice provided for a public hearing to be held in Washington, D. C., on May 11, 1954. Interested persons were invited to participate in the hearing and provision was made for the submission of written comments or briefs by any interested person unable to attend the hearing. Subsequent to the hearing the record was held open until May 25, 1954, for the submission of additional information. All relevant materials submitted, including the report of the investigation, have been carefully considered and, upon the basis thereof, it has been found necessary and appropriate to modify the definition contained in paragraph (b) (1) of the proposed order and to insert the exemptions for apprentices and student-learners hereinafter found in paragraph (c).

Now, therefore, pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR, Part 4, Subpart D), I, James P. Mitchell, Secretary of Labor, hereby adopt the following finding, declaration, and order which is designated as Hazardous Occupations Order No. 12:

§ 4.63 *Occupations involved in the operation of paper-products machines*—(a) *Findings and declaration of fact.* The following occupations involved in the operation of power-driven paper-products machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) The occupation of operating or assisting to operate any of the following machines: arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double-facing machine, envelope die cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

(2) The occupation of operating or assisting to operate any platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

(b) *Definitions.* (1) The term "operating or assisting to operate" shall mean all work which involves starting or stopping the machine, placing materials into or removing them from the machine, setting up or cleaning the machine, or any other work directly involved in operating the machine.

(2) The term "paper-products machine" shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or non-manufacturing establishment.

(c) *Exemptions.* (1) This section shall not apply to the employment of apprentices in the occupations herein declared particularly hazardous: *Provided,* That (i) the apprentice is employed in a craft recognized as an apprenticeable trade, (ii) the work of the apprentice in the occupations herein declared hazardous is incidental to the apprentice training, is intermittent and for short periods of time, and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training, and (iii) the apprentice is registered by the Bureau of Apprenticeship of the United States Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under a written apprenticeship agreement under conditions which substantially conform to such Federal or State standards as determined by the Secretary of Labor.

(2) This section shall not apply to the employment of student-learners pursuing a course of study and training in printing or book binding in a cooperative vocational training program under a recognized State or local educational authority; *Provided,* That (i) the work of such student-learner in the occupations herein declared hazardous is incidental to his training, is intermittent and for short periods of time, and is under direct and close supervision, and (ii) such student-learner is employed under a written agreement providing for (*a*) a schedule of work processes to be performed on the job, (*b*) organized safety and other related instruction to be given by the school and correlated with on-the-job training, and (*c*) specified wages to be paid; such agreement to carry the name of the student-learner and to be signed by the employer and by the school coordinator or principal; and a copy of such agreement to be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation wherein it is found that a cooperative vocational training program has not observed reasonable precautions for the safety of minors employed thereunder.

(d) This section shall not justify noncompliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

This section will become effective September 11, 1954.

Signed at Washington, D. C., this 6th day of August 1954.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 54-6226; Filed, Aug. 11, 1954; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 11—LOANS BY BANKS ON AND PAYMENT OF ADJUSTED SERVICE CERTIFICATES

MISCELLANEOUS AMENDMENTS

1. The centerhead immediately preceding § 11.88 is amended to read as follows: "Disposition of Notes Secured by Adjusted Certificates Redeemed From Banks by the Veterans' Administration Under Section 502 of the World War Adjusted Compensation Act, as amended (Pub. Law 120, 68th Cong.)".

2. Section 11.99 is revised to read as follows:

§ 11.99 *Identification.* Before a loan is made on an adjusted service certificate, the person applying therefor will be identified as the person entitled to the certificate offered as security. Such identification will be made in accordance with § 11.114.

3. The centerhead immediately following § 11.104 is amended to read as follows: "Application For Payment of Adjusted Service Certificate Under the Adjusted Compensation Payment Act, 1936 (Pub. Law 425, 74th Cong.)".

4. Immediately following the above centerhead, new §§ 11.109 and 11.110 are added as follows:

§ 11.109 *Settlement of unmatured adjusted service certificates.* Where an application for final settlement of an adjusted service certificate is received in the Veterans' Administration prior to the maturity date of the certificate, payment will be made under the terms of the Adjusted Compensation Payment Act, 1936. This act provides for payment of the amount due on the certificate, after deducting any unpaid loans with interest through September 30, 1931, in adjusted service bonds. These bonds will be issued by the Treasury Department in denominations of $50, in the name of the veteran only, and will bear interest at the rate of 3 percent per annum from June 15, 1936, to June 15, 1945. Any excess amount not sufficient to purchase a $50 bond will be paid by check.

§ 11.110 *Who may make application for final settlement.* A mentally competent veteran to whom an adjusted service certificate has been issued.

(a) A legally appointed guardian of an incompetent veteran. An application submitted by a legally appointed guardian must be accompanied by letters of guardianship showing the fiduciary relationship, provided such papers are not already on file in the Veterans' Administration.

(b) A representative of a physically incapacitated veteran. Where application is made by a representative of a physically incapacitated veteran, the representative must attach a statement describing the veteran's incapacity. The correctness of such statement must be certified by an officer as designated in § 11.114.

(c) A superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under the provision of Public No. 373, 72d Congress, may make application for an incompetent adult or minor Indian who is a recognized ward of the government. The application must be accompanied by a certification from the superintendent or other bonded officer showing (1) that the said beneficiary is a ward of the Government; (2) that no guardian or other fiduciary has been appointed; (3) that the officer making application has been designated by the Secretary of the Interior in accordance with Public No. 373, 72d Congress; (4) that he is properly bonded; and (5) that he will receive, handle, and account for such benefits in accordance with existing law and regulations of the Department of Interior.

(d) A manager of a Veterans' Administration hospital, or a manager or superintendent of a contract hospital or State institution where the veteran is a patient may make application as custodian for the veteran. Such application must be made with the approval of the regional chief attorney.

No. 156——2

5. In § 11.114, the introductory paragraph is amended to read as follows:

§ 11.114 *Identification.* Before settlement is made on an adjusted service certificate, the person applying therefor will be identified as the person entitled to the settlement for which an application is made. If made in the United States or possessions, certification will be accepted if made by a United States postmaster or assistant postmaster over an impression of the post office cancellation stamp; a commissioned officer of the regular establishment of the Army, Navy, or Marine Corps; a member of the United States Senate or the House of Representatives; an officer, over his official title, of a post, chapter, or other comparable unit of an organization recognized under Veterans Regulation No. 10 (38 U. S. C. ch. 12), or an officer over his official title, of the State or national body of such organization, or any person who is legally authorized to administer oaths in a State, Territory, possession, District of Columbia, or in a Federal judicial district, of the United States. If identification is made in a foreign country, it will be certified by an American consul, a recognized representative of an American Embassy or Legation, or by a person authorized to administer oaths under the laws of the place where identification is made; provided, there be attached to the certificate of such latter officer a proper certification by an accredited official of the State Department of the United States that such officer was authorized to administer oaths in the place where certification was made. A manager of a Veterans' Administration hospital is authorized to identify patients, members, or employees of the hospital over which he has charge. An employee of the Veterans' Administration who has been specifically designated in writing to do so may identify applicants during official hours and on the premises of the Veterans' Administration using for this purpose, if necessary, the official records of the Veterans' Administration. Field station finance employees may not be designated for this purpose.

* * * * *

6. New §§ 11.115 and 11.116 are added as follows:

§ 11.115 *Where to file application.* The application for final settlement, accompanied by the veteran's adjusted service certificate, unless the certificate is being held in the Veterans' Administration as collateral for a loan, must be forwarded to the Manager, Veterans Benefits Office, Washington 25, D. C.

§ 11.116 *Death of veteran before final settlement.* If the veteran dies after making application under the Adjusted Compensation Payment Act, 1936, but before it is filed, it may be filed by any person and will be considered valid if found to bear the bona-fide signature of the applicant, discloses an intention to claim benefits under the act, and is filed before the maturity of the certificate and before payment is made to the beneficiary. An application made by the veteran or his legal representative shall evidence his intention to claim the benefits of this act; no other evidence shall be acceptable.

(a) If the veteran's death occurs after the application is filed but before payment is received under this act, or if the application is filed after death occurs but before the maturity of the certificate and before payment is made to the beneficiary under section 501 of the World War Adjusted Compensation Act, as amended, payment under this act shall be made to the estate of the veteran irrespective of any beneficiary designation.

(b) If the veteran dies without filing a valid application under this act, no payment under this act shall be made. In such case, payment of the certificate will be made under the World War Adjusted Compensation Act, as amended, in accordance with § 11.128; however, in making any settlement there shall be deducted from the face value of the certificate the amount of any outstanding loans and so much of the unpaid interest as accrued prior to October 1, 1931.

7. Section 11.117 is revised to read as follows:

§ 11.117 *Missing applications.* Where the records of the Veterans' Administration show that an application, disclosing an intention to claim the benefits of this act, has been filed and the application cannot be found, such application shall be presumed, in the absence of affirmative evidence to the contrary, to have been valid when originally filed. The determination of the correctness of this assumption shall be made by the Manager, Veterans Benefits Office, Washington, D. C., or his designee.

(Sec. 306, 43 Stat. 124; 38 U. S. C. 616. Interpret or apply secs. 308, 401, 501, 502, 601–603, 607, 43 Stat. 125, 126, 128–130, as amended, sec. 13, 44 Stat. 830, as amended, secs. 4, 5, 45 Stat. 948, 949, as amended, 49 Stat. 1099, as amended; 28 U. S. C. 618, 621–623, 631, 641, 642, 647a, 649, 661–663, 667, 686 et seq.)

8. Immediately following § 11.117, a new centerhead and new §§ 11.125 through 11.130, inclusive, are added as follows:

APPLICATION FOR PAYMENT OF ADJUSTED SERVICE CERTIFICATE UNDER THE WORLD WAR ADJUSTED COMPENSATION ACT, AS AMENDED (PUBLIC LAW 120, 68TH CONGRESS)

AUTHORITY: §§ 11.125 to 11.130 issued under sec. 306, 43 Stat. 124; 38 U. S. C. 616. Interpret or apply secs. 308, 401, 501, 502, 601–603, 607, 43 Stat. 125, 126, 128–130, as amended, sec. 13, 44 Stat. 830, as amended, secs. 4, 5, 45 Stat. 948, 949, as amended, 49 Stat. 1099, as amended; 38 U. S. C. 618, 621–623, 631, 641, 642, 647a, 649, 661–663, 667, 686 et seq.

§ 11.125 *Settlement of matured adjusted service certificates.* Where an application for final settlement of an adjusted service certificate is received in the Veterans' Administration subsequent to the date of maturity of the certificate, payment will be made under the terms of the World War Adjusted Compensation Act, as amended. This act provides for payment of the face value of the certificate less any outstanding indebtedness for loans obtained on the certificate; however, interest accrued on the loans subsequent to September 30, 1931, and unpaid will be canceled insofar as the veteran is concerned.

§ 11.126 *Form of application.* Either demand for payment (Form 1748) or application (Form 1701) may be used by the veteran or his legal representative in applying for final settlement of a matured certificate.

§ 11.127 *Identification.* Before payment may be made on the adjusted service certificate, the person applying therefor will be identified as the person entitled to payment for which application is made. Such identification will be accepted if made by an authorized person as stated in § 11.114; also, fingerprint impressions shall be placed in the space provided on the application in accordance with § 11.114 (a).

§ 11.128 *Veteran dies without having filed application for final settlement.* If the veteran dies without having filed application for final settlement under the Adjusted Compensation Payment Act, 1936, and the certificate has not matured, payment will be made to the last designated beneficiary or, if no beneficiary, to his estate. If the certificate has matured, payment will be made to the veteran's estate regardless of any beneficiary designation. Payment of the amount due on a deceased veteran's certificate will be made only on an approved award based upon receipt in the Veterans' Administration of an application properly executed by the person or persons entitled.

§ 11.129 *Form of application for payment of deceased veteran's certificate.* Demand for payment (VA Form 8-582) is the proper form for use in applying for payment of the amount due on a deceased veteran's certificate.

§ 11.130 *Where to file applications.* Application for payment of a matured certificate or a deceased veteran's certificate, accompanied by the adjusted service certificate, unless it is held in the Veterans' Administration as collateral for a loan, must be forwarded to the Manager, Veterans Benefits Office, Washington 25, D. C.

This regulation is effective August 12, 1954.

[SEAL] J. C. PALMER,
Acting Deputy Administrator.

[F. R. Doc. 54-6233; Filed, Aug. 11, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 39]

[Regs. 118]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DEC. 31, 1951

ABATEMENT OF JEOPARDY ASSESSMENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

In order to conform Regulations 118 (26 CFR Part 39) to Public Law 274 (83d Cong.), approved August 14, 1953, relating to the abatement of jeopardy assessments, such regulations are amended as follows:

PARAGRAPH 1. Section 39.273 is amended by adding at the end thereof the following:

(a) [k] *Abatement if jeopardy does not exist.* The Secretary may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of The Tax Court of the United States in respect of the deficiency has been rendered, or, if no petition is filed with The Tax Court of the United States, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the day on which such jeopardy assessment is abated.

[Sec. 273, as amended by Pub. Law 274 (83d Cong.). Such Public Law added subsection (a) [k] and made such subsection applicable to all jeopardy assessments made, or in existence, on the date of enactment of such act (August 14, 1953) and all jeopardy assessments made thereafter.]

PAR. 2. Section 39.273-1 is amended by adding at the end thereof the following:

(g) (1) The district director may abate a jeopardy assessment which existed on August 14, 1953, or which is made on or after such date, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such Court, after the expiration of the period for filing such petition.

(2) The abatement of a jeopardy assessment, because jeopardy does not exist, will have the effect of abating any proceedings to collect the tax so assessed. The district director may then proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment so abated had not existed. If a notice of deficiency had been sent to the taxpayer prior to the abatement of the jeopardy assessment, whether such notice was sent before or after the making of the assessment, the abatement of such assessment will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of distraint or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the date on which such jeopardy assessment is abated. The provisions of this subparagraph may be illustrated by the following example.

Example. On February 15, 1954, twenty-eight days before the three-year statutory period of limitations on assessments would otherwise have expired, a jeopardy assessment was made in respect of a supposed deficiency. On April 2, 1954, before the mailing of the notice of deficiency provided for by section 273 (b), this assessment was abated. By virtue of this subparagraph, the period of limitations for the making of an assessment did not expire prior to May 10, 1954, i. e., the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 273 (b) had been sent prior to the abatement, the running of the statute of limitations on assessments would have been suspended pursuant to the provisions of section 277.

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, should be filed with the district director and must state fully the reasons for the request and must be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See section 273 (c) and paragraph (b) of this section with respect to the abatement of jeopardy assessments which are excessive in amount.

[F. R. Doc. 54-6227; Filed, Aug. 11, 1954; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 995]

[Docket No. AO-197-A2 RO-1]

HANDLING OF MILK IN THE LIMA, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Lima, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Lima, Ohio on August 17-19, 1953, pursuant to notice thereof which was issued on July 23, 1953 (18 F. R. 4407). The hearing was reopened in Lima on May 27, 1954, pursuant to notice thereof which was issued on May 22, 1954 (19 F. R. 2985).

The material issues of record were concerned with the following:

(1) Extending the marketing area to include all of Allen County, instead of only the city of Lima, and to include Hancock County, and the city of Findlay, its principal center of population;

(2) Modifying the definition of a producer-handler;

(3) Including a cheese pricing formula as one of the basic formula prices;

(4) Increasing the Class I differentials;

(5) Modifying the provisions applicable to milk received from sources other than producers;

(6) Reclassifying and raising the price of milk used in ice cream and cottage cheese;

(7) Stating class prices in terms of an amount per hundredweight of milk of a basic butterfat content, instead of quoting separate prices for the butterfat and skim milk components;

(8) Modifying the pooling provisions to provide for individual-handler pooling or for an adjustment of prices paid to producers that would be based upon the respective utilization of milk in the Lima and the Findlay portions of the marketing area;

(9) Adopting a modified form of the base-rating plan for encouraging a more uniform seasonal pattern of production;

(10) Modifying the determination of the rate of partial payments to producers for milk delivered during the first 15 days of the month;

(11) Modifying the provision relating to payments to cooperative associations for services performed on behalf of producer-members; and

(12) Allowing a certain type of custom-bottling arrangement to be excluded from the pricing provisions of the order.

The Deputy Administrator filed a recommended decision on the issues considered at the original hearing on March 5, 1954. The findings and conclusions and the general findings of that recommended decision (19 F. R. 1343, F. R. Doc. 54-1715) are hereby approved and adopted as the findings and conclusions and the general findings of this recommended decision as if set forth in full herein, subject to the following revisions:

1. Revise paragraph 4, column 2, page 1344, to read as follows:

At a hearing held in June 1952, producers and handlers in Lima supported the inclusion of all of Allen County in the marketing area. Under that proposal all milk sold in the County for Class I purposes would be subject to the order. In the current proceeding, the Lima handlers incorporated their previous testimony to support the inclusion of Allen County at the present time. At the reopened hearing on May 27, 1954, producers also supported an extension of the area to include all of Allen County. However, it is clear from evidence at the hearing that a Grade A milk ordinance is still not fully effective in Allen County except in the City of Lima. Until the health requirements applicable to the milk sold in Allen County are substantially as high as those applicable to milk sold within Lima, the pricing provisions of the order are not appropriate. Moreover there was no evidence that the regulated handlers are facing any serious competition from unregulated handlers in Allen County.

2. Revise the fifth paragraph beginning in column 3, page 1344, to read as follows:

(4) *Class I milk prices.* The Class I price should be equal to the Class I price under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area, less the Class I location adjustment effective at a pool plant location in Lima. The lower price which applies to the butterfat and skim milk content of cream under the Cleveland order should also apply in Lima.

3. In the first paragraph beginning in column 1, page 1345 revise the fourth sentence to read. "It is, therefore, appropriate that the Cleveland location differential in effect at the Lima pool plant be applied to the Lima market."

4. In the second paragraph beginning in Column 1, page 1345 change "25 cents" to "28 cents", "\$1.31 per hundredweight" to "\$1.28 per hundredweight", and "8½ cent difference" to "5½ cent difference".

5. In the fourth paragraph beginning in column 1, page 1345, revise the phrase "75 cents in April, May, and June, \$1.20 in February, March, and July, and \$1.65 in August through January" to read "72 cents in April, May, and June, \$1.17 in February, March, and July, and \$1.62 in August through January".

6. Delete the last three sentences of the paragraph beginning at the bottom of column 1, page 1345, and substitute therefor the following:

The allocation of milk from other Federal areas as other source receipts under the Lima order would create serious problems. The order presently provides that all other source milk (whether from unregulated or other Federal sources) be allocated first to any Class II utilization by the Lima handler. This provision has no effect on those handlers described above who distribute milk in Lima from plants subject to the Cleveland order, since they have no producers under the Lima order. The provision would, however, affect a handler such as the one at Findlay who supplies part of his sales by milk from local producers and part by milk bottled in two-quart containers at a Toledo plant subject to Federal regulation. In this case the producer milk under the Lima order, which would otherwise be assigned to Class II use, will be allocated instead to Class I to the extent of the receipts of the other Federal order milk. Clearly, the seasonal and daily reserves of milk necessary to supply the exact quantities of 2-quart milk was carried by Toledo producers, while the producers at the Findlay plant would get Class I credit for milk which should properly be considered as reserve supply for the quantities of milk actually bottled at the Findlay plant for fluid distribution. Accordingly, milk in bottled form, classified and priced under another Federal order should be exempt from the allocation provisions as well as the pricing provisions of this order.

However, bulk milk from other Federal areas which might be expected to be purchased to supplement a handler's local supplies should continue to be allocated first to Class II, in the same fashion as other source milk from unregulated plants. Such allocation will encourage handlers to purchase other source milk only when producer milk is not available. At such times, of course, there would be little or no producer milk in Class II to be affected by the allocation.

It will be recognized that the above mentioned distinction between the bulk and packaged milk is also a distinction between regular and irregular sources of supply. Under present conditions the two are synonymous, but if marketing conditions change, further changes in the order provisions may be desirable.

There is no need to continue the present provision for charging a compensatory payment on Lima Class I sales of milk from other Federally regulated markets whenever the other order price is below the Lima Class I price. The adoption of Cleveland pricing in Lima removes any possibility of Class I price differences between these two markets, and prices in the other regulated markets from which the Lima market draws milk are also closely aligned with Cleveland.

7. Revise the fourth paragraph in column 3, page 1345, to read as follows:

(7) *Method of stating class prices.* The notice announcing the original hearing contained a proposal submitted by the producers' association calling for a revision of the order to provide that class prices for milk be stated in terms of a hundredweight of milk of basic butterfat content, with differentials for each one-tenth of a percent that actual butterfat test varied from the base test. The proposal was not supported at the hearing in August, 1953 but was considered at the reopened hearing.

The butterfat and skim milk utilized in each class is accounted for separately under most of the Federal orders, including all these in Ohio. The price per hundredweight of milk must, of course, be allocated to the skim milk and butterfat components. In most orders throughout the United States this is accomplished by specifying a basic butterfat test and a butterfat differential, which is the amount to be added or subtracted from the announced price for each one tenth of one percent variation in butterfat content. Under the Cleveland, Stark County, and Lima orders the 3.5 percent price is only an intermediate computation; official class prices are then computed and announced separately per hundredweight of butterfat and per hundredweight of skim milk. There is no substantive difference between the two means of computing and announcing class prices. However, the butterfat differential method is more simply stated, focuses attention on the 3.5 price, and is used in the great majority of orders which utilize a butterfat and skim milk accounting system.

Possible changes in the relative values of the skim milk and butterfat components of Class I and Class II milk were not considered at the hearing. The butterfat differentials should, therefore, be as closely aligned as possible with the relative values previously in effect. In 1953 the value of Class I butterfat ranged from 1.44 times the market price of butter in the summer months to 1.65 in the fall months. The average factor was 1.55 and this should be adopted as the Class I butterfat differential. The value of Class II butterfat averaged only 1.04 times the butter price in the same year. However, the local plant pay prices which establish the Class II price under the order were substantially below their normal relationship to the market prices of butter and nonfat dry milk solids. In the basic butter-powder formula presently included in the order, the value of butterfat is 1.14 times the market price of butter. It is concluded that a Class II butterfat differential of 1.10 times the butter price should be adopted, since it would provide a more nearly normal allocation value between butterfat and skim milk than the 1953 experience.

8. Following the third paragraph in column 1, page 1346, insert the following:

Individual-handler pooling was considered further at the reopened session of the hearing, on May 27, 1954. The producers' association and the handlers whose principal business is in the Findlay portion of the marketing area strongly favored individual handler pooling as a means of returning to the producers supplying each handler the sales proceeds reflecting the class utilization of milk by each separate handler.

9. Delete the first paragraph beginning in column 2, page 1346, and substitute therefor the following:

At the reopened hearing one of the handlers proposed a more thorough base-rating plan. Bases would be established during September through November and apply during the following March through August.

No change in the seasonal pattern of pricing was proposed. As already mentioned, the low Class I price differentials prevailing during April, May, and June, would leave room for but little difference between the base and excess prices. This handicap was acknowledged by the proponents, but the usual practice of having little or no seasonal difference in the Class I price would leave Lima prices seriously out of line with the Cleveland prices. Moreover, production in the Lima milkshed is already substantially more uniform during the year than in the Cleveland milkshed and it would not appear that the local market requires a greater incentive than the increased seasonal price differences provided herein.

It is concluded that neither of the base-rating proposals should be adopted.

10. Just preceding the "General findings" in column 3, page 1346, insert the following:

(12) *Custom bottling.* A handler proposed that milk processed at a pool plant under arrangements commonly referred to as "custom bottling" be exempted from the price and classification provisions of the order. This handler has a bottling plant located within the marketing area in which he bottles milk for a plant located outside the area from which fluid milk is distributed only in communities located outside the defined marketing area. The pool plant is equipped to bottle milk in paper containers. The nonpool plant is not so equipped and obtains its supply of paper-packaged milk from the pool plant. The handler's practice has been that equivalent quantities of raw milk are supplied to the pool plant.

The order presently provides that all milk processed at pool plants be classified and priced under the order. The minimum order prices are applicable whether the milk is sold within the marketing area or outside such area. This uniformity of pricing avoids the possibility that a lower price on milk sold outside the area could be construed as unfair price competition by outside producers and distributors. The price uniformity also avoids imposing higher costs for milk of the same quality on the consumers who happen to be located within the marketing area than on consumers outside such area. Lower prices on outside sales would, in effect, subsidize out-of-area consumers at the expense of in-area consumers who would be obliged to pay a disproportionate share of the cost necessary to induce producers to furnish an adequate supply of milk for the market.

Any exemption of custom bottled milk would constitute a departure from the provisions for pricing milk uniformly whether it is ultimately sold within or without the marketing area. Any handler who owned or could make suitable arrangements with a nonpool plant could supply his out-of-area business from such plant. Meanwhile the supply of these handlers who relied exclusively upon their pool plant would be fully priced under the order. It is concluded that any such exception would be unduly disruptive of normal operations in the market and should not be allowed.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers at the conclusion of the original hearing and of the reopened hearing. Also, exceptions to the recommended decision filed by the Deputy Administrator on March 5, 1954, were submitted by interested parties. The briefs and exceptions contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs and exceptions was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs and exceptions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

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

AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, and of Findlay, in the County of Hancock, both in the State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Board of Health of Lima or of Findlay, Ohio, for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any coperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.76, 995.77, 99578, or 95.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided*, That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk received by each handler as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received.

(d) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(e) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.51 *Class I milk prices.* Subject to the provisions of § 995.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.5 percent butterfat content received from producers at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) Ascertain the Class I minimum price for milk of 3.5 percent butterfat content for the month as determined pursuant to the order, as amended, regulating the handling of milk in the Cleveland, Ohio marketing area (Order No. 75; Part 975 of this chapter).

(b) Deduct the location adjustment rates on Class I milk which would be applicable pursuant to Part 975 of this chapter at a pool plant located at Lima; and

(c) On sweet or sour cream, eggnog, and any cream product in fluid form having more than 8 percent butterfat, also make any deduction specified by the proviso in § 975.61 (a) of this chapter.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator by computing (to the nearest tenth of a cent) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co. Defiance, Ohio.

Pet Milk Co., Coldwater, Ohio.

Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.

Fisher Dairy and Cheese Co., Wapakoneta, Ohio.

Swift and Co., Lima, Ohio.

§ 995.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 995.51 and 995.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.55 and divide the result by 10.

(b) *Class II milk.* Multiply by 1.10 and divide the result by 10.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 995.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That, if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to §§ 995.45 (d) and 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute for each handler a "uniform price" per hundredweight of producer milk received by such handler by:

(a) Subtracting from the value of milk computed for such handler pursuant to § 995.60, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(b) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(c) Adjusting the resulting amount by the sum of money used in adjusting the uniform price, pursuant to paragraph (e) of this section for the previous month to the nearest cent;

(d) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and,

(e) Adjusting the resulting figure to the nearest cent.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75; and,

(c) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price for such handler adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payments.* On or before the last day of each month each handler shall pay to each producer, or to a cooperative association authorized to collect payment, for the milk received from such producer or caused to be delivered to such handler by such cooperative association during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event any producer discontinues shipping to such handler during any month, such partial payments need not be made and full payment for all milk received from such producer during such month shall be made pursuant to the provisions of § 995.70.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided,* That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production), at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the Association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the Association's claim and shall pay the amount deducted to the Association within 18 days after the end of the month.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.76 or 995.77 or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to other Federal orders.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this subpart.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, these are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Filed at Washington, D. C., this 9th day of August 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-6236; Filed, Aug. 11, 1954; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-2435]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed on May 19, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 15, 1954 (19 F. R. 3496-97).

The Commission orders:

(A) 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 be held on September 8, 1954, 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 and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of procedure.

Adopted: August 4, 1954.

Issued: August 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 54-6212; Filed, Aug. 11, 1954; 8:46 a. m.]

[Docket No. G-2448]

OLIN GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On June 3, 1954, Olin Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office in the Ouachita National Bank Building, Monroe, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation, just north of Baton Rouge, Louisiana, of certain natural gas interconnecting, metering and regulating facilities for the purpose of delivering and selling, upon a firm basis, up to approximately 8,000 Mcf of natural gas per year to Gulf States Utilities Company for resale and distribution in an area known as the Alsen Community.

Applicant has requested that its application be heard under the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on June 23, 1954 (19 F. R. 3816).

A petition for leave to intervene in the above-entitled proceeding has been filed by Alsen Utilities Company, Inc. This petitioner opposes the application for certificate authorization to Applicant to establish a delivery point to Gulf States Utilities Company. Such petitioner states it has applied to Applicant for a supply of natural gas to serve the Alsen Community area, and requests in its petition, among other things, that a modification be ordered in the application to provide for the substitution of Alsen Utilities Company, Inc., in lieu of Gulf States Utilities Company, as the company to be supplied natural gas by Applicant for resale and distribution in the Alsen Community area.

The Commission finds:

(1) This preceeding, in the circumstances, is not a proper one for disposition under the provisions of the aforesaid § 1.32 (b) of its rules of practice and procedure.

(2) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding, as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on September 15, 1954, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application herein.

(B) 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)).

Adopted: August 4, 1954.

Issued: August 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 54-6213; Filed, Aug. 11, 1954; 8:46 a. m.]

[Docket No. G-2456]

CUMBERLAND AND ALLEGHENY GAS CO.

ORDER FIXING DATE OF HEARING

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application, filed June 7, 1954, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities as described in said application, be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on July 2, 1954 (19 F. R. 4044-45).

The Commission orders:

(A) 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 be held on September 10, 1954, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the applications: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 4, 1954.

Issued: August 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 54-6214; Filed, Aug. 11, 1954; 8:46 a. m.]

[Docket No. G-2469]

NORTH CENTRAL GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

North Central Gas Company (Applicant), a Wyoming corporation, having its principal place of business at Casper, Wyoming, filed an application with the Federal Power Commission on June 28, 1954, which was supplemented on July 13, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities for the purpose of selling and delivering natural gas to military installations of the U. S. Army near Sidney, Nebraska, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission, and open to public inspection.

The Commission on July 28, 1954, without prejudice to future action, granted Applicant temporary authorization to construct and operate requested facilities subject to Commission jurisdiction.

Applicant requested that its application be disposed of pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on July 13, 1954 (19 F. R. 4286).

The Commission finds: Good cause has not been shown that this proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) 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 public hearing be held on September 13, 1954, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Protests or petitions seeking leave to intervene in this proceeding 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 the 1st day of September 1954.

(D) Interested State commissions may participate ts provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 4, 1954.

Issued: August 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6215; Filed, Aug. 11, 1954; 8:47 a. m.]

[Project No. 2160]

TOWN OF WRANGELL, ALASKA

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 6, 1954.

Public notice is hereby given that Town of Wrangell, in the Territory of Alaska, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed waterpower Project No. 2160 to be located on Pat Creek, a tributary to Zimovia Strait, on Wrangell Island about 10 miles south of the Town of Wrangell in the First Judicial Division, Territory of Alaska, and consisting of a dam 20 feet high on Pat Creek at the outlet of Trout Lake, a penstock approximately 2,000 feet long to a powerhouse on Zimovia Strait, a transmission line to Wrangell and appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is September 20, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54-6210; Filed, Aug. 11, 1954; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YAKIMA PROJECT, WASHINGTON

ORDER OF REVOCATION

Correction

In F. R. Document 54-5508, appearing in the issue for Tuesday, July 20, 1954, change line 4 of the land description in the middle column, page 4485, to read "NW¼, SE¼,".

SECURITIES AND EXCHANGE COMMISSION

EMMA BOEHM

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Emma Boehm, 545 West 111th Street, 10A, New York, New York.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of August 1954.

I. The Commission's public official files disclose that Emma Boehm, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1953, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 10th day of September 1954 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 27, 1954. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 10, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of

[1] Filed as part of original document.

the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 54-6217; Filed, Aug. 11, 1954; 8:47 a. m.]

GEORGE DIASON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of George Diason, 2324 Paulding Avenue, Bronx 69, New York.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of August 1954.

I. The Commission's public official files disclose that George Diason, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1953, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 10th day of September 1954 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 27, 1954. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 10, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceedings will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 54-6216; Filed, Aug. 11, 1954; 8:47 a. m.]

G. H. HOGUE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Gerald Houston Hogue, doing business as G. H. Hogue, 215½ South Broad Street, Grove City, Pennsylvania.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of August 1954.

I. The Commission's public official files disclose that Gerald Houston Hogue, doing business as G. H. Hogue, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1953, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has willfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 10th day of September 1954 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 27, 1954. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 10, 1954.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the pro-

[1] Filed as part of the original document.

visions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 54-6218; Filed, Aug. 11, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29555]

GRAVEL FROM STANDARD PIT, IND., TO BRYCE AND CISSNA PARK, ILL.

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company.

Commodities involved: Gravel, carloads.

From: Standard Pit, Ind.

To: Bryce and Cissna Park, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Chicago & Eastern Illinois Railroad Company, I. C. C. No. 144, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6219; Filed, Aug. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29556]

VARIOUS COMMODITIES FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and C. R. Goldrich, Agents, for carriers parties to tariffs shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in official and southern territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6220; Filed, Aug. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29557]

LIME FROM ALABAMA PRODUCING POINTS TO RIDGEWOOD, FLA.

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lime, common, hydrated, quick or slack, in bulk, carloads.

From: Graystone, Pelham, Longview No. 2, Landmark, Roberta, and North Birmingham, Ala., and points grouped therewith.

To: Ridgewood, Fla.

Grounds for relief: Rail competition, circuity, grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1345, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6221; Filed, Aug. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29558]

RUBBER FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO PLYMOUTH, OHIO

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Rubber, artificial, synthetic, guayule, natural or neoprene, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Plymouth, Ohio.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula and additional destination.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-6222; Filed, Aug. 11, 1954; 8:48 a. m.]

[4th Sec. Application 29559]

COKE FROM ST. LOUIS, MO., EAST ST. LOUIS, AND GRANITE CITY, ILL., TO CERTAIN STATES

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Coke, coke breeze, dust and screenings, also coke, fortified, carloads.

From: East St. Louis and Granite City, Ill., and St. Louis, Mo.

To: Points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Rail competition, circuity, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 811.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6223; Filed, Aug. 11, 1954; 8:49 a. m.]

[4th Sec. Application 29560]

PAPER AND PAPER ARTICLES FROM FLORIDA TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

AUGUST 9, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in Florida.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, circuity, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1378, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6224; Filed, Aug. 11, 1954; 8:49 a. m.]

[Order 31437]

EASTERN BITUMINOUS COAL ASSN. ET AL.

CONSOLIDATION OF PROCEEDINGS, INTERVENTION, AND ADOPTION AND AMENDMENT OF PREVIOUSLY PRESCRIBED SPECIAL RULES OF PROCEDURE

In the matter of Eastern Bituminous Coal Association et al. v. The Baltimore and Ohio Railroad Company et al., No. 31437 (Sub-No. 1); Western Pennsylvania Coal Operators Association et al. v. Same; No. 31437 (Sub-No. 2); Central West Virginia Coal Operators Association v. Same.

In the matters of (1) consolidation of these proceedings, (2) intervention, and (3) adoption and amendment of the previously prescribed special rules of procedure.

It appearing that upon consideration of the record made in Nos. 31437 and 31437 (Sub-No. 1) at the hearing on June 8, 1954, and in No. 31437 (Sub-No. 2) at the prehearing conference on August 3, 1954, and for good cause appearing therefor:

It is ordered, That the proceedings in Nos. 31437, 31437 (Sub-No. 1) and 31437 (Sub-No. 2) be, and they are hereby, consolidated for hearing and consideration upon a common record;

It is further ordered, That parties who have been permitted to intervene in No. 31437 will be considered as interveners in No. 31437 (Sub-No. 1), and all parties who have intervened in No. 31437 or in No. 31437 (Sub-No. 1) will be considered as interveners in No. 31437 (Sub-No. 2) to the extent that they have any interest in the subject matter of such proceedings.

It is further ordered, That Rule 1 of the special rules of procedure entered herein by order of March 12, 1954 (19 F. R. 1559), be, and it is hereby, superseded by the following Rule 1 which shall be applicable in lieu thereof:

1. *Prepared statement interchange before hearings.* Except as hereinafter provided, the parties shall prepare in writing the testimony of their witnesses and serve upon all other parties, shown on the list issued under date of April 6, 1954, as supplemented upon the record made at the hearing in No. 31437 on June 8 and 9, 1954, pursuant to rule 4 hereof, copies thereof together with any exhibits they intend to offer in evidence. The service of all direct evidence by interveners supporting defendants, the complainants in Nos. 31437 (Sub-No. 1) and 31437 (Sub-No. 2), and all other interveners, except those hereinafter specifically provided for, and by the defendants as to No. 31437, shall be made on or before October 25, 1954. Interveners Bethlehem Steel Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, the Virginian Railway Company, Property Owners' Committee, and Virginia State Ports Authority may serve their direct testimony and exhibits on or before November 16, 1954. The service of direct testimony and exhibits to be offered by defendants in Nos. 31437 (Sub-No. 1) and 31437 (Sub-No. 2) may be made on or before November 16, 1954. The service of testimony and exhibits by all parties in rebuttal of such direct evidence shall be made on or before November 16, 1954, except that rebuttal of such direct evidence as is herein permitted to be served on or before November 16, 1954, may be introduced orally or in written form at the hearing on November 29, 1954. Two copies of all testimony and exhibits served pursuant to this rule shall also be mailed to Examiner Oren G. Barber, Interstate Commerce Commission, Washington 25, D. C., and one copy thereof to Mr. Lloyd Benjamin, Chief Counsel, Pennsylvania Public Utility Commission, North Office Building, Harrisburg, Pa. No other copies thereof need be filed with either commission prior to the hearing at which the material is to be tendered in evidence.

It is further ordered, That the stipulation, notice of hearing, and special rules of procedure specified or prescribed for application in No. 31437 by order of March 12, 1954 (19 F. R. 1559), as amended by order of April 8, 1954 (19 F. R. 2220), and as further amended herein, be, and they are hereby, made applicable in Nos. 31437 (Sub-No. 1) and 31437 (Sub-No. 2).

It is further ordered, That, except as herein amended, said order of March 12, 1954 (19 F. R. 1559), as amended by order of April 8, 1954 (19 F. R. 2220), shall remain in full force and effect;

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 4th day of August A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6225; Filed, Aug. 11, 1954; 8:49 a. m.]