FEDERAL REGISTER

VOLUME 19 NUMBER 92

Washington, Wednesday, May 12, 1954

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10530

PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is hereby ordered as follows:

PART I. DIRECTOR OF THE BUREAU OF THE BUDGET

SECTION 1. The Director of the Bureau of the Budget is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 10 of the act of March 3, 1933, ch. 212, 47 Stat. 1516, as amended by section 6 of the act of August 2, 1946, ch. 744, 60 Stat. 808 (5 U. S. C. 73b), to prescribe regulations with respect to the certification required in connection with allowances for transportation exceeding the lowest first-class rate by the transportation facility used in such transportation.

(b) The authority vested in the President by sections 1 (a) and 1 (b) of the act of August 2, 1946, ch. 744, 60 Stat. 806, 807 (5 U. S. C. 73b–1 (a), 73b–1 (b)), to prescribe regulations (1) with respect to the allowance and payment from Government funds of the expenses of travel of any civilian officer or employee of the Government transferred from one official station to another for permanent duty, the expenses of transportation of his immediate family (or commutation thereof), and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects; and (2) with respect to reimbursement to such officer or employee on a commuted basis in lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects in the case of such transfers between points in continental United States.

(c) The authority vested in the President by section 7 of the act of August 2, 1946, ch. 744, 60 Stat. 808 (5 U. S. C. 73b–3), to prescribe regulations with respect to the availability of appropriations for the departments for expenses of travel of new appointees, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside the continental United States, and for such expenses on return of employees from their posts of duty outside the continental United States to the places of their actual residence at time of assignment to duty outside the United States.

(d) The authority vested in the President by section 1 of the act of July 8, 1940, ch. 551, 54 Stat. 743 (5 U. S. C. 103a), to prescribe regulations with respect to the payment on the death of a civilian officer or employee of the United States (1) of the expenses of preparing and transporting the remains when the death of the officer or employee occurs while in travel status in the United States or while performing official duties in a territory or possession of the United States or in a foreign country or in transit thereto or therefrom, and (2) of the transportation expenses of his dependents, including expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property, to his former home or such other place as the head of the department shall determine when the death of the officer or employee occurs while in travel status or while performing official duties as set forth in item (1) of this paragraph.

(e) The authority vested in the President by section 407 of the National Security Act of 1947, as added by the act of August 10, 1949, ch. 412, sec. 11, 63 Stat. 585 (5 U. S. C. 172f (a)), to approve the transfers of balances of appropriations provided for in the said section 407.

(f) The authority vested in the President by the last sentence of paragraph (c) of section 32 of Title III of the act of July 22, 1937, ch. 517, 50 Stat. 525, as amended (7 U. S. C. 1011c), to transfer to other Federal, State, or Territorial agencies lands acquired by the Secretary of Agriculture under section 32 (a) of the said act.

(g) The authority vested in the President by section 45 of Title IV of the act

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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CODIFICATION GUIDE—Con.

of July 22, 1937, ch. 517, 50 Stat. 530, as amended by the act of August 14, 1946, ch. 964, 60 Stat. 1064 and 1069 (7 U. S. C. 1019), and as limited with respect to Title III of the act of July 22, 1937, to transfer any right, interest or title held by the United States in any lands acquired in the program of national defense and no longer needed therefor, and to determine the suitability of the lands to be transferred, for the purposes referred to in said section 45; and to transfer for the purposes of Title III of the said act, any right, interest or title held by the United States in any lands under the supervision of the Secretary of Agriculture, as provided by section 45 of the said act of July 22, 1937.

(h) The authority vested in the President by section 4 (k) of the Tennessee Valley Authority Act of May 18, 1933, as amended, 55 Stat. 599 (16 U. S. C. 831c (k)), to approve transfers under paragraphs (a) and (c) thereof, other than leases for terms of less than 20 years and conveyances of property having a value not in excess of $500.

(i) The authority vested in the President by section 7 (b) of the Tennessee Valley Authority Act of May 18, 1933, ch. 32, 48 Stat. 63 (16 U. S. C. 831f (b)), to provide for the transfer to the Tennessee Valley Authority of the use, possession, and control of real or personal property of the United States deemed by the Director of the Bureau of the Budget to be necessary and proper for the purposes of the Corporation as stated in the said Act.

(j) The authority vested in the President by section 1 of the act of March 4, 1927, ch. 505, 44 Stat. 1422 (20 U. S. C. 191), to transfer to the jurisdiction of the Secretary of Agriculture for the purposes of said act any land belonging to the United States within or adjacent to the District of Columbia located along the Anacostia River north of Benning Bridge.

(k) The authority vested in the President by section 202 of the Budget and Accounting Procedures Act of September 12, 1950, ch. 946, 64 Stat. 838 (31 U. S. C. 581c), to approve the transfers of balances of appropriations provided for in subsections (a) and (b) of the said section 202.

(l) So much of the authority vested in the President by the last sentence of section 11 of the act of June 6, 1924, ch. 270, 43 Stat. 463 (as renumbered by sec. 2 of, and as amended by, the act of July 19, 1952, ch. 949, 66 Stat. 781, et seq.), as consists of authority to approve the designation of lands to be acquired by condemnation and of authority to approve contracts for purchase of lands.

(m) The authority vested in the President by section 1 of the act of December 22, 1928, ch. 48, 45 Stat. 1070 (40 U. S. C. 72a), to approve contracts for acquisition of land subject to limited rights reserved to the grantor and for the acquisition of limited permanent rights in land adjoining park property.

(n) The authority vested in the President by section 108 of the Housing Act of July 15, 1949, ch. 338, 63 Stat. 419 (42 U. S. C. 1458), to transfer, or cause to be transferred, to the Housing and Home Finance Administrator any right, title or interest held by the Federal Government or any department or agency thereof in any land (including buildings thereon) which is surplus to the needs of the Government and which a local public agency certifies will be within the area of a project being planned by it.

PART II. THE UNITED STATES CIVIL SERVICE COMMISSION

SEC. 2. The United States Civil Service Commission is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) So much of the authority vested in the President by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631) as relates to establishing regulations for the conduct of persons in the civil service.

(b) The authority vested in the President by section 3 (b) of the Civil Service Retirement Act of May 29, 1930, as amended by section 3 of the act of January 24, 1942, ch. 16, 56 Stat. 15 (5 U. S. C. 693 (b)), to exclude from the operation of the said Civil Service Retirement Act any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration.

(c) So much of the authority vested in the President by section 204 of the act of June 30, 1932, ch. 314, 47 Stat. 404 (5 U. S. C. 715a), to exempt from automatic separation from the service persons who are reaching the prescribed retirement age when the public interest so requires as relates to persons other than Presidential appointees.

(d) The authority vested in the United States Civil Service Commission by section 605 of the act of June 30, 1945, ch. 212, 59 Stat. 304 (5 U. S. C. 945), to issue regulations necessary for the administration of that act insofar as it affects officers and employees in or under the executive branch of the Government.

SEC. 3. The Chairman of the United States Civil Service Commission is hereby designated and empowered, without the approval, ratification, or other action of the President, to exercise the authority vested in the President by section 505 (b) of the Classification Act of October 28, 1949, ch. 782, 63 Stat. 959, as amended (5 U. S. C. 1105 (b)), to place positions in, and to remove positions from, Grade 18 of the General Schedule established by that act, exclusive of positions in the Commission's own organization.

PART III. THE HOUSING AND HOME FINANCE ADMINISTRATOR

SEC. 4. The Housing and Home Finance Administrator is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the said Administrator by section 102 (e) of the Housing Act of July 15, 1949, ch. 338, 63 Stat. 415 (42 U. S. C. 1452 (e)), to issue and have outstanding obligations for purchase by the Secretary of the Treasury.

(b) The authority vested in the said Administrator by section 103 (b) of the said act (42 U. S. C. 1453 (b)) to contract to make capital grants with respect to projects assisted under Title I of the said act.

(c) The authority vested in the President by sections 6 (d) and 10 (e) of the act of September 1, 1937, ch. 896, 50 Stat. 888, as affected by Reorganization Plan No. 3 of 1947 (61 Stat. 954) and as amended (42 U. S. C. 1406 (d) and 1410 (e)), to approve the undertaking by the Public Housing Administration of any annual contribution, grant, or loan or any contract for any annual contribution, grant, or loan, under said act.

(d) The authority vested in the President by section 14 of the said act, as affected by said Reorganization Plan and as amended (42 U. S. C. 1414), to approve the amending or superseding of any contract for annual contributions or loans, or both, so that the going Federal rate on the basis of which such annual contributions or the interest rate on the loans, or both, respectively, are fixed shall mean the going Federal rate on the date of approval of the amending or superseding contract entered into by the Public Housing Administration.

(e) The authority vested in the President by section 5 of the act of June 29, 1936, ch. 860, 49 Stat. 2026, as affected by Executive Order No. 7732 of October 27, 1937, and by the said Reorganization Plan, to approve the dedication by the Public Housing Commissioner of streets, alleys, and parks for public use, and the granting by the said Commissioner of easements, in connection with any low-cost housing or slum-clearance project described in that act.

PART IV. THE FEDERAL COMMUNICATIONS COMMISSION

SEC. 5. (a) The Federal Communications Commission is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, all authority vested in the President by the act of May 27, 1921, ch. 12, 42 Stat. 8 (47 U. S. C. 34 to 39, inclusive), including the authority to issue, withhold, or revoke licenses to land or operate submarine cables in the United States: *Provided*, That no such license shall be granted or revoked by the Commission except after obtaining approval of the Secretary of State and such advice from any executive department or establishment of the Government as the Commission may deem necessary. The Commission is authorized and directed to

receive all applications for the said licenses.

(b) Executive Order No. 3513 of July 9, 1921, as amended by Executive Order No. 6779 of June 30, 1934, is hereby revoked.

PART V. THE ATTORNEY GENERAL AND THE ADMINISTRATOR OF GENERAL SERVICES

SEC. 6. The Attorney General and the Administrator of General Services are hereby designated and empowered jointly to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 5 (a) of the act of July 26, 1935, ch. 417, 49 Stat. 501, as amended (44 U. S. C. 305 (a)), to determine from time to time the documents or classes of documents having general applicability and legal effect.

(b) The authority vested in the President by sections 6, 11 (a), and 11 (f) of said act, as amended (44 U. S. C. 306; 311 (a); and 311 (f)), to approve (or disapprove), respectively, (1) regulations, prescribed by the Administrative Committee of the Federal Register, for carrying out the provisions of that act (including the regulations referred to in section 5 (b) of the act, authorizing publication in the FEDERAL REGISTER of certain documents or classes of documents), (2) actions of the Administrative Committee of the Federal Register requiring, from time to time, the preparation and publication in special or supplemental editions of the FEDERAL REGISTER of complete codifications of the documents, described in the said section 11 (a), of each agency of the Government, and (3) regulations, prescribed by the Administrative Committee of the Federal Register, for carrying out the provisions of section 11 of the said act, as amended.

PART VI. GENERAL PROVISIONS

SEC. 7. All actions heretofore taken by the President in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President in respect of such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 8. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 10, 1954.

[F. R. Doc. 54-3585; Filed, May 11, 1954; 10:33 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, § 6.313 (a) (1) is amended to read as follows:

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, two confidential assistants, and one confidential assistant (private secretary) to the Secretray of Labor.

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

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

[F. R. Doc. 54-3500; Filed, May 11, 1954; 8:48 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

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1953-crop Corn. The 1953-CCC Grain Price Support Bulletin 1 (18 F. R. 1960, 3705, and 19 F. R. 1149) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplements 1 and 2, Corn (18 F. R. 5359, 6983 and 19 F. R. 1595), containing the specific requirements for the 1953-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.62 Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.
421.63 Availability.
421.64 Eligible producer.
421.65 Eligible corn.
421.66 Approved storage.
421.67 Approved forms.
421.68 Quantity eligible for resealing.
421.69 Additional service charges.
421.70 Interest rate.
421.71 Transfer of producer's equity.
421.72 Storage and track-loading payments.
421.73 Maturity and satisfaction.
421.74 Support rates.
421.75 CSS commodity offices.

AUTHORITY: §§ 421.62 to 421.75 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421.

§ 421.62 *Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.* The following sections of the 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn, published in 18 F. R. 1960, 3705, 5359, 6983, and 19 F. R. 1149 and 1595, shall be applicable to the 1953 Corn Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.55 *Determination of quantity;* § 421.56 *Determination of quality.* Other sections of the 1953 Corn Price Support Program shall be applicable to the extent indicated in this subpart.

§ 421.63 *Availability*—(a) *Area.* The reseal program will be available (1) anywhere in the 1954 commercial corn area, except in designated angoumois moth areas, and (2) in the following counties in South Dakota outside the 1954 commercial corn area: Brown, Edmunds, Faulk, Hughes, Hyde, Marshall, Potter, Sully and Walworth. Under this program, 1953-crop farm-storage loans will be extended and farm-storage loans will be made on 1953-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(2) The producer who signed a purchase agreement on farm-stored corn is required, under the 1953 Corn Price Support Program, to notify the county committee not later than July 31, 1954, if he intends to deliver the corn to CCC. If the producer has notified the county committee, on or before July 31, 1954, of his intention to deliver the corn or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before September 30, 1954, if the producer has not requested delivery instructions. The loan

documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.64 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1953 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1953 crop.

§ 421.65 *Eligible corn*—(a) *General.* To be eligible, the corn must have been produced in 1953, must be in farm storage, must never have been commingled with corn produced by others, and must be under loan or covered by a purchase agreement.

(b) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis. Corn found to have a moisture content in excess of 15.5 percent in the case of ear corn or 13.5 percent in the case of shelled corn, or which is found to fall below the other requirements of eligibility for loans as set forth in § 421.53, shall not be eligible for resealing.

(c) *Farm-storage corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan. Corn covered by a purchase agreement and being placed under loan must contain not in excess of 15.5 percent moisture in the case of ear corn or in excess of 13.5 percent moisture in the case of shelled corn, and must otherwise meet the requirements of eligibility for loans as set forth in § 421.53.

§ 421.66 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any storage for any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1955, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1955.

§ 421.67 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.68 *Quantity eligible for resealing.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.69 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $150, whichever is greater. No refund of service charges will be made.

§ 421.70 *Interest rate.* Beginning August 1, 1954, reseal loans shall bear interest at the rate of 3½ percent per annum, except that where there is a default in satisfaction of the loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.71 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.72 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 1, 1955, (ii) delivers corn to CCC on or after July 31, 1955, or (iii) delivers corn to CCC prior to July 31, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the corn was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) Prorated storage payment: A prorated storage payment computed at the rate of .00049 per bushel a day, but not to exceed 15 cents per bushel, according to the length of time the quantity of corn involved was in store after September 30, 1954, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1955, and (iii) in the case of corn delivered to CCC prior to July 31, 1955, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the corn has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on corn delivered to CCC in accordance with instructions of the county committee, on track at a country point.

§ 421.73 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1955. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided the total quantity was stored in the structure(s) in which the corn under loan was stored. The provisions of § 421.18 (a) (1), (e) and (f) and of § 421.60 (a) shall be applicable hereto.

(b) If the settlement value of the corn delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the ASC county office.

(c) If the settlement value of the corn delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC and may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by

the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

§ 421.74 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 421.61.

(b) The support rates set forth in § 421.61 and any amendments thereto, and any discounts or premiums established for variation in classification and quality as shown in § 421.58 (b) shall be applicable in determining the settlement value.

§ 421.75 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 6th day of May 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3533; Filed, May 11, 1954; 8:54 a. m.]

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

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 1578, and containing the specific requirements for the 1954-crop flaxseed price suport program are hereby amended as follows:

Section 421.659 (a) is amended to include a table of deductions for warehouse charges so that the amended paragraph (a) reads as follows:

§ 421.659 *Warehouse charges.* (a) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage.

(1) In Arizona and California, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1955, there shall be deducted in computing the loan rate or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, January 31, 1955.

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to May 17, 1954	13
May 17–June 5, 1954	12
June 6–June 25, 1954	11
June 26–July 15, 1954	10
July 16–Aug. 4, 1954	9
Aug. 5–Aug. 24, 1954	8
Aug. 25–Sept. 13, 1954	7
Sept. 14–Oct. 3, 1954	6
Oct. 4–Oct. 23, 1954	5
Oct. 24–Nov. 12, 1954	4
Nov. 13–Dec. 2, 1954	3
Dec. 3–Dec. 22, 1954	2
Dec. 23, 1954–Jan. 31, 1955	1

(2) In all other States, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agrement is on or before April 30, 1955, there shall be deducted in computing the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, April 30, 1955.

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to May 26, 1954	16
May 26–June 24, 1954	15
June 25–July 24, 1954	14
July 25–Aug. 13, 1954	13
Aug. 14–Sept. 2, 1954	12
Sept. 3–Sept. 22, 1954	11
Sept. 23–Oct. 12, 1954	10
Oct. 13–Nov. 1, 1954	9
Nov. 2–Nov. 21, 1954	8
Nov. 22–Dec. 11, 1954	7
Dec. 12–Dec. 31, 1954	6
Jan. 1–Jan. 20, 1955	5
Jan. 21–Feb. 9, 1955	4
Feb. 10–Mar. 1, 1955	3
Mar. 2–Mar. 21, 1955	2
Mar. 22–Apr. 30, 1955	1

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 7th day of May 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3532; Filed, May 11, 1954; 8:54 a. m.]

[1954 C. C. C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

SUBPART—1954 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1954 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). The requirements with respect to purchase of cottonseed are contained in the 1954 CCC Cottonseed Bulletin 2. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
443.970 Administration.
443.971 Availability of loans.
443.972 Approved lending agencies.
443.973 Eligible producers.
443.974 Eligible cottonseed.
443.975 Approved storage.
443.976 Approved forms.
443.977 Determination of quantity.
443.978 Liens.
443.979 Service charges.
443.980 Set-offs.
443.981 Interest rate.
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443.983 Safeguarding of the cottonseed.
443.984 Insurance.
443.985 Loss or damage to the cottonseed.
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443.988 Release of the cottonseed under loan.
443.989 Purchase of notes.
443.990 Loan and settlement rates.
443.991 Cooperative marketing associations.

AUTHORITY: §§ 443.970 to 443.991 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.970 *Administration.* In the field, the program will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees") and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county ASC office to execute on behalf of the committee any documents in connection with this program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.971 *Availability of loans.*—(a) *Area.* Farm-storage loans (hereinafter

referred to as loans) shall be available on eligible cottonseed stored in approved storage in all cotton producing areas, except that loans will not be made in any area where the appropriate State committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of loans.

(b) *Time.* Loans shall be available through January 31, 1955. Notes and chattel mortgages must be signed by the producer and delivered to the county office on or before such date.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers through approved lending agencies under agreements with CCC, or by means of sight drafts drawn on CCC by county committees in accordance with instructions issued by CSS to the State and county committees. Disbursements on loans will be made not later than February 15, 1955, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.972 *Approved lending agencies.* An approved lending agency shall be a bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form CCC–322).

§ 443.973 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1954 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.991.

§ 443.974 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1954 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture. Cottonseed that are "off quality" or "below grade" as defined in the United States Official Standards for Grades of Cottonseed shall not be eligible. At the time of making the loan no grade determination will be made. If upon maturity of the loan the cottonseed are found to be "off quality" or "below grade", settlement will be made in accordance with § 443.990.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.975 *Approved storage.* Approved storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 443.976 *Approved forms.* (a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan, both executed and delivered within the period prescribed in § 443.971, and such other forms as may be prescribed by CCC.

§ 443.977 *Determination of quantity.* The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight.

§ 443.978 *Liens.* The cottonseed must be free and clear of all liens and encumbrances, including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.979 *Service charges.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.980 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.981 *Interest rate.* Loans will bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that in the case of default in satisfaction of loans, the deficiency will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 443.982 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 443.983 *Safeguarding of the cottonseed.* The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair, and to keep the cottonseed in good condition.

§443.984 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a loan; however, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.985 *Loss or damage to the cottonseed.* The producers shall be responsible for the quality and for any loss in quantity of the cottonseed placed under loan, except that, subject to the provisions of § 443.984, any physical loss or damage, other than shrinkage or natural deterioration, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than

insect infestation or vermin, will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement is made by check or draft the date of the draft or check shall constitute the date of disbursement of the funds.

§ 443.986 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 443.987 *Maturity and liquidation of loans.* (a) Settlement of loans, and delivery of the cottonseed covered by chattel mortgage shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1955. If the producer does not repay his loan on or before maturity, the producer shall deliver the mortgaged cottonseed in accordance with instructions of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 443.990), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made.

(b) If the producer is directed by the county committee to deliver his cottonseed to a point other than the normal delivery point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(c) If the settlement value of the cottonseed delivered under a loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight draft drawn on CCC by the county committee.

(d) If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC by the producer and may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided*, That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(e) If the loan is not liquidated upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

§ 443.988 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus accrued interest and any charges that may be due. Upon payment of a loan, the county office should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however*, No partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.989 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit interest to CCC computed according to the lending agency agreement.

§ 443.990 *Loan and settlement rates*—(a) *Loan rates.* Loans on cottonseed shall be made at the rate of $54.00 per ton of eligible cottonseed as defined in § 443.974.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade" (100) cottonseed shall be $54.00 per net ton f. o. b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $54.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed at the current market price and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.991 *Cooperative marketing associations.* (a) Copperative marketing associations shall be eligible for loans: *Provided*, That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay the CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 7th day of May 1954.

[SEAL] J. A. McCONNELL,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 54-3531; Filed, May 11, 1954; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

PAYROLL DEDUCTION SAVINGS PLAN

§ 217.108 *Payroll deduction savings plan.* (a) The Board of Governors has been requested by a member bank to consider the question whether accounts accepted by the bank under a payroll deduction savings plan, proposed to be established for approximately 2,500 employees of a company, may be classified as "savings deposits" under paragraph (e) of § 217.1.

(b) Under the proposed plan, the company would withhold a specified amount from the weekly pay of each employee participating in the plan and deposit such amount to the credit of the employee in the member bank. Thus, on each weekly pay day the participating employee of the company would receive

with his pay check a "savings account card" which would show on its face his name, the account number, date of issue of the card, columns for the entry of deposits and withdrawals, the current account balance, and the following inscriptions:

PASSBOOK

SAVINGS DEPARTMENT

---- Bank and Trust Company, ----, ----

This card must be brought to the bank whenever a deposit is made or money withdrawn. Cards for this account bearing a prior date are hereby cancelled.

Savings account rules and regulations which ordinarily appear on the inside cover of the conventional-type passbook would be printed on the reverse side of the card.

(c) It was explained further that the "savings account cards" would be intended to serve the participating employee-depositors as "savings passbooks" until the following weekly pay day when new cards would be issued; that deposits or withdrawals by an employee-depositor between pay days would be permissible and would be entered by a savings teller on the then current card; that the account balance at the end of each weekly period would be carried over to the new card; and that interest payments and taxes would be computed and posted quarterly. Thus, any particular card would show only the deposits and withdrawals made during the current week, and issuance of a new card would automatically cancel cards previously issued. It appears that the proposed plan has been devised so as to permit the bank to use its IBM punch card equipment for the processing of the deposits.

(d) The definition of the term "savings deposit" in paragraph (e) of § 217.1 requires that the deposit shall be "evidenced by a passbook" which must be presented in connection with each withdrawal, except where payment is made to the depositor himself. The regulation also requires that every withdrawal shall be entered in the passbook. Furthermore, the Board has indicated previously that the term "passbook" as used in this part means an account book in which deposits and withdrawals are entered and that such a book should be a continuing record of the transactions in the account.

(e) The 1933 amendments to section 19 of the Federal Reserve Act prohibited the payment of interest on demand deposits and the payment of time deposits before maturity but did not make those restrictions applicable to savings deposits. Accordingly, savings deposits were made a favored class of deposits in that they became the only type of deposit with respect to which member banks were given the privilege of making payment on demand with interest and, at the same time, of carrying reserves less than those required against demand deposits. The versions of this part immediately following the 1933 amendments stated that a "savings deposit", among other things, was a deposit evidenced by a "passbook or other form of receipt". This was similar to the language already in use in Part 204 of this chapter relating to reserves of member banks. However, these definitions proved inadequate to prevent the favored status of savings deposits from leading to certain abuses, including the classification of checking accounts as savings deposits. It was to prevent such abuses and confusion between classes of deposits that both Part 204 of this chapter and this part were amended in 1936 to provide that a deposit may not be regarded as a savings deposit unless "evidenced by a passbook". These amendments to the regulations recognized that a workable distinction between savings accounts and checking accounts could not be maintained unless the regulatory language was such as to prevent various arrangements which would eliminate the use of passbooks of the kind traditionally a distinguishing mark of savings deposits.

(f) The "savings account card" under consideration appears to differ materially from a passbook as it is generally understood and, accordingly, the Board does not regard such a card as constituting a "passbook" within the meaning of paragraph (e) of § 217.1. Therefore, the accounts as proposed under the plan would not be eligible for classification as "savings deposits".

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-3488; Filed, May 11, 1954; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

TEMPORARY AUTHORIZATION FOR NATIONAL DEFENSE TRANSPORTATION

By order of the Board, Serial No. E-7957, dated December 10, 1953, the effectiveness of the provisions of § 207.11 was extended to December 1, 1954.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 401, 403, 52 Stat. 987, 992; 49 U. S. C. 481, 483)

Dated: May 6, 1954.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-3512; Filed, May 11, 1954; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53489]

PART 6—AIR COMMERCE REGULATIONS

DETROIT-WAYNE MAJOR AIRPORT

The official name of the Wayne County Airport, Detroit, Michigan, which is a designated airport of entry (international airport) (T. D. 44626), has been changed to "Detroit-Wayne Major Airport." Therefore, § 6.20 is hereby amended by substituting the name "Detroit-Wayne Major Airport" for the name "Wayne County Airport" opposite "Detroit, Michigan."

(Sec. 7, 44 Stat. 572, as amended; 49 U. S. C. 177)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: May 5, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 54-3511; Filed, May 11, 1954; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

SPECIAL CONSIDERATIONS CONCERNING PURSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36, paragraph (d) (4) (i) is amended to read as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* * * *

(d) *Continuous pursuit of education or training; § 21.35 (c).* * * *

(4) * * *.

(i) However, where the conditions or requirements of the veteran's employment situation, civilian or military, are such that normally and ordinarily he could reasonably expect his employment to be compatible with continuous pursuit of the course but because of the development of some unusual, emergent, or unexpected situation, which could not reasonably be anticipated as a condition or requirement of his employment, the veteran is required by his employer to be away from the locality of the place of training temporarily in connection with his employment, a resulting temporary interruption will be deemed to have been caused by a valid reason: *Provided*, That such period of interruption does not exceed 4 months in duration, except that, where the period of interruption does exceed 4 months in duration any period in excess of 4 months may be deemed to have been for a valid reason if the veteran establishes, by competent acceptable evidence, that his resumption of his course of education or training was not possible within such 4 months period, in either the locality where he was in pursuit of his course at the time of interruption or the locality in which he was situated at the time of expiration of the 4 months period: *And provided further*, That after the reason for interrupting the course ceases to obtain, the veteran resumes his course under the law within 30 days or at the first time enrollment of students in the course is permitted, whichever is later. The burden of proof for establishing both the

validity of the interruption, as defined in this subdivision, as well as the duration of the interruption, will be upon the veteran in any such case.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective May 12, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-3516; Filed, May 11, 1954; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In § 21.2012, paragraph (b) is amended to read as follows:

§ 21.2012 *Commencement; time limitations.* * * *

(b) *Continuous pursuit.* There are no requirements as to continuous pursuit of a program of education or training as to any period prior to the veteran's delimiting date. However, on and after his delimiting date a veteran who, prior to the delimiting date, has commenced pursuit of his approved program must pursue his program continuously to completion, except that he may suspend the pursuit of his program for a period or for periods of not more than 12 consecutive months in length without Veterans' Administration approval, and without limitation as to the number of such suspensions. If a veteran does suspend the pursuit of his program at any time for a period in excess of 12 consecutive months, he may resume the pursuit of his program only upon Veterans' Administration approval based upon a finding by the Veterans' Administration that the suspension for the portion of such period in excess of 12 consecutive months was occasioned by conditions beyond the veteran's control. The burden of proof in this matter shall be upon the veteran, and in any case, he will be required to establish by competent and acceptable evidence that the suspension for such period was necessitated by condition over which he had no control: *Provided, however,* That where a veteran who is in active pursuit of a program of education or training is appointed by the responsible governing body of an established church, officially charged with the selection and designation of missionary representatives, in keeping with its traditional practice, to serve the church in an official missionary capacity and is thereby prevented from the continuous pursuit of his program of studies, the veteran will be deemed to have suspended the pursuit of such program for a reason beyond the veteran's control: *And provided further,* That in such a case the veteran will be required to resume the active pursuit of his program following termination of his missionary service not later than the first reasonable date as of which pursuit of his program becomes available to him.

2. In § 21.2014, paragraph (b) (5) (v) is amended to read as follows:

§ 21.2014 *Duration of veterans' education or training.* * * *

(b) *Limitations and extensions.* * * *

(5) * * *

(v) A major portion of a flight course will have been completed when the veteran has received instruction in more than half of the number of flight hours comprising his course.

* * * * *

3. In § 21.2051, paragraphs (a) (2), (b), and (f) are amended to read as follows:

§ 21.2051 *Conditions governing payment of education and training allowance.* (a) * * *

(2) To any veteran enrolled in a nonaccredited course or in a course of apprentice or other training on the job for any day of absence in excess of the rate of 30 days for a 18-month period or pro-rata part thereof for enrollments of less than 12 months in length, counting as absences days during school vacation periods, such as Thanksgiving, Christmas, and Easter, but not counting weekends or legal holidays established by Federal or State law during which the educational institution or training establishment is not regularly in session or operation, or

* * * * *

(b) The education and training allowance shall be paid to an eligible veteran for any period only after the Veterans' Administration shall have received from the educational institution a certification of training certified by the eligible veteran and the educational institution or training establishment on a form provided by the Veterans' Administration for that purpose, showing that the veteran has been pursuing his course as required by Public Law 550, 82d Congress. In the case of veterans pursuing all types of courses except those pursued exclusively by correspondence (wherein the certification of training shall be quarterly), monthly certifications of training are required. If enrollment is on or after the 20th day of the month, the certification of training for the rest of that month shall be included with the certification for the following calendar month. Any such certification of training received in the Veterans' Administration later than 10 days following the close of the certification period may not be paid until the following month. Where the course is pursued exclusively by correspondence, the veteran and the school will report on the quarterly certification forms the total number of lessons completed by the veteran and serviced by the school from the beginning of the course to the end of the reporting period. These certification forms will be submitted so as to be received in the Veterans' Administration by the 10th day of February, May, August, and November of each year.

* * * * *

(f) For courses pursued on a clock-hour basis on a schedule of 5 or 6 days per week, the maximum number of absences for which an education and training allowance may be paid is 30 days in a 12-month period. Therefore, where a course is pursued on a schedule of less than 5 days per week, the maximum number of absences for which an education and training allowance may be paid is that pro rata part of 30 days which the number of days per week of training bears to 5, except where the veteran is enrolled in an apprentice or other on-the-job training course on a schedule of less than 5 days per week—such schedule being established through bona fide collective bargaining—the maximum number of absences will be 30 days. In the computation of the maximum allowable absences a fraction of ½ day or less will be disregarded. A fraction of greater than ½ day will be counted as one day. For courses which are approved under § 21.2204 as nonaccredited courses but which are measured on the basis of standard units of credit under the conditions prescribed in § 21.2066 (d), maximum allowable absences will be computed on the same basis. Absences of full days will be reported by the veteran on and as prescribed by VA Form 7–1996b. The school will convert absences of less than a full day to full days as prescribed in this paragraph, and report such absences on VA Form 7–1996b as follows: Where the course is pursued on a clock-hour basis, the average number of hours of attendance per day will be computed by dividing the total required hours of attendance per week by the number of days in the week on which attendance is required by the veteran. Where the course is pursued on a semester-credit basis, the average number of standard class sessions per day will be computed by dividing the number of standard units of credit for which the veteran is registered by the number of days per week on which classes are scheduled. The total hours of absence will be converted to full days of absence by dividing such total by the average number of required hours of attendance per day for clock-hour courses or by the average number of standard class sessions per day for credit-hour courses. An absence of less than an hour will be counted as a full hour of absence. When the total hours of absence have been converted to days of absence, a fraction of ½ day or less will not be reported. If the fraction is greater than ½ day, it will be reported as an additional full day of absence.

(1) *Examples.* The following are examples of the maximum days of absence for which an education and training allowance may be paid:

(i) Where a veteran is enrolled in an institutional course requiring 5 or 6 days per week of attendance for 12 months, he would be entitled to a maximum of 30 days.

(ii) Where a veteran is enrolled in an institutional course requiring attendance for 2 days per week for a 12-month course, he would be entitled to a maximum of 12 days.

i. e., 5/6 of 30. If, however, his course is 6 months in duration, he would be entitled to 6 days, i. e., 1/2 of 12.

(iii) Where a veteran is enrolled in an institutional course requiring attendance of 4 days per week for a period of 12 months, he would be entitled to a maximum of 24 days, i. e., 4/5 of 30. If his course is 9 months in duration, he would be entitled to 18 days, i. e., 3/4 of 24.

(iv) Where a veteran is enrolled in an institutional course requiring attendance of only 1 day per week for a period of 12 months, his maximum number of absences would be 6, i. e., 1/5 of 30. If his course is 4 months in duration, he would be entitled to 2 days, i. e., 1/3 of 6.

(v) These principles apply whether the veteran is pursuing his course on a full-time, three-quarter-time, half-time, or less than half-time basis. This policy will not apply to courses pursued exclusively by correspondence, or to flight training courses, since education and training allowances in these courses are paid on the basis of lessons completed and serviced, or flight instruction actually received.

(2) *Basis for reduction of education and training allowance on account of excessive absences.* (i) Upon entrance of a veteran into training, the number of days of allowable absences will be computed in accordance with the foregoing provisions of this section for the period of the veteran's enrollment, such as a school year, or for a period of 12 months from the date of the veteran's entrance into training, whichever is less. No deductions from the veteran's education and training allowance will be made on account of absences until the allowable days of absence thus established have been exceeded, irrespective of the month in which the absences occur. For enrollments in excess of 12 months in length, there will be no carryover from one 12 months' period to another. Neither will there be carryover from one school year to another.

(ii) Where a veteran discontinues his program prior to the completion of the enrollment period, overpayments of education and training allowance will not be established on a pro rata accrual basis principle. Upon reentrance of any such veteran into the same or a different course, however, the maximum number of absences to which he would be entitled upon such reentrance will be adjusted to take into account the number of days, if any, for which payment was received by him in excess of those that would have been allowable for an enrollment period equal in length to the period of actual attendance.

(iii) For the purposes of pro ration for periods of less than 12 months, the fractional part of a month less than 15 days in length will be disregarded while a period of 15 or more days will be considered as a full month.

(iv) The provisions of this paragraph shall be effective June 1, 1954. No refund will be made for reductions in education and training allowance on account of absences occurring prior to June 1, 1954. For those veterans actively in pursuit of a program of education or training on June 1, 1954, and for veterans who are in an interrupted or discontinued status upon such data and later resume training, a computation will be made to establish the number of days of absence which may be allowable in the enrollment period, or the 12 months' period, whichever is applicable, less the number of days of absence during such period for which payment had previously been made.

(3) *Amount of reduction for excessive absences.* (i) In all non-accredited courses (other than flight training or correspondence courses) pursued on a full-time, three-quarter-time, or half-time basis, the amount of the reduction for each day of absence in excess of the maximum number for which payment may be made will be 1/25th of the veteran's monthly education and training allowance. In all on-the-job training courses reduction will be made at the same rate except where the standard workweek established through bona fide collective bargaining requires a different adjustment. Where the standard workweek established through bona fide collective bargaining requires less than 5 days a week, the reduction for excessive absence will be determined pursuant to the table set forth in subdivision (ii) of this subparagraph.

(ii) In all nonaccredited courses pursued on less than half-time basis, the amount of reduction for each day of absence in excess of the maximum number for which payment may be made will be that part of the veteran's monthly education and training allowance which is indicated in the following table:

Days of scheduled attendance per week:	*Amount of reduction per day of excessive absence*
5 or more (5/5 × 1/25)	1/25th
4 (4/5 × 1/25)	1/20th
3 (3/5 × 1/25)	1/15th
2 (2/5 × 1/25)	1/10th
1 (1/5 × 1/25)	1/5th

(4) *Absences disclosed following termination of training.* The reduction of education and training allowances for absences in excess of the maximum number for which payment may be made will be accomplished even though the veteran may have completed or interrupted his course of training, as in instances where the Veterans' Administration receives reports of absences subsequent thereto which should have been reported while the veteran was in a training status. In these circumstances, appropriate action will be accomplished to reduce the payment of education and training allowance.

* * * * *

4. In § 21.2056, paragraphs (a) (6) and (b) (4) are amended to read as follows:

§ 21.2056 *Effective date of change or discontinuance of education or training allowance.* (a) * * *

(6) In the event veteran applies for an additional education or training allowance because of a dependent or dependents after original entrance into training under the law, such additional allowance will be authorized as of the date of change or the date of entrance into training, whichever is later, if application therefor is received in the Veterans' Administration within 45 days from that date and satisfactory evidence of such dependent or dependents is received in the Veterans' Administration within 1 year of the date of request therefor. Where the change occurred during a period of interruption of training, such additional allowance will be authorized from the date of reentrance if application therefor is received in the Veterans' Administration within 45 days from the date of reentrance and satisfactory evidence of dependency is received within the 1-year time limitation. In any case where such application is received after the 45-day time limitation provided in this subparagraph, additional education and training allowance will be authorized from date of receipt of application, provided satisfactory evidence of the dependent or dependents is received within the 1-year time limitation.

(b) * * *

(4) In the event a school or establishment in which the veterans is enrolled is subsequently listed by the Attorney General under section 3, Part III, of Executive Order No. 9835, or section 12, Executive Order No. 10450, as of the date preceding the date of such listing.

* * * * *

5. Section 21.2057 is revised to read as follows:

§ 21.2057 *Duplication of benefits.* No eligible veteran shall be paid an education and training allowance under Public Law 550, 82d Congress, for any period during which he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of the law, other than this law, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury. Where the veteran is enrolled in a program of education or training and is the recipient of a grant or fellowship or is appointed as a trainee or student under any program where the payment to the veteran is for the specific purpose of providing an allowance for either living expenses or tuition, or both, and derives in whole or in part from funds appropriated from the Federal Treasury and granted or administered by other Federal agencies, the veteran cannot concurrently receive the benefits of this law and other Federal benefits which would constitute a duplication. Thus, a veteran participating in the U. S. Maritime Commission training program, or receiving a fellowship from the Atomic Energy Commission, or the Public Health Service, could not concurrently receive education and training allowances under this law. This section does not bar payment of an education or training allowance to a student enrolled in a land-grant college which is receiving Morrill-Nelson and Bankhead-Jones funds, nor to a student enrolled in a vocational training course conducted under the act of February 23, 1917, as amended (39 Stat. 927), or the Vocational Education Act of 1946, nor to a veteran who is enrolled in an educational institution and participating in the ROTC programs of the Army or contract NROTC plan of the Navy, nor to a veteran participating in an on-the-job training program in a Government establishment, such as a Navy Yard, nor

to a veteran receiving benefits under Public Law 584, 79th Congress (Fulbright Act), nor to a veteran participating in the residency and internship program operated by the Veterans' Administration Department of Medicine and Surgery under the provisions of Public Law 293, 79th Congress, as amended. It does preclude payment of an education and training allowance under this law to a student participating either in the program provided under Public Law 729, 79th Congress (60 Stat. 1057), or in the program provided under Public Law 51, 82d Congress (65 Stat. 75). Payment of an education or training allowance under Public Law 550, 82d Congress, is also precluded in the case of a person pursuing training in the Veterans' Administration career neuropsychiatrist development program as a full-time physician of the Veterans' Administration Department of Medicine and Surgery.

6. In § 21.2058, paragraphs (a) and (b) are amended to read as follows:

§ 21.2058 *Jurisdiction over domestic relations determinations.* (a) Determinations of domestic relations questions other than those indicated in § 14.502 of this chapter will be made by the educational benefits representative in all cases, unless the circumstances involved differ from those present in cases which have formed the basis of formal opinions rendered by the General Counsel. (See § 3.6 of this chapter.) Where the domestic relations question is one of doubtful legality and cannot be related to a precedent formal opinion of the General Counsel, a request for an opinion will be submitted to the chief attorney, in regional office cases, or to the General Counsel, in Central Office cases. Such requests will be made by memorandum setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved.

(b) Within the limitations described in paragraph (a) of this section, the educational benefits representative will make determinations on domestic relations questions, including the legality of adoption, except where the letters of adoption are not regular on their face, or circumstances surrounding the adoption suggest that the procedure was not accomplished in conformity with the law of the State involved.

* * * * *

(Sec. 261, 66 Stat. 663)

This regulation effective May 12, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-3515; Filed, May 11, 1954; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

CONSIDERATIONS RESPECTING TRAINING UNDER OTHER LAWS ADMINISTERED BY THE VETERANS' ADMINISTRATION

In § 21.2015, paragraphs (a) (1), (2), and (3), and (f) are added and paragraph (c) (1), (3), and (4) is amended to read as follows:

§ 21.2015 *Considerations respecting training under other laws administered by the Veterans' Administration*—(a) *Training under Public Law 550, 82d Congress, following training under Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* * * *

(1) Where a veteran having remaining entitlement under Public Law 346, 78th Congress, elects to enroll for a period of instruction under such law and thereby obligates the Veterans' Administration to pay to the institution the established charges for tuition and fees, he may not assert the right to substitute the benefits under Public Law 550 for such period of enrollment except at the end of a unit of instruction upon the basis of which charges for tuition and fees are assessed by the institution.

(2) A veteran whose entitlement under Public Law 346 expires prior to the midpoint of a quarter, or semester, or 17-week segment of his course may enroll under Public Law 550, prior to his delimiting date, for the remainder of such quarter, semester, or course if he is otherwise eligible.

(3) Where a veteran with remaining entitlement interrupts his course under Public Law 346 for a valid reason (§ 21.35 (c)) and his Public Law 550 statutory delimiting date occurs during such valid period of interruption, the veteran may upon the termination of such period of interruption (i) resume his course under Public Law 346 or (ii) enroll under Public Law 550 in the same course provided the conditions of paragraph (d) of this section are satisfied.

* * * * *

(c) *Educational and vocational guidance required for veterans eligible under both Part VII, Veterans Regulation 1 (a), and Public Law 550, 82d Congress.* (1) When a veteran who has basic eligibility under Part VII applies for education or training under this law, appropriate action will be completed promptly on his application and a certificate for education or training will be issued, if in order. Coincidental with this action he will be notified to report for required educational and vocational guidance and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation: *Provided,* That the veteran will not be required to report for educational and vocational guidance if a determination as to need for vocational rehabilitation has previously been made on the basis of a disability resulting from service on or after June 27, 1950. If the veteran reports promptly for educational and vocational guidance when scheduled, the provisions of paragraph (b) (2) of this section will be applied to the extent that training under this law pursued prior to the completion of the educational and vocational guidance process will not be the basis for reducing the period of training necessary for restoring employability.

* * * * *

(3) If the veteran, upon due notification, willfully or through neglect, or for whatever reason, fails to report for educational and vocational guidance as required in subparagraphs (1) and (2) of this paragraph, or refuses to cooperate in the counseling procedure to the extent necessary to determine whether need exists, and thereafter enters, continues to pursue, or resumes training under this law, and at a later date applies for vocational rehabilitation under Part VII, further benefits under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(4) When the veteran's physical or mental condition is such that it is not practicable to provide educational and vocational guidance, or that the Vocational Rehabilitation Board established in the regional office under the provisions of § 21.715 determines that training is not medically feasible for him, he will be informed that upon the basis of medical opinion it is recommended that he defer training until his condition improves to such extent that medical feasibility of training may be established and educational and vocational guidance may be completed. If, after being provided such information, the veteran enters, continues to pursue, or resumes training under this law without completing required educational and vocational guidance, future benefits under Part VII will be subject to the limitations contained in paragraph (b) (1) of this section in the same manner as though need for vocational rehabilitation had been determined to exist.

* * * * *

(f) *Record of previous conduct and progress under other laws.* A veteran's right to a program of education or training prior to the applicable statutory delimiting date is not affected by reason of a failure to maintain satisfactory conduct and/or progress which occurred while in training under either Part VII or Part VIII of Veterans Regulation 1 (a), as amended, except that after the applicable statutory delimiting date the limitations specified in paragraph (d) of this section will govern.

(Sec. 261, 66 Stat. 663)

This regulation is effective May 12, 1954.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 54-3517; Filed, May 11, 1954; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127), make the following changes:

a. In § 127.237 *Czechoslovakia* amend paragraph (b) (5) to read as follows:

(5) *Observations.* (i) Gift parcels containing used clothing, footwear, or other used wearing apparel are not admitted to Czechoslovakia unless the contents have been disinfected and a certificate to that effect is enclosed in the

package. A notarized statement from a reliable dry-cleaning establishment or laundry that articles of clothing have been cleaned should meet the requirements of the Czechoslovak authorities. Senders shall be required to endorse the wrappers of such parcels "Certificate of Disinfection Enclosed."

(ii) Preserved foods in tin cans or other hermetically sealed containers are not permitted.

b. In § 127.307 *Morocco (Spanish Zone) (including the Spanish Post Office in the International Zone of Tangier)* make the following changes in subdivision (ii) of paragraph (b) (1):

1. Strike out the parenthetical sentence immediately after the caption.

2. Strike out the table of rates and insert in lieu thereof the following:

Rates: $1.19 first 4 ounces; $0.54 each additional 4 ounces.

c. In § 127.330 *Philippines (Republic of the)* make the following changes:

1. In paragraph (b) (5) delete subdivision (viii).

2. Amend paragraph (b) (6) to read as follows:

(6) *Import restrictions.* Addressees are required to obtain release certificates from the Central Bank of the Philippines for many types of importations. Gifts not exceeding 100 pesos ($50) in value, trade samples and advertising displays within the same value limit, and articles which are the personal property of the addressee, are exempt from the requirement.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54-3489; Filed, May 11, 1954; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127), make the following changes:

a. In § 127.261 *Germany* (19 F. R. 513) amend subdivision (iv) of paragraph (a) (8) to read as follows:

(iv) German banknotes and coins addressed to the Soviet Zone.

b. In § 127.325 *Panama (Republic of)* amend paragraph (a) (11) in the following respects:

1. Delete present subdivision (i).

2. Redesignate subdivisions (ii), (iii), and (iv) as subdivisions (i), (ii), and (iii), respectively.

c. In § 127.327 *Paraguay* make the following changes in paragraph (b) (1):

1. In the table of rates in subdivision (i) strike out all of the pound and rate information that appears after 22 pounds and $5.40.

2. In the tabulated information under the table in subdivision (i) change the weight limit from 44 pounds to 22 pounds.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *Solicitor.*

[F. R. Doc. 54-3490; Filed, May 11, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10953; FCC 54-589]

[Rules Amdt 3-8]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10953; Rules Amdt. 3-8).

1. The Commission has under consideration its notice of proposed rule making issued on March 12, 1954 (FCC 54-329) and published in the FEDERAL REGISTER on March 17, 1954 (19 F. R. 1471) proposing to assign Channel 21 to Huntington, Indiana in response to a petition filed by Sarkes Tarzian, Inc., Bloomington, Indiana.

2. The last day for filing comments expired on April 9, 1954. No comments opposing the requested amendment were filed. In support of the requested amendment, petitioner urged that it expects to file applications for UHF stations in Huntington, Anderson, and Logansport, Indiana; that the proposed stations will stimulate the growth of UHF in the area; that they would provide the areas with educational and other types of programs; and that the assignments as proposed conform with the Commission's rules. The Commission finds that the amendment of the table as proposed meets the requirements of the rules and would be in the public interest.

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

4. In view of the foregoing: *It is ordered*, That, effective 30 days from publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to the table under the State of Indiana:

City:	*Channel No.*
Huntington	21+

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

Adopted: May 5, 1954.

Released: May 7, 1954.

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

[F. R. Doc. 54-3519; Filed, May 11, 1954; 8:51 a. m.]

[Docket No. 10954; FCC 54-590]

[Rules Amdt. 3-9]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10954; Rules Amdt. 3-9.

1. The Commission has under consideration its notice of proposed rule making issued on March 12, 1954 (FCC 54-331), and published in the FEDERAL REGISTER on March 17, 1954 (19 F. R. 1471), proposing to assign Channel 53 to Fitzgerald, Georgia, in lieu of Channel 23 in response to a petition filed by WGOV-TV, Inc., Valdosta, Georgia.

2. The last day for filing comments expired on April 9, 1954. No comments opposing the change were filed. In support of its requested amendment, petitioner urged that it is the permittee of Station WGOV-TV on Channel 37 at Valdosta, Georgia; that efforts have been made to select a suitable site for this station; that such a site meeting the approval of zoning and aeronautical authorities has been selected; that this site is a few miles short of the required spacing to the assignment of Channel 23 at Fitzgerald, Georgia; and that the requested amendments would remove this conflict and conform to the Commission's rules. The Commission finds that the amendment of the table as proposed meets the requirements of the rules and would be in the public interest. In view of the fact that the proposed change would expedite television service in the area it is believed that an immediate finalization of the proposed amendment is warranted.

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

4. In view of the foregoing: *It is ordered*, That, effective immediately, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City:	*Channel No.*
Fitzgerald, Georgia	53+

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

Adopted: May 5, 1954.

Released: May 7, 1954.

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

[F. R. Doc. 54-3520; Filed, May 11, 1954; 8:52 a. m.]

[Docket No. 10951; FCC 54-591]

[Rules Amdt. 3-10]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing

television broadcast stations; Docket No. 10951; Rules Amdt. 3–10.

1. The Commission has under consideration its notice of proposed rule making issued on March 12, 1954 (FCC 54–326), and published in the FEDERAL REGISTER on April 18, 1954 (19 F. R. 1489), proposing to reserve for non-commercial educational use Channel 5 assigned to Weston, West Virginia, for commercial use, in response to a petition filed by West Virginia's Research Center, Inc., Salem, West Virginia.

2. The last day for filing comments in this proceeding expired April 9, 1954. No objections have been received which would warrant refusal to make final the reservation of Channel 5 for educational use at Weston. In support of the requested amendment petitioner urged that there does not appear to be any demand for the use of Channel 5 at Weston as a commercial assignment; that there is a need for an educational station in this area in view of the large population and the number of colleges and educational institutions in the general area; and that in the event the proposed amendment is adopted, an application will be filed for a construction permit for a non-commercial educational station as soon as possible. The Commission is of the view that petitioner has made an adequate showing to warrant the reservation of Channel 5 at Weston and that such a reservation would be in the public interest.

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

4. In view of the foregoing: *It is ordered*, That, effective 30 days from publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City:	*Channel No.*
Weston, W. Va	*5, 32

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

Adopted: May 5, 1954.

Released: May 7, 1954.

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

[F. R. Doc. 54-3518; Filed, May 11, 1954; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 168—APPLICATIONS FOR CERTIFICATES AND PERMITS

FORM BMC 78

In the matter of applications under sections 206, 207, 209, and 210, Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of May A. D. 1954.

The matter of applications designated Form BMC 78 (49 CFR 7.78), prescribed by order entered January 15, 1951, being under consideration: *It is ordered* That:

Part 168 be, and it is hereby, amended so as to read as follows:

§ 1.68.1 *Applications*—(a) *Form.* Applications for motor carrier certificates and permits to continue, institute, change, or extend motor carrier operations, or to engage in dual operations, in interstate or foreign commerce under the Interstate Commerce Act, shall be in the form and contain the information called for in the form of application designated as BMC 78 (§ 7.78 of this chapter).

(b) *Filing and service.* The verified original of each such application shall be filed with this Commission, one true copy thereof shall be furnished the District Director or Supervisor of the Bureau of Motor Carriers located in the district wherein applicant is domiciled, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or official (or Governor if there is no Board, Commission or official) having authority to regulate the business of transportation by motor vehicles, of each State in or through which applicant operates or proposes to operate. Applicant is not required to give notice to competitors since notice of such filing will be by publication in the FEDERAL REGISTER.

It is further ordered, That the orders herein dated January 15, 1951, and March 9, 1954, be, and they are hereby, superseded by this order.

And it is further ordered, That this order shall become effective June 1, 1954.

Notice of this order shall be given to motor carriers and general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 551, 552, 554, as amended; 49 U. S. C. 306, 307, 309, 310)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3513; Filed, May 11, 1954; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

[Docket No. AO-122-A7]

HANDLING OF MILK IN SIOUX CITY, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act 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 amending the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington, 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Sioux City, Iowa, on October 26, 1953, pursuant to notice thereof which was issued on October 12, 1953 (18 F. R. 6593).

The material issues related to:

1. Revising the classes of utilization;
2. Revising the class prices;
3. Revising the plan for encouraging more nearly uniform production;
4. Changing the definitions of producer and handler;
5. Requiring an equalization payment on other source milk utilized in Class I;
6. Levying the administrative assessment on other source milk utilized in Class I; and
7. Revising other administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record.

1. *Classification of milk.* The proposed amended order should provide for only two classes of milk, Class I to contain those products which are required to be produced from Grade A milk and Class II to contain all other products.

In the past the order has provided two classes for products which are required to be produced from inspected milk, one class containing milk, skim milk, and

similar products and the other containing cream products. For several years both classes have been priced the same and there appears to be no basis for continuing to make a distinction between the two classifications.

The definition of Class III which becomes Class II in the recommended order, should be amended to provide a somewhat greater allowance on shrinkage incurred in the handling of other source milk. The present order permits shrinkage up to 2 percent of receipts to be classified as Class III. With respect to producer milk this allowance appears to be adequate. Certain handlers, however, receive substantial quantities of other source milk, both in the form of whole milk and in the form of farm-separated cream, for use in their manufacturing operations. The shrinkage incurred in the manufacturing operations normally is somewhat higher than that incurred in bottling fluid milk. To limit the shrinkage on such milk to 2 percent would result in reimbursing producers at Class I prices for milk not produced by them whenever shrinkage exceeded that figure.

There was a proposal made at the hearing that a special classification be established for milk utilized in the manufacture of cottage cheese. For reasons discussed below under the section on class prices it has been concluded that it would be inadvisable to establish a separate classification for milk utilized in this product.

2. *Class prices.* The Class I price should be fixed at $1.40 per hundredweight higher than the basic price. The present Class I differential is 80 cents during the months of April, May, June, and July and $1.00 during the remaining months of the year. For several years all handlers in the market have paid prices substantially higher than those fixed by the order. During much of that period handlers have paid a fixed Class I price which did not vary from month to month. From July 1952 through February 1953 handlers paid a Class I price of $5.00 and in March 1953 the handlers' paying price dropped to $4.80 per hundredweight and continued at that figure through October 1953. The reports of the market administrator of which official notice is taken, reveal that in recent months handlers have paid a premium of 40 cents over the price fixed by the order. The prices fixed by the order varied considerably during the above period and were substantially below the prices actually paid by handlers. Had the proposed differential of $1.40 been effective during 1953, the average price resulting would have been a few cents lower than the prices actually paid by the handlers. The proposed price is identical to that being paid by handlers at the present time.

During 1950 and 1951 there were several months in which the market received insufficient producer milk to take care of its Class I sales. During 1952 it was again necessary to import emergency supplies in certain periods although production had increased somewhat over that of 1950 and 1951. During the year 1953 producer supplies for the first time were sufficient for the needs of the market. If the market is to be adequately supplied with milk, a formula must be adopted which will maintain Class I prices in the same relationship to manufacturing prices as has prevailed in the recent past. Since the Class I price is directly related to the market values of manufactured dairy products, the Class I price recommended herein does not affect the relationship of Class I prices actually paid to manufacturing values that have prevailed in the past. Were the proposed amendment in effect in May of this year, the Class I price would be $4.38. This is a decline of 42 cents from the Class I price of $4.80 which actually prevailed in May 1953. It appears that a reduction in the Class I price paid which would be below the levels proposed herein would endanger the supply of milk for the market.

This is especially true in view of the fact that the market has adopted a Grade A ordinance since the order was last amended, and the prices heretofore fixed by the order do not reflect prices necessary to induce a supply of Grade A milk for the market. Moreover, the proposed prices will bring the order price at Sioux City more nearly in line with the prices prevailing in nearby markets such as Omaha, Nebraska, and Sioux Falls, South Dakota.

The present method of allocating the amount of the Class I differential between the butterfat and the skim milk is continued. For several years in this market the price of butterfat in Classes I and II (Class I of the proposed order) has been computed by adding to the price of butterfat in Class III, 20 percent of the Class I differential. Thus when the Class I differential has been 80 cents the price of butterfat in Class I and Class II has been 16 cents per pound higher than the price of butterfat in Class III and when the differential has been $1.00 the price of butterfat in Class I has been 20 cents per pound higher than the price of butterfat in Class III. The premiums which handlers have paid in recent years have been allocated in the same manner.

Accordingly, it is recommended that of the $1.40 differential applicable to milk of 3.5 percent butterfat content 28 cents per pound or a total of 98 cents would be attributed to butterfat. The price of skim milk in Class I would be computed by subtracting the value of 3.5 pounds of butterfat from the Class I price. The price of butterfat in Class I would be the price of butterfat in Class II plus 28 cents per pound.

Although substantial change is being made in the Class II (present Class III) price which under the present order is the same as the basic formula price the same considerations do not apply to the basic formula price as apply to the Class II price and hence no change is necessary in the basic formula price.

With respect to the Class II (present Class III) price the following revisions should be made. First the formula based on the paying prices of a group of Midwestern condenseries which has been an alternate factor in the Class II (present Class III) price should be deleted. At the time the alternative formula was incorporated in the order much of the excess supplies on the market were manufactured into evaporated milk and it was appropriate therefore to base the price of milk going into such use on the price paid for milk for similar use by competing plants. Evaporated milk is no longer produced in the Sioux City market and the bulk of the reserve supply is now manufactured into butter and nonfat dry milk solids. Accordingly, it is recommended that the paying price of the condenseries be deleted as an alternative formula for pricing Class II milk.

Second the "make allowance" provided in the butter-powder formula which will now constitute the Class II price should be increased by 15 cents per hundredweight. The make allowance provided in the formula no longer reflects processing and marketing charges associated with handling the reserve supplies of the market. Since the present formula was adopted, the character of the market has changed substantially in that it is now on a Grade A basis and the amount of producer milk available for manufacturing is substantially less than previously.

The present butter-powder formula results in prices which are among the highest applicable to milk for comparable use in any marketing area. A reduction of 15 cents per hundredweight would result in a price more nearly comparable to those provided in other areas. Accordingly, it has been concluded that the formula should be reduced 15 cents per hundredweight. In order to maintain a proper ratio between the values of butterfat and skim milk the price for butterfat should be reduced 3 cents per pound and the price of skim milk should be reduced 4 cents per hundredweight.

A separate classification was proposed for milk used in the production of cottage cheese with a price at the level of the basic formula rather than at the proposed Class II price. Proponents stated that cottage cheese yielded a somewhat higher return than did other items included in Class II and that producers should receive a portion of this higher yield and that while cottage cheese at the present time is not required to be produced from Grade A milk there is a strong likelihood that in the near future the health regulations might be changed to require its production from Grade A milk. They further pointed out that while other Class II products such as butter, cheese, and ice cream mix are subject to extensive competition from unregulated milk there is at the present time no cottage cheese being sold in the market except that produced by handlers subject to the Sioux City milk order.

The fact that other plants are not selling cottage cheese in the marketing area at the present time is not evidence that competition of this nature would not develop in the future if the price for milk for this use were fixed at the basic formula level. A review of the records of the market administrator indicates, moreover, that a difference of 15 cents per hundredweight in the price of milk used to produce cottage cheese would have affected producer returns less than

1 cent per hundredweight during 1953, and this small return does not warrant the administrative difficulty which would be involved in establishing the extra class. Accordingly, it is concluded that a separate classification should not be established for milk used in cottage cheese.

3. *Seasonal pricing.* The present order seeks to achieve seasonality in prices to producers in two ways. First, the Class I differential varies seasonally being 80 cents during each of the months of April, May, June and July and $1.00 during the other months of the year. Second, the order contains the so-called "Louisville plan" whereby a deduction is made from the uniform price in the months of May and June and the amount withheld is added to the uniform price in the months of September, October and November.

The amendment recommended herein removes the seasonal element from the Class I differential. When it was adopted it was felt that a lower differential in the months of flush production, would not only provide producers an incentive to produce more uniformly, but would encourage a greater consumption of milk when it was plentiful if the change were reflected in consumer prices. The reduction in the producer price was not reflected in the price to consumers and in recent years the seasonal element in producer prices has been eliminated in prices that have been negotiated between producers and handlers.

It appears that the necessary seasonal element in the pricing of milk to producers, in a manner closely related to the needs of the market and with less disturbance of the stability of handler costs can more readily be achieved through a revision of the "Louisville plan."

At the present time 20 cents per hundredweight is deducted in computing the uniform price during each of the months of May and June and one-third of the money deducted is paid back to the producers in each of the months of September, October, and November. The testimony of the producer representatives indicates that the plan which has been in effect in the market for several years has been of considerable value in shifting production from the flush months to the short production months in the fall. The effectiveness of the program, however, has been lessened in recent years as the rate of the payment has remained constant while the value of milk has risen. Representatives of the producers' association testified that increasing the amount of the reduction and extending it to the months of April, May and June would result in fall production payments sufficient to encourage a much greater swing to fall production. To accomplish this they propose, instead of the flat 20 cents per hundredweight, that 8 percent of the money in the pool be subtracted in each of the months of April, May and June and retained by the market administrator for payment to producers during the months of September, October, and November. The 8 percent figure is one which has been used in other markets as a basis for the spring deduction and is presently used in both the Omaha-Lincoln-Council Bluffs market and the Sioux Falls-Mitchell marketing areas. Experience in these markets has indicated that the 8 percent deduction results in a seasonal variation in prices which has influenced considerably the seasonal pattern of production. A similar result would be obtained by amending the Sioux City order to conform in this respect.

4. *Definitions of producer and handler.* As a result of the adoption by the health authorities of Sioux City of a Grade A ordinance and in conjunction with other amendments recommended herein, it is necessary to redefine the terms, "producer" and "handler."

Under the present order the term, producer, may include persons who produce milk of a quality not comparable to that required by the city of Sioux City. It was recommended by producers that a producer now be defined as any person who produces milk under a Grade A permit issued by the city of Sioux City, Iowa. Since non-Grade A milk may no longer be disposed of for Class I use in the city there should be eliminated from the definition of producer those persons producing milk which is not of Grade A quality. The marketing area, however, is of much greater extent than the city limits of Sioux City. While all the milk sold in the marketing area at the present time has Sioux City approval there is the possibility that milk approved for sale as Grade A milk by state authority may be disposed of within the marketing area. Accordingly, it is not feasible to limit the term, producer, to a person having a Grade A permit from the city of Sioux City. The term should include any person who produces Grade A milk under a permit issued by a health authority having jurisdiction in the marketing area, if the milk is received at a handler's plant which meets the requirements for participation in the market-wide pool provided in the order.

The definition of "handler" likewise should be modified so that the term applies only to persons disposing of Grade A milk. As in the case of producers the Grade A approval should not be restricted to that of the city of Sioux City but should embrace that of any health authority having jurisdiction in the marketing area.

Handlers should be further divided into two categories, those who would be fully regulated and participate in the market-wide pool and those who be subject to only partial regulation and would not participate in the market-wide pool. Producers proposed that the distinction between the two types of handlers be based solely on whether the plant was approved by the Sioux City health authorities. Whether a plant is to be fully regulated and participate in the market-wide pool under the order should depend upon its relationship to the market and the extent to which it has assumed the responsibility of supplying the market needs for Class I milk, rather than upon the type of health approval it holds. In order to bring within the full scope of the regulation only those plants which are an integral part of the market and to relieve from complete regulation those plants having only an incidental association with it, standards for participation in the market-wide pool should be established on the performance of the plant.

These standards should be such that any plant having as one of its major functions the supplying of Class I milk to the market, even though the plant and its producers may not be subject to regular inspection of the Sioux City health authorities, would be fully regulated and pool its sales and share in the market-wide equalization. On the other hand, plants only incidentally associated with the market and which supply only token quantities of Class I milk should not be included in the market-wide pool regardless of the type of health approval.

If the order were to extend full regulation to any plant having approval of the health authority and disposing of Class I milk within the marketing area, it might work a hardship on plants which furnish supplemental supplies to the market when producer receipts are inadequate. Such a plant would be required to file delivery period reports, maintain the books and records required by the market administrator, and pool its entire receipts with the market even though its sole association with the market consisted of the shipment of a small quantity of emergency milk to meet a shortage in the market. Such regulation might place such a plant at a competitive disadvantage with its unregulated competition and might entail costly revision of its bookkeeping and accounting practices.

In the absence of performance standards, moreover, any plant selling a smaller proportion of its milk in Class I than the average of all handlers subject to regulation, might be in a position to secure health department approval and by making a token shipment of Class I milk receive equalization payments from the pool. The mere circumstance of having obtained health department approval is not sufficient justification for equalizing the sales of such plant with the market. It is reasonable to assume that the only consideration of the health department in issuing a permit is whether the plant complies with the standards fixed by the ordinance which it administers. It cannot be assumed that such standards are appropriate to effectuate the declared policy of the act. It is concluded that the health authorities should not be placed in a position of determining which plants should share in the equalization.

Since reserve milk must be an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This is particularly true during the months of flush production. Plants selling primarily to other markets or plants which ship milk on an opportunity basis to any market which may be in short supply do not represent a reliable source of supply on which the Sioux City market may depend. Such plants would be in a position to gain an advantage by withdrawing from the pool in periods when their Class I utilization

was high. They would be able thereby to retain a larger share of the proceeds from their sales of Class I milk since they would be selling at Class I prices while paying producers a competitive blended price. Whenever its utilization dropped below the market such a plant could regain handler status by selling only a small quantity of milk in the marketing area and thereby draw equalization payments from the pool to maintain its paying prices to its producers. Such a distribution of equalization payments would reduce the blended price paid to producers regularly supplying the market and thus would have an adverse effect on the supply of milk on which the market depends. This could result in the need for higher Class I prices than would be required otherwise.

In order to be considered as being associated with the market for purposes of regulation a plant should be required to dispose of, as Class I milk within the marketing area, at least 20 percent of its receipts of Grade A milk. Those plants regularly supplying the market are primarily fluid milk plants and engage in manufacturing operations to a limited extent. Even in the months of flush production most of the milk produced is utilized as Class I. In establishing the standards for participation in the pool, however, it is necessary to take cognizance of the fact that most, if not all, of the plants distribute milk on routes in the rural areas adjacent to the marketing area. If the minimum percentage were increased above 20 percent it is possible that plants which are an important segment of the market might fail to qualify during the months of heaviest production.

On the other hand a plant selling more than 80 percent of its Grade A receipts outside the marketing area or in the form of Class II products should not be considered as being closely associated with the fluid milk market in the area. It is not necessary to bring such a plant under full regulation in order to integrate into the regulatory plan the minor share of its business which is in the marketing area. As noted above, full regulation might place such a plant at a competitive disadvantage in relation to other plants in the market where it sells the bulk of its products.

With respect to the plants presently disposing of Class I milk in the marketing area it is believed that the performance standards provided herein would achieve essentially the same result as would the adoption of the standards proposed by the producers, based solely on the health approval held by the plant. The performance standards are considered necessary, however, to avoid hardship on plants which furnish necessary supplemental supplies, and to remove the possibility that a plant, not associated with the market, might in the future secure approval of the local health authorities and qualify for equalization payments to its own advantage and to the disadvantage of the market by means of minor sales in the marketing area.

In addition to the operators of the plants described above the definition of handler should continue to include a cooperative association with respect to producer milk which it may cause to be diverted to a non-pool plant. It may become necessary for a cooperative association to arrange for the diversion of milk from farms to a manufacturing plant when handlers' facilities for disposing of reserve supplies become overburdened. To prevent such milk from being excluded from the pool a cooperative association which caused it to be diverted should be considered a handler with respect to such milk and should be required to account for it to the market-wide pool.

5. *Payments with respect to other source milk.* The adoption of the Grade A ordinance by the city of Sioux City has necessitated changing the definitions of producer and handler as discussed above. These leave open channels by which it is posible for unpriced other source milk to be disposed of for Class I use in the marketing area. If unpriced milk were permitted to be sold as Class I milk in the marketing area without any regulation the classified system of pricing provided by the order would be seriously endangered.

Regulation of milk prices and enforcement of use classification under a marketing order became necessary because producers were unable to insure that all milk used for fluid purposes would be paid for at a price commensurate with its use. The existence in the market of unpriced surplus Grade A milk would provide the possibility of chaotic marketing conditions. That portion of the milk supply which has to be marketed as surplus returns only a manufacturing value. If a handler were able to purchase such milk at surplus prices and sell it for Class I use he would enjoy a decided competitive advantage over other handlers who pay the Class I price for such milk.

In the absence of regulation which insures payment according to use the prices paid producers for milk tend to be forced through competition towards the rates of return obtainable from marginal outlets. Such outlets are normally butter and cheese. This is especially true during the period of flush production. The prices resulting from such competition neither create orderly marketing conditions nor assure an adequate and dependable supply of milk throughout the year.

Under the provisions of the order, producers are assured that if their milk is utilized as Class I it will be paid for at Class I prices. Such prices are fixed at levels which reflect the price of feeds and other economic conditions and insure the market a sufficient supply of pure and wholesome milk. The classified pricing plan contemplated by the regulation cannot be successfully applied if it is possible, during temporary periods, for some handlers to purchase milk at less than the Class I price and sell it for Class I uses. A handler who finds himself in a situation where his competitors are paying less for Class I milk than he is paying will be forced by competition to reduce or discontinue his purchases of producer milk and substitute instead the lower priced other source milk. This could lead to disorderly marketing and a partial or even a complete displacement of producer milk for Class I uses.

Sales of unpriced milk and the consequent displacement of producer milk can occur under the order if handlers who distribute milk in the marketing area shift their purchases of milk from producers to unregulated sources. The producer milk in a handler's plant would be assigned to Class I sales before any other source milk were so assigned but the remaining Class I sales would be assigned to other source milk. Other source milk for this purpose might be obtained from any unregulated source which was acceptable to the health authorities having jurisdiction in the marketing area. Such sources of supply would not be regulated unless these plants met the pooling requirements. Producer milk might also be displaced to the extent that handlers not qualified under the performance standards of the order distribute milk in the marketing area directly to consumers.

It is apparent, therefore, that it is necessary to provide against the displacement, for the purpose of price advantage, of producer milk by other source milk. This is essential to preserve the classified pricing program provided by the order. There is no choice as to the type of provision that can be used since minimum class prices may not be fixed for handlers who do not participate in the market-wide pool provided under the order. The only alternative is to levy an assessment against such other source milk to whatever extent is necessary to remove any advantage there might be in using such milk instead of regulated producer milk as Class I milk in the marketing area.

Many problems are involved in establishing rules for the charge or payment designed to eliminate the advantage accruing to the use of unregulated milk. The rate of compensation payment for this purpose must not be so low that it will permit a handler to gain a temporary or permanent advantage over the competitors through the sale of unpriced milk as Class I milk in the marketing area. On the other hand it must not be so high that it penalizes those persons who supply unpriced milk when it is needed by the market and who are not in a position to gain an unfair competitive advantage by such sales. It is also necessary that the payment be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience and expense.

Several possible alternative methods of arriving at the rate of compensation payment were explored on the hearing record. One of these would be to ascertain the actual cost to the regulated handler of milk which is purchased from unregulated plants and charge as a compensation payment the amount by which the Class I price exceeds the cost of unregulated milk utilized as Class I. This plan, however, is not feasible administratively and would not necessarily eliminate the advantage of using unregulated milk even though it were feasible. There have been instances of handlers purchasing such milk already

processed and packaged. To determine the actual costs of milk under such circumstance is impossible since the prices paid by the handler included the cost of processing and packaging as well as the cost of the milk. Even in the case of milk purchased in bulk the billing price may not represent the actual cost of milk. In the case of a company which owns or controls plants in the Sioux City, Iowa, marketing area as well as unregulated plants located elsewhere, the rate of payment from one plant to another would have little or no significance. If such a provision were to be adopted the billing rate could be deliberately fixed at a level which would avoid any payment without regard to the actual value of the milk.

A handler who has no unregulated plants could no doubt find it possible also to arrange a billing price on purchased milk which would avoid any compensatory payment. Presented with a choice of paying money either to the market-wide pool or to the person from whom the milk was purchased, a handler would undoubtedly choose the latter. It would be possible to arrange a method of kick-back or of offsetting purchases and sales to eliminate the compensatory payment. Since the billing price for such milk would be a self-serving figure for both parties it would be virtually impossible to ascertain whether it represents the true cost of the milk to the purchaser.

If the ostensible price were the actual price the purpose of removing the advantage to unregulated milk would not be accomplished by basing the compensation payment on the difference between such price and the Class I price. Sales of milk by handlers customarily take place at the Class I price plus a handling charge. This handling charge may vary considerably but it represents a payment to the receiver of the milk which covers the cost of receiving, weighing, testing and cooling the milk as well as plant profits. Hence, the stated price would not represent milk of a value similar to that received from individual producers.

Another suggested method is to determine the price actually paid to dairy farmers by the unregulated plant which receives the milk and to base the compensation payment on that price. There are several objections, however, to this method. The sundry payment plans which are used in paying farmers for milk would make the determination of rates to the individual farmers an extremely complicated, if not impossible, task. Unregulated plants may use varying rates of butterfat differentials, different types of base-rating plans and different types of premiums based on quality, volume, and other factors. These various schemes make it impossible to determine accurately the basic rate of payment used in paying farmers. Again the stated prices may not reflect the actual cost since they may be modified by such items as hauling subsidies over actual costs, and discounts on equipment furnished to farmers. Supplies and services furnished to farmers by the plant may be either over or under charged to the dairy farmer. Since there is no regulation of the payment plan of an unregulated plant each plant may use whatever method it chooses. Moreover, in most instances, there is no verification of the weights or butterfat tests of the milk delivered to such plants by the farmers. In the case of cooperative associations part of the proceeds from the sale of milk is frequently distributed to member farmers in the form of a dividend at the end of the fiscal year. In such cases the monthly prices paid to farmers may not represent the actual value of the milk delivered during the particular month.

Even if it were possible to establish definitely the actual cost of milk purchased from dairy farmers by unregulated handlers, this method would not provide a solution of a problem of establishing compensation payments. There would still remain the question of the rate of payment to be required. If the payment were based on the difference between the price paid farmers by the unregulated plants and some other price the unregulated plant could avoid paying by increasing its returns to farmers. This would give the unregulated handler an advantage over regulated handlers who have no choice as to what they are required to pay farmers or as to how the money is to be distributed. Moreover, it would enable unregulated plants to dispose of Class I milk in the marketing area without the obligation of equalizing their Class I sales with other handlers in the market. A further disadvantage lies in the fact that even though the actual rate of payment to producers may be known, it would still be impossible to determine the actual value or the true cost of the milk disposed of within the marketing area because the cost of milk for use in the marketing area would be a residual value resulting from the values attached to milk disposed of in other markets and other uses and these values could not be accurately ascertained.

In order to overcome this objection it was suggested that it might be possible to audit regularly the plant of the unregulated handler and that the rate of compensation payment be based on the difference between the actual rate of payment to producers and the average utilization value of all the milk in the plant. This method, however, would not eliminate the entire advantage of selling surplus milk as Class I milk within the marketing area and would involve many costly and administratively unfeasible practices. Since the unregulated plants in most instances would be located at some distance from the marketing area, the cost of making such audits might be prohibitive. Moreover, such an auditing program would necessitate the establishment of new transfer and allocation rules perhaps individually suited to each plant location. In the case of plants which ship milk to more than one market it would be necessary to follow the movement of milk from these plants to its several destinations to determine its use and classification. It might also be necessary to ascertain sources of supply other than dairy farmers and to determine what priority should be given such supplies in the allocation of Class I milk in the plant. In the case of plants that make only incidental shipments of milk perhaps during only a portion of the month additional problems would be involved since earlier inventories as well as receipts and sales would have to be ascertained and classified. Such measures would prove extremely burdensome and expensive. Moreover, it is not desirable to burden plants which are not fully subject to the regulation with the necessity for adopting the administrative procedures and bookkeeping that go with regulation under an order. To make the detailed accounting necessary to establish properly the classification of milk in these plants it would be necessary that they maintain the same detailed records that are kept by fully regulated handlers.

The possibility was explored that the compensation payment be based on the difference between the weighted average price prevailing in the marketing area and the Class I price. It was suggested that unregulated handlers would be forced by competition to pay their farmers approximately the average price received by producers under the order. While this may be true in some instances it would not necessarily always be true and such a payment could not be expected to remove the competitive advantage in the use of unregulated milk. Both unregulated and regulated plants have some surplus milk at all seasons of the year but especially during the months of flush production. Hence, the prices paid farmers will at all times be blended prices made up from returns of sales of milk as Class I milk as well as sales of surplus milk used in the manufacturing operations. If an unregulated handler were to sell its surplus for Class I use in the marketing area and maintain its other outlets for Class I use outside the marketing area it would have a competitive advantage over the regulated handlers who found it necessary to dispose of a portion of their milk in the surplus uses.

Since none of the methods suggested above presents a satisfactory solution of the problem it appears necessary to adopt a different procedure. The only sound method of dealing with this problem is one based on the economics involved as they affect producers and handlers. It resolves itself primarily into a question of market values of milk.

Handlers seeking to purchase unregulated milk will naturally seek to secure it from the lowest price source from which milk acceptable to the health authorities is obtainable. In attempting to fix the rate of compensation payment it therefore becomes necessary to determine what this lowest cost source may be and to base the payment on the difference between such cost and the cost of milk priced under the order for Class I use. The record contains ample evidence that milk supplies are always much larger in the spring and summer than in the fall and winter months and that because of the pattern of fluid milk sales which are fairly uniform throughout the year this excess production must be marketed through surplus outlets. These outlets represent the opportunity cost of the milk, i. e. the highest price at which the milk can otherwise be sold. It is the value of such milk which would be effective in determining the price at

which unregulated plants would be willing to sell milk. The selling price of the unregulated handler would be expected to be the price which he could obtain for the milk were it disposed of in surplus uses.

Since a considerable volume of Grade A milk must be disposed of as surplus in the various unregulated plants it is evident that plants regulated under the Sioux City milk order could obtain milk acceptable to the local health authorities at a value approximately equal to the value of surplus milk. Accordingly, the true value of this milk is not the weighted average price paid to producers but the price which can be obtained for it when it is disposed of as surplus milk. During the months of March, April, May, June and July surplus milk is likely to be available to Sioux City handlers from unregulated source in substantial volume. During such period the compensation payment on other source milk used in Class I should be based on the difference between minimum prices of producer milk disposed of as surplus and the applicable price for Class I milk under the Sioux City milk order. The Class II price established by the recommended order is a fair economic measure of the value of milk put to surplus uses whether received from producers at regulated plants or received from other dairy farmers at unregulated plants. In determining the rate of payment on other source milk, both the Class I and the surplus values must relate to and be fixed as of the point at which the milk is received from farmers at the receiving plant so as to be comparable with the minimum prices established by the order which apply to producer milk at that market level. No allowance should be made for subsequent handling charges or profits in this farm level comparison between the prices of regulated and unregulated milk since the handling charges and the profits attach at the various stages of marketing subsequent to the point at which minimum class prices refer and are in no way regulated by the order with respect to pool milk. Neither the act nor the order contemplate or authorize the regulation of subsequent handling charges or provide for the establishment of uniform resale prices between handlers whether the milk be subject to regulation or not.

During the remainder of the year when milk is in much shorter supply it must be concluded that other source milk will not be available to Sioux City handlers at surplus prices. The compensation payment during this period should be based on the difference between the Class I price and the weighted average of the prices paid producers. The record evidence indicates that generally during this period the supply of producer milk available to Sioux City handlers in relation to the demand for such milk will tend to fluctuate with conditions in the general area from which other source milk is available to Sioux City. Thus a compensation payment based on the difference between the Class I price and the weighted average of the prices paid producers will adjust itself automatically with trends in the price of and the need for outside supplies. Whenever supplies of producer milk are relatively plentiful the rate of payment will tend to increase. On the other hand when milk supplies in the area tend to be short other source milk will cost handlers somewhat more than the surplus price and the rate of the compensation payment will be correspondingly less. During any delivery period in which producer milk is entirely utilized in Class I no compensation payment is required.

At any time that a compensation payment would be required there will always be some producer milk which is not being used for Class I purposes and which therefore may be obtained for such use by a handler who needs it. Under these conditions if a handler purchases other source milk to which a compensation payment applies he obviously will do so only because the cost to him of using other source milk, including the compensation payment levied thereon, will be less, or at least no greater, than the price which he would be required to pay for producer milk.

It is concluded therefore that the rate of compensation payment applicable at any time should be a single rate (that is either the difference between the Class I price and the Class II price or the difference between the Class I price and the weighted average of the prices paid producers during the month) and such rate should be that which is applicable to the cheapest other source milk believed to be available to handlers at that time. This must be the standard used in determining the compensation payment because if milk is available on more advantageous terms than those applicable to producer milk an incentive will be afforded for seeking out available supplies of other source milk which may be obtainable at the greatest possible advantage over producer milk, thus leading to disorderly and chaotic marketing conditions and otherwise defeating the purposes of the order.

Use of the compensation payment which reflects the cost of the cheapest milk that may be expected to be available removes any advantage to individual handlers relative to others in obtaining cheap other source milk and substituting it for producer milk in Class I uses as far as it is administratively possible to do so and no handler is given an opportunity to gain an unfair advantage which otherwise might exist. Although this unfair advantage of obtaining cheap other source milk is removed by the particular rate of payment provided herein, nevertheless, if other source milk is to be purchased the incentive to purchase the cheapest other source milk available remains since the lower the price the handler pays for other source milk the lower will be his total cost for all milk. The measure of the compensation payment is objective and does not depend upon the particular price which the handler is required to pay for other source milk. The purpose of the compensation payment is to remove any disparity that exists between producer milk and other source milk at the marketing level where the milk is received from farmers. The marketing order makes no effort to equalize or fix handling costs or profits on either producer milk or other source milk subsequent to its initial point of receipt from farmers. It must be expected, therefore, that some producer milk will be less expensive than other producer milk when sold between regulated handlers and that some other source milk may be more or less expensive than producer milk at some later marketing stage even though the compensatory payment may have removed the disparity between other source milk and producer milk at the farm level of marketing.

It is concluded, therefore, that the compensation payments provided herein are not only incidental but necessary to sustain the classification and pricing of milk according to its use in the market and the rates of payment specified are those which are necessary and appropriate to accomplish this objective.

The evidence in the record indicates that the rate of payment recommended herein will equalize the comparative position of priced and unpriced milk and will eliminate the likelihood of displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers during the fall and winter months at lower prices than those anticipated, it will be necessary to reconsider the rate of compensation payment on the basis of experience. If experience should prove that pool handlers find it to their advantage to curtail purchases of producer milk in order to enable them to sell other source milk in the market at any time then the rate of the compensation payment would need to be reexamined on the basis of such evidence.

In addition to the other source milk which might enter the market through approved plants, some other source milk might be distributed within the marketing area directly on routes from unregulated plants. The compensation charge applicable to such other source milk distributed in the area from unregulated plants should be the same as that applicable to other source milk distributed through regulated plants as discussed above. It would not be possible to stabilize the classified pricing program and permit milk to be distributed in the marketing area from unregulated plants without some regulation of the prices paid by such plants for milk. Such milk must be classified and priced the same through the classified pricing program as other source milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from unregulated plants have the same opportunity to buy milk at the opportunity cost level as do the operators of regulated plants who purchase other source milk. In addition the operator of such an unregulated plant in all probability has surplus milk in his own plant which he would be desirous of disposing of on any basis that would yield a higher return than its surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments, and other

large purchasers. With surplus outlets as the alternative and no compensation payment to make, the unregulated plant would have considerable incentive or margin to underbid the seller of priced milk for such sales. An unregulated plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on wholesale or retail routes to homes and stores in the marketing area. To allow an unregulated plant to use its surplus milk in this manner to establish a regular trade in the marketing area without compensation payments would mean that such a plant would have a marked competitive advantage over regulated handlers selling priced milk. Such a situation could lead to disorderly marketing conditions.

It is considered inappropriate also that a plant disposing of only a small share of its milk in the marketing area should be subject to full regulation because of the small share of its milk so distributed. Such regulation might place a plant of this kind at a competitive disadvantage with respect to its unregulated competition. In some cases the unregulated plant may be disposing of a larger proportion of its milk as Class I than the average utilization for the market. In such cases the compensation payment provided herein might cost the handler less than the equalization payment such plant would be required to pay if fully regulated by the order. In these instances the sale of small quantities of milk in the marketing area would be more likely to take place by the use of compensation payments rather than by extending full regulation to such plants.

The rate of compensation provided for unregulated plants making distribution directly in the marketing area is the same as that for regulated plants which obtain and use other source milk as Class I. The administrative feasibility of any other method of levying compensation payments in such instances is essentially the same as that described above in the case of other source milk distributed in the marketing area through regulated plants.

No compensation payment should be required on milk classified and priced under another Federal marketing order. The minimum prices for Class I milk under other Federal orders from which supplementary supplies might be obtained or from which Class I milk might be distributed on routes in the marketing area approximate the prices proposed herein when allowance is made for the location of such plants and the transportation costs that would be involved. Since handlers under other Federal orders must pay for milk on a classified pricing plan they would not be in a position to unload surplus milk in the Sioux City market. If supplies should become available from other regulated markets at lesser prices, it would become necessary to reexamine the price situation both in Sioux City and in the other market and to give further consideration to compensation payments on milk from other federally regulated markets.

While the primary purpose of compensation payments is to remove any competitive advantage to unregulated milk rather than to insure an income to producers, there, nevertheless, is justification for adding such money to the producers-settlement fund. It is the purpose of the order to insure a sufficient and dependable supply of quality milk for the Class I needs for the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unregulated plants producers will lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated by the order would not be realized by producers. As a result production might suffer in which case the consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have assumed the obligation of seeing to it that the market is supplied by regular producers. Thus there is a justification for returning to producers the difference between the value for such milk at its opportunity cost which would otherwise be its value to the seller and the Class I price. This would tend to offset losses sustained by producers when their milk is forced into a lower priced use. No compensation payment is required when all producer milk is allocated to Class I. Furthermore, the act does not provide an alternative disposition for funds from compensation payments other than that recommended herein.

If producers are to develop and maintain sources of supply as contemplated by the price established under the order, they must have some assurance that their milk can be marketed through the Class I outlets which are available. This payment is not designed, however, for the purpose of excluding from the market or of assuring any particular group of producers that they alone will be permitted to supply the market. Any plant which elects to do so is eligible to meet the standards provided by the order and qualify as a pool plant fully subject to its regulations and assume the responsibility of serving the market. The payment is not designed to enable the market to maintain prices higher than necessary to assure an adequate supply of wholesome milk. Any one handling Grade A milk may meet the qualifications for inclusion in the market-wide pool and if prices are higher than necessary it is to be expected that additional production from both old and new producers would expand supplies beyond the level required by the market.

There remains the question as to who should be obligated to make the compensation payment. In the case of handlers who distribute milk directly in the marketing area from unapproved plants, only one plant would be involved. In the case of supplementary supplies obtained by approved plants from other sources either the buying or the selling plant might be assessed. From the standpoint of the economics involved it would make no difference since the amount of the payment would be identical in either case. If the selling plant were required to make the payment it would be essential for such plant to bill the purchaser at a rate which would include the compensation payment. If the purchasing handler were to make the payment the purchase price would be less but the actual cost of the milk would be the same as a result of the compensation payment.

From the standpoint of administration and enforcement it would be much easier and much simpler for an approved plant to make the payment. It is the operator of the approved plant with whom the market administrator regularly deals. Such person can be expected to know and understand the provisions of the order. He is the person who is responsible for distributing the milk within the regulated market. Whether or not a compensation payment is applicable will depend entirely upon the application of the allocation provisions of the order in the approved plant.

The seller on the other hand would not be expected to be familiar with the terms and provisions of the order. He would not be aware until later whether a compensation payment would be required and might not know at the time the sale was made, especially if the sale were arranged through a broker or other third party, whether the milk would be moved to a regulated market for disposition or whether it would be utilized in Class I. If enforcement action became necessary it would be much more convenient and logical to bring the case to trial in the area of the regulated market where the problem arose.

A finding has been made above that compensation payments are necessary to support and preserve the integrity of the classified pricing system. It is also determined that such payment will not prohibit the marketing of milk nor limit the marketing of milk products from any production area in the United States. The value which is assigned to unregulated milk in calculating the compensation payment is the same as the value at the class prices which would be calculated under the order for milk received from producers at any regulated plant. The rate of compensation payment is equal as among all handlers for similar transactions.

The quantity of milk and milk products which may be sold in any market depends in part upon the class prices fixed by the order for the particular class of utilization. Such influence should not be construed, however, as a limitation in the sense intended under the act. No price can be fixed without influencing in some degree the quantities of milk and milk products which may be sold from either regulated or unregulated sources. The compensation payment provided herein will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to the relationships between regulated and unregulated milk.

The compensation payment herein provided has for its primary purpose the elimination of economic incentives for handlers to use unpriced milk from other sources to displace producer milk in Class I outlets. The rate of payment found to be appropriate for this purpose is one which recognizes general competi-

tive conditions in the sale of both regulated and unregulated milk and the same rate of payment applies to all handlers.

It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to each individual circumstance or transaction. Such an individual approach would not be feasible either administratively or economically. Compensation payments must therefore, be applied at a definite and specific rate applicable to all handlers similarily situated. No single rate of payment, however, can be determined which would result in complete equality of cost to all handlers. Consequently, there will undoubtedly arise situations which will appear to indicate that the objectives of the compensation payment are not being achieved in a particular case. In such instances the payments required may sometimes seem harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible and that at the same time will guarantee the integrity of the regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Transactions in the marketing of milk are entirely at the option of the individual handler. He is free to complete only those transactions which are advantageous to himself. The provisions of the order recognizes this fact. They must recognize also that the various conditions under which transaction in milk occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise they must be resolved in favor of maintaining the integrity of the regulation. Otherwise the advantage may go to unregulated milk and to distributors and farmers who are not required to abide by any rules and procedures of price making.

6. *Administrative assessment on other source milk.* The assessment to defray the cost of administering the order should be levied on other source milk utilized in Class I. At the present time all costs of administering the order are assessed against producer milk. The market administrator, however, in applying the provisions of the order is required to verify the utilization of all milk received at approved plants. Consequently, other source milk received by regulated handlers should bear its proportionate share of the cost of administering the order. Unless such milk is assessed its share of the cost, handlers who do not receive such milk would be bearing an excessive proportion of the total expense of administering the order.

With respect to unapproved plants which do not receive producer milk but which may distribute Class I milk in the marketing area, the administrative assessment should be levied against the Class I milk disposed of within the marketing area. Under the provisions of the order the market administrator is required to verify the disposition of Class I milk within the marketing area for purposes of determining the amount of compensation payment to be charged against such milk. It is reasonable therefore, that the handler disposing of such milk be required to bear a proportionate share of the cost of administering the order.

In the case of handlers subject to other milk marketing orders who may dispose of milk within the Sioux City marketing area, it appears that it would be unnecessary to levy the administrative assessment with respect to sales within the marketing area. Such handlers are already subject to audit under other marketing orders. It appears reasonable that the market administrator would rely on the auditing made in the other marketing area to determine the quantity of milk disposed of within Sioux City marketing area.

7. *Other administrative provisions.* The date for filing the delivery period reports by handlers should be changed from the 5th day of the month to the 6th day of the month. Handlers testified that at the present time they are frequently unable to complete their reports and file them with the market administrator within the 5 days alloted by the order. This is particularly true when weekends or holidays fall within the first 5 days of the month. Producers voiced an objection to any change in the date in making payments to producers. The testimony on the record indicates that a change from the 5th to the 6th in the filing of reports would still provide ample time for the market administrator to compute and announce the uniform price by the 8th day of the delivery period. Therefore, it would be unnecessary to make any change in the dates handlers are required to make payments to producers. Although handlers originally proposed that the date for filing reports be extended to the 7th of the month, they indicated that they would be able to file them by the 6th.

The powers of the market administrator as enumerated in the order should be broadened to include the power to make rules and regulations to effectuate its terms and provisions and to recommend amendments to the Secretary. These powers are specifically conferred upon the market administrator by the act. It appears reasonable that they should be set forth in the order.

No proposals were made and no testimony offered in support of any substantive changes in the provisions of the order other than those specifically discussed in preceding paragraphs. Accordingly, except for changes in context necessitated by the adoption of the amendments discussed above, the remaining provisions of the order should be continued in their present form.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

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

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the producers association and handlers in the market. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs 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 are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 948.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed., 601 et seq.).

§ 948.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 948.3 *Sioux City, Iowa, marketing area.* "Sioux City, Iowa, marketing area," hereinafter called "marketing area" means the territory within the corporate limits of Sioux City, Iowa; South Sioux City, Nebraska; Stevens, South Dakota; and the territory within the following townships or precincts: Woodbury and Concord in Woodbury County, Iowa; Hancock, Perry, and Hungerford in Plymouth County, Iowa; Big Sioux and Jefferson in Union County, South Dakota; and Dakota and Covington in Dakota County, Nebraska.

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

§ 948.5 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces, under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area. Grade A milk which is received at a pool plant or by a cooperative association in its capacity as a handler.

§ 948.6 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant, (b) any other person in his capacity as the operator of a non-pool plant from which Class I milk is disposed of in the marketing area, and (c) a cooperative association with respect to producer milk diverted by it from a pool plant to a non-pool plant for the account of such cooperative association, and milk so diverted shall be deemed to have been received by the cooperative association at a pool plant.

§ 948.7 *Pool plant.* "Pool plant" means any milk processing plant during any delivery period in which skim milk and butterfat, in an amount equal to 20 percent or more of such plant's receipts from dairy farmers who meet the specifications (other than delivery to a pool plant) set forth in § 948.5, are disposed of as Class I milk within the marketing area under a Grade A permit issued by any municipal or state health authority having jurisdiction in the marketing area.

§ 948.9 *Non-pool plant.* "Non-pool plant" means any milk processing plant other than a pool plant.

§ 948.10 *Cooperative association.* "Cooperative Association" means any cooperative association of producers which the Secretary determines (a) has its entire activities under the control of its members, and (b) has and is exercising full authority in the sale of milk of its members.

§ 948.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§948.12 *Producer milk.* "Producer milk" means any skim milk or butterfat produced by a producer, other than a producer-handler, which is received by a handler either directly from producers or from other handlers.

§ 948.13 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk.

§ 918.14 *Market administrator.* "Market administrator" means the agency which is described in § 948.20 for the administration of this part.

§ 948.15 *Delivery period.* "Delivery period" means the calendar month, or the portion thereof during which the provisions of this part are in effect.

§ 948.16 *Butter price.* "Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

MARKET ADMINISTRATOR

§ 948.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 948.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violations of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

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

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 948.72 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to § 948.30, or (2) made payments pursuant to §§ 948.65 and 948.69;

(e) Promptly verify the information contained in the reports submitted by handlers pursuant to § 948.30; and

(f) Publicly announce by such means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 3d day after the end of each delivery period the minimum class prices, computed pursuant to § 948.51, and the butterfat differential computed pursuant to § 948.66, and

(2) On or before the 8th day after the end of each delivery period the uniform price computed pursuant to § 948.61.

REPORTS, RECORDS, AND FACILITIES

§ 948.30 *Delivery period report of receipts and utilization.* On or before the 6th day after the end of each delivery period each handler, who operates a pool plant, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in producer milk, including milk of his own production, and other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler) received during the delivery period;

(b) The quantities of skim milk and butterfat contained in opening and closing inventories;

(c) The utilization of all skim milk and butterfat reported pursuant to paragraphs (a) and (b) of this section; and

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

§ 948.31 *Mid-delivery period reports.* On or before the 20th day of each delivery period each handler who operates a pool plant shall report to the market administrator the pounds of milk received by him from each producer or cooperative association during the first 15 days of the delivery period.

§ 948.32 *Reports of other handlers.* Each producer-handler and each handler who operates a non-pool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 948.33 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period each handler who purchases or receives milk from producers shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer and cooperative association:

(a) The total pounds of milk received and the average butterfat content thereof;

(b) The price, amount, and date of payment made pursuant to § 948.65; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 948.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form, of all skim milk and butterfat required to be reported pursuant to § 948.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 948.35 *Retention of records.* All books and records required under this subpart to be made available to the mar-

ket administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with the proceeding under section 8c (15) (A) of the act or the 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. In either case 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 OF MILK

§ 948.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products required to be reported pursuant to § 948.30 which, during the delivery period, were received by a handler at a pool plant or caused by a cooperative association to be diverted to a non-pool plant shall be classified by the market administrator in the classes set forth in § 948.41.

§ 948.41 *Classes of utilization.* Subject to the conditions set forth in §§ 948.43, 948.44, and 948.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks, cream, either sweet or sour (including any mixture of skim milk and butterfat containing more than 6 percent butterfat except mixes for frozen desserts and ice cream), areated cream and eggnog and (2) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used for animal feed, (2) used to produce any milk product not specified in paragraph (a) of this section, (3) in actual plant shrinkage up to, but not in excess of, 2 percent of the total receipts of skim milk or butterfat in producer milk, and (4) in actual plant shrinkage of other source milk.

§ 948.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler, and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and (2) other source milk.

§ 948.43 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association from a pool plant to a pool plant of another handler who receives milk from producers or from a cooperative association shall be Class I if transferred in the form of milk, skim milk or cream: *Provided*, That if the selling handler, on or before the 6th day after the end of the delivery period during which the transfer was made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, such skim milk or butterfat may be assigned to Class II up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk.

(b) Skim milk and butterfat when transferred or diverted by a handler, including a cooperative association which is a handler, to the plant of a nonhandler shall be Class I if in the form of milk, skim milk, or cream, unless the transferring or diverting handler reports that such skim milk or butterfat was used in Class II: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk, or cream shall be classified as Class I: *Provided further*, That if upon audit of such buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I.

(c) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler or to a handler who receives no milk from producers or associations of producers shall be Class I if transferred or diverted in the form of milk, skim milk or cream;

(d) Skim milk and butterfat received by a handler in the form of other source milk shall be classified in the lowest priced class in which such handler has use.

§ 948.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in §948.41, the burden rests upon the handler who received such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if verification discloses that the original classification was incorrect.

§ 948.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler who operates a pool plant and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 948.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 948.45, the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers in the following manner.

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That, if the pounds of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from Class I;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other pool plants in accordance with its classification as determined pursuant to § 948.43 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 948.50 *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant and Location of Plant

Amboy Milk Products Company, Amboy, Ill.
Borden Company, Dixon, Ill.
Borden Company, Sterling, Ill.
Carnation Company, Northfield, Minn.
Carnation Company, Morrison, Ill.
Carnation Company, Oregon, Ill.
Carnation Company, Waverly, Iowa.
Dean Milk Company, Pecatonica, Ill.
Fort Dodge Creamery Company, Fort Dodge, Iowa.
Pet Milk Company, Shullsburg, Wis.
United Milk Products Company, Argo Bay, Ill.

(b) The price computed pursuant to § 948.51 (b) for the preceding delivery period for Class II milk containing 3.5 percent butterfat plus 15 cents.

§ 948.51 *Class prices.* Subject to the provisions of § 948.52 the minimum prices per hundredweight to be paid by each handler for milk received by him from producers or from a cooperative association during the delivery period shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to § 948.50, plus $1.40.

(1) The price per hundredweight of butterfat in Class I shall be computed by adding $28.00 to the price computed pursuant to paragraph (b) (1) of this section for the preceding delivery period.

(2) The price per hundredweight of skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for Class I milk containing 3.5 percent butterfat, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.5 percent butterfat shall be that computed by multiplying by 3.5 the price computed pursuant to subparagraph (1) (iii) of this paragraph and adding thereto the amount computed pursuant to subparagraph (2) (i) of this paragraph.

(1) The price per hundredweight of butterfat in Class II milk shall be computed by (i) multiplying the butter price by 1.25, (ii) subtracting 8 cents, (iii) adjusting to the nearest cent, and (iv) multiplying the result by 100.

(2) The price per hundredweight of skim milk in Class II shall be computed by (i) adding to 17 cents, 3 cents for each full one-half cent that the price of non-fat dry milk solids is above 7 cents per pound, (ii) dividing the resulting sum by 0.965, and (iii) adjusting to the nearest cent. The price per pound of non-fat dry milk solids to be used shall be the simple average of carlot prices for non-fat dry milk solids for human consumption, both spray and roller process, delivered at Chicago as reported by the United States Department of Agriculture during the delivery period. In the event the Department does not publish carlot prices for non-fat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 948.52 *Emergency price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 948.55 *Producer-handlers.* Sections 948.40 to 948.46, 948.50 to 948.52, 948.60 to 948.62 and 948.65 to 948.72, shall not apply to a producer-handler.

§ 948.56 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with § 948.34.

§ 948.57 *Other source milk in Class I.* (a) If any handler who operates a non-pool plant, has disposed of skim milk or butterfat as Class I milk under a Grade A label on routes within the marketing area, he shall make payment to the producer-settlement fund of an amount computed by the market administrator as follows: (1) During the months of March through July, both inclusive, multiply the hundredweight of such skim milk or butterfat by the difference between the Class I and Class II prices for skim milk or butterfat, (2) During all other months of the year, multiply the hundredweight of such skim milk or butterfat by the difference between the Class I price and the weighted average value of the skim milk or butterfat received from producers by all handlers during the delivery period.

(b) If any handler who operates a pool plant has disposed of skim milk or butterfat in other source milk which has been allocated to Class I pursuant to § 948.46 (a) (2), he shall make payment to the producer-settlement fund of an amount computed by the market administrator as follows: (1) During the months of March through July, both inclusive, multiply the hundredweight of such skim milk or butterfat by the difference between the Class I and Class II prices for skim milk or butterfat. (2) During all other months of the year, multiply the hundredweight of such skim milk or butterfat by the difference between the Class I price and the weighted average value of the skim milk or butterfat received from producers by all handlers during the delivery period.

DETERMINATION OF UNIFORM PRICE

§ 948.60 *Computation of the value of milk received from producers.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 948.46 by the applicable class prices, adding together the resulting amounts and adding any amount computed for such handler pursuant to § 948.57 (b) or paragraph (a) of this section.

(a) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 948.61 *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 948.60 for all handlers who filed the reports prescribed by § 948.30 and who made the payments pursuant to §§ 948.65 and 948.69 for the preceding delivery period;

(b) Subtract for each of the delivery periods of April, May, and June an amount equal to 8 percent of the resulting sum, such amount to be retained in the producer-settlement fund for the purpose specified in § 948.70 (b) and (c);

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk included in these computations is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount, by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 948.66 and multiplying the result by the total hundredweight of milk included in these computations;

(e) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handler. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 948.62 *Notification of handlers.* On or before the 9th day after each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 948.46 and 948.60;

(b) The uniform price computed pursuant to § 948.61;

(c) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 948.65, 948.69 and 948.72.

PAYMENTS

§ 948.65 *Time and method of payment.* Each handler who operates a pool plant shall make payment for milk received during the delivery period as follows:

(a) *Final payment.* On or before the 12th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered to such handler or by a cooperative association at not less than the uniform price computed in accordance with § 948.61, subject to the butterfat differential computed pursuant to § 948.66 and less the

amount of the payment made to such producer pursuant to paragraph (b) (1) of this section.

(2) To a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association collects payment, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(b) *Mid-delivery period payment.* On or before the 27th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered to such handler by a cooperative association an amount computed by multiplying the hundredweight of milk received by such handler from such producer during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

(2) To a cooperative association for milk which it caused to be delivered to such handler from producers and for which such cooperative association collects payment an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

§ 948.66 *Butterfat differential to producers.* If, during the delivery period, any handler has received from any producer or from a cooperative association, milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in § 948.65 shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: add 20 percent to the butter price, divide the resulting sum by 10, and adjust to the nearest cent.

§ 948.67 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 948.65, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 948.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 948.57, 948.69, and 948.71, and out of which he shall make all payments to handlers and producers pursuant to §§ 948.70 and 948.71: *Provided,* That the market administrator shall offset any payment due to any handler against payments due from such handler: *And provided further,* That the amount received pursuant to § 948.61 (b) shall be expended only as provided in § 948.70 (b) and (c).

§ 948.69 *Payments to the producer-settlement fund.* On or before the tenth day after the end of each delivery period, (a) each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 948.60 for such delivery period is greater than the sum required to be paid by such handler pursuant to § 948.65, and (b) each handler who operates a nonpool plant from which Class I milk is distributed on routes in the marketing area shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 948.57 (a).

§ 948.70 *Payments out of the producer-settlement fund.* (a) On or before the 11th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers the amount, if any, by which the sum required to be paid producers by such handler pursuant to § 948.65 is greater than the total value computed for him pursuant to § 948.60.

(b) On or before the 12th day after the end of each of the delivery periods of September, October, and November the market administrator shall, except as provided in paragraph (c) of this section, pay to each producer from whom milk was received by a handler during such delivery period an amount computed as follows: Divide one-third of the amount held pursuant to § 948.61 (b) by the total hundredweight of milk received from producers by handlers during the delivery period involved (September, October, and November, as above) and multiply the resulting rate, computed to the nearest full cent per hundredweight, by the milk received from each producer during such delivery period.

(c) On or before the 10th day after the end of each of the delivery periods of September, October, and November the market administrator shall pay to a cooperative association for milk which it causes to be delivered to a handler from producers, and for which such cooperative association collects payments, an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraph (b) of this section.

§ 948.71 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 948.69, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 948.70 (a), the market administrator shall, within 5 days, make such payment to such handler.

§ 948.72 *Expense of administration.* As his prorata share of the expense of administration hereof, each handler who operates a pool plant shall pay to the market administrator on or before the 10th day after the end of the delivery period, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the delivery period of milk from producers or cooperative associations and with respect to all other source milk which is classified as Class I. Each handler who operates a nonpool plant from which Class I milk is distributed on routes in the market area shall make such payment with respect to all Class I milk disposed of within the marketing area.

§ 948.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on 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 associations of producers, or if the account 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 order, to make available to the market administrator or his representative all books and records required by this order 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 calendar month following the month during which all 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 part to pay money shall not be terminated with respect to any obligation 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

part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar 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

§ 948.80 *Effective time.* The provisions of this part or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 948.81.

§ 948.81 *Suspension or termination.* Any or all of the provisions of this part or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 948.82 *Continuing power and duty.* (a) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 948.83 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or liquidation. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 948.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Filed at Washington, D. C., this 6th day of May 1954.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 54-3499; Filed, May 11, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11020; FCC 54-588]

RADIO BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 3—Radio Broadcast Services of the Commission's rules and regulations, and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; Docket No. 11020.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has reviewed the provisions of Part 3 of its rules and regulations relating to Radio Broadcast Services and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations in order to bring them up-to-date and where appropriate to shift some of the provisions of the Standards to the rules. The study has resulted in certain proposed rule changes which are set out below. Following is a summary of the proposed changes and the reasons therefor:

A. Section 2B of the Standards deals with field intensity measurements to establish performance of directional antennae. It is proposed to remove section 2B from the Standards and to incorporate its provisions in the rules (§ 3.151). In this connection it is proposed that photographs of monitoring points be submitted as an aid to their future identification both by the licensee and the Commission. It is also proposed to specify the various directions in which measurements are to be made.

B. When field intensity measurements are taken for presentation in hearings before the Commission, section 2C of the Standards requires that detailed reports on the measurements of the antenna resistance shall also be presented if the station is owned by the party on whose behalf the measurements are made. The submission of such data has been found to be burdensome and unnecessary. Accordingly, it is proposed to eliminate the requirement. It is also proposed to remove section 2C from the Standards and to incorporate its provisions in the rules (§ 3.152) as it is believed that the provisions of this section which deals with field intensity measurements in support of applications should be a part of the rules.

C. Section 8 of the Standards deals with the power rating of vacuum tubes and section 9 sets forth the requirements for approval of power rating of vacuum tubes. Since vacuum tube ratings are established by the manufacturers and since transmitters, including the associated vacuum tubes, are type accepted by the Commission, it would appear that sections 8 and 9 could be deleted and it is so proposed; this proposal also requires changes to be made with respect to §§ 3.42 and 3.52.

D. Sections 21, 22, and 23 of the AM Standards and sections 16, 17 and 18 of the FM Standards consist of lists of approved equipment. These sections are not now up-to-date and is not believed to be administratively desirable to periodically amend the Standards in order to keep these particular sections current. Accordingly, it is proposed to delete these sections of the Standards and to add a footnote to the applicable sections of the rules to the effect that a list of type accepted equipment is available at the Washington and field offices of the Commission.

E. Section 3.54 deals with direct measurement of operating power and refers in a footnote to section 7 of the Standards. For the sake of compactness and convenience, it is proposed to delete section 7 of the Standards and include in § 3.54 the appropriate parts of section 7 of the Standards, and to make editorial changes in the allied § 3.51.

F. Section 3.53 deals with the application of efficiency factors in determining power by the indirect method and refers to section 10 of the Standards. Since stations now determine power by the direct method, except in case of emergency, it is proposed to delete these sections.

G. Section 3 of the Standards sets forth the data required with applications involving directional antenna systems. It is believed that this section should more appropriately appear in the rules, and accordingly, such a shift is proposed (§ 3.150). It is also proposed to require the submission of graphs indicating the calculated field intensity for all azimuths for each five degrees elevation up to and including 60 degrees instead of the presently required vertical patterns.

H. Section 20 of the AM Standards relates to the use of frequency and modulation monitors at auxiliary transmitters. It is proposed to shift this section also into the rules, (§ 3.153) and to make editorial changes in § 3.63.

I. The second paragraph appearing after Table V in section 1 of the AM Standards deals with the minimum separation of stations. It is believed that this paragraph should more appropriately appear in the rules, (§ 3.37) and accordingly, such a shift is proposed together with editorial changes to clarify its meaning.

J. Paragraph (b) (4) (iv) of § 3.181 requires that an entry be made in the station operating log of the temperature of the crystal control chamber if a thermometer is used. Since the requirement is applicable only when a thermometer is used and there is no requirement that a thermometer be used, it is believed that this requirement can be deleted from the rules.

K. Paragraph D (2) of section 12 of the AM Standards and paragraph D (2) of section 8 of the FM Standards requires that suitable facilities for the welfare and comfort shall be provided for the operator on duty at the transmitter. As we have previously amended our rules to provide for remote control of transmitter it is proposed to amend these sections so as to provide for comfort facilities at the place where the transmitter is controlled.

L. Section 14 of the AM Standards and section 13 of the FM Standards set forth requirements for type approval of transmitters. It is proposed to no longer require type approval, instead transmitters including TV transmitters will be accepted for licensing by the Commission. Type Acceptance is a form of approval given by the Commission which is based on the examination of certified test data submitted by the manufacturer or licensee of the transmitter. The general matter of type acceptance is the subject of proposed rule making in Docket No. 10798. The proposed change to Type Acceptance would also result in a much lower fee to be charged than if a type approval fee were to be charged. The matter of fees is the subject of rule making in Docket No. 10869. Therefore it is proposed to delete section 14 of the AM Standards and section 13 of the FM Standards. It is further proposed to add to part 3 new sections (§§ 3.48, 3.250, 3.550 and 3.640) dealing with acceptability of transmitters for licensing.

3. Authority to issue the proposals herein is vested in the Commission by sections 4 (i), 301, 303 (e), 303 (r), and 308 (b) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 7, 1954, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 5, 1954.

Released: May 6, 1954.

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

I. It is proposed to delete from the parenthetical expression at the end of paragraph (a) of § 3.28 the expression "Sec. C".

II. It is proposed to add a new § 3.37 to read as follows:

§ 3.37 *Minimum separation between stations.* A license will not be granted for the operation of a station on a frequency of ±30 kc from that of another station, if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency of ±20 kc or ±10 kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

III. It is proposed to amend § 3.42 by deleting paragraphs (a), (b) and (c).

IV. It is proposed to add a new section to read as follows:

§ 3.48 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one or more of the following conditions.

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2[1] of this subchapter, provided the data and information submitted indicates that the transmitter meets the requirements of section 12 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Applicants, specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified: *Provided*, That the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

(2) A transmitter not included on the Radio Equipment List, Part B may be accepted for licensing conditionally upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations.

(3) A transmitter listed on an instrument of authorization by manufacture and type number or as a composite and which was in use prior to (effective date of this section) may continue to be used by the licensee, his successors or assignees in business provided such transmitter continues to comply with the rules and regulations.

(4) Measurements made in accordance with § 3.47 on transmitters conditionally accepted in accordance with subparagraph (2) of this paragraph shall be submitted with the license application to indicate that the transmitter complies with the requirements of section 12 of the Standards of Good Engineering Practice concerning Standard Broadcast Stations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2[1] of this subchapter.

V. It is proposed to amend § 3.51 to read as follows:

§ 3.51 *Operating power; how determined.* (a) Except as provided in paragraph (b) of this section, the operating power shall be determined by the direct method (the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency).

(b) Operating power shall be determined on a temporary basis by the indirect method (plate input power to the last radio stage):

(1) In case of an emergency where the licensed antenna system has been damaged by causes beyond the control of the licensee (see § 3.45), or

(2) Pending completion of authorized changes in the antenna system, or

(3) If any change is made in the antenna system or any change made which may affect the antenna system. (See § 3.45.)

VI. It is proposed to amend § 3.52 to read as follows:

§ 3.52 *Operating power; indirect measurement.* (a) The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (*Ep*), the total plate current of the last radio stage (*Ip*), and the proper factor (*F*) given in paragraph (b) of this section: That is

$$\text{Operating power} = Ep \times Ip \times F$$

(b).

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.1-1.0 kw	B
0.80	Plate	5 kw and over	
0.35	Low level	0.1 kw and over	
0.65	Low level	0.1 kw and over	BO[1]
0.35	Grid	0.1 kw and over	

[1] The related rules of Part 2 are the subject of proposed rule making in Docket No. 10798.

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(c) In computing operating power by the indirect method, the factor in paragraph (b) of this section shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power.

VII. It is proposed to delete § 3.53.

VIII. It is proposed to amend § 3.54 to read as follows:

§ 3.54 *Operating power; direct measurement.* (a) Applications to determine the operating power by the direct method shall be made on FCC Form 302.

(b) The resistance variation method, substitution method and bridge method are acceptable methods of measuring the total antenna resistance.

(c) An accurate determination of the antenna resistance can only be made by taking a series of measurements each for a different frequency. From 10 to 12 resistance measurements covering a band 50 to 60 kc wide with the operating frequency near the middle of the band must be made to obtain data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency gives the value of the antenna resistance.

(d) Antenna resistance for a directional antenna system shall be measured at the point of common radio frequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero or as near thereto as practical.

(3) Suitable radio-frequency bridge or other method shall be employed to determine the resistance and reactance at the point of common radio frequency input in the same manner as set forth above in paragraph (b) of this section.

(4) Resistance and reactance measurements at approximately 5, 10, 15 and 20 kc on each side of the operating frequency shall be made. The values measured shall be plotted and the resistance at the operating frequency determined in the same manner as set forth in paragraph (c) of this section.

(5) A permanently installed antenna ammeter shall be placed in each element of the system as well as at the point of measurement of resistance.

(e) The license for a station of power of 5 kw or under which employs a directional antenna will specify the antenna resistance as 92.5 percent of that determined at the point of common input. The resistance specified for stations of a power over 5 kw will be 95 percent of that determined at the point of common input.

IX. It is proposed to amend § 3.56 by the addition of a footnote to paragraph (a) as follows:

[22] Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's Office in Washington, D. C., and at each of its field offices.

X. It is proposed to amend § 3.60 by the addition of a footnote to paragraph (a) as follows:

[22a] Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's office in Washington, D. C., and at each of its field offices.

XI. It is proposed to amend footnote 17 to § 3.63 by deleting the parenthetical expression at the end of the footnote.

XII. It is proposed to add new sections to read as follows:

§ 3.150 *Data required with applications for directional antenna systems.* The following engineering data shall be submitted with the application for authority to install a directional antenna:

(a) Complete description of the proposed system showing:

(1) Number of elements,

(2) Type of each element (i. e., guyed or self-supporting, uniform cross section or tapered (specify base width), grounded or insulated, etc.),

(3) Complete engineering details of top loading or sectionalizing, if any,

(4) Height of vertical lead of each element in feet (height above base insulator or base, if grounded),

(5) Overall height in feet of each element above ground,

(6) Details including sketches of ground system for each element (length and number of radials, dimensions of ground screen, if used, and depth buried) and outlines of property,

(7) Ratio of fields from elements (identifying elements).

(b) Calculated horizontal (ground) plane field intensity patterns for each mode of operation plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7" x 10") using only scale divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n}[22b] and showing:

(1) Inverse field intensity at 1 mile and effective field intensity (RMS),

(2) Direction true north shall be shown at zero azimuth.

(3) Direction and distance to each existing station with which interference may be involved.[22a]

(4) Orientation of array with respect to true north and time phasing of fields from elements (specify degrees leading [+] or lagging [−]) and space phasing of elements (identifying elements). (Space phasing should be given in feet as well as in degrees.)

(5) The exact location of all the minima in the pattern.

[22b] All directions shall be determined by accurate calculation or from Lambert Conformal Conic Projection Map such as United States Coast and Geodetic Survey Map, No. 3060a, or map of equal accuracy, and all distances shall be determined by accurate calculation or from United States Albers Equal Area Projection Map scale 1/2,500,000 or map of equal accuracy. These may be obtained from the United States Coast and Geodetic Survey and the United States Department of Interior, Geological Survey.

(c) Graphs, one for each 5 degrees of elevation, 5 through 60 degrees, indicating the calculated field intensity at that elevation for all azimuths. These may be plotted in polar or rectangular coordinates but shall be submitted one to a page. Minor lobe and null detail occurring between the 5 degree intervals need not be submitted.

(d) Data used in computing the patterns in paragraphs (b) and (c) of this section including:

(1) Formula used for calculating the horizontal patterns, sample calculations. (Derivation of formula if other than standard is used.)

(2) All assumptions made and basis therefor, including electrical height, current distribution and efficiency of each element, and ground conductivity.

(3) Complete tabulation of calculation data used in plotting patterns, including data for determination of r. m. s. value of pattern.

(e) Values of field intensity less than 10 percent of the effective field intensity of the patterns in paragraphs (b) and (c) of this section shown on an enlarged scale.

(f) In the event actual inverse distance field intensities expected to be determined in practice (that is, the values determined from actual measurements, particularly in sharp nulls) are different from the calculated values in paragraphs (b) and (c) of this section, the maximum expected operating values (MEOV) as well as the calculated values shall be shown on both the full patterns and the enlarged sections.

(g) Any additional information required by the application form.

§ 3.151 *Field Intensity measurements to establish performance of directional antennas.* In addition to the information required by the license application, the following showing must be submitted to indicate that the pattern(s) obtained is essentially the same as that predicted by the application and required by terms of the authorization, and that any specific requirements set out are fully met:

(a) Horizontal field intensity patterns for each power involved showing:

(1) Inverse field intensity at 1 mile and effective field intensity (RMS) as determined from field intensity measurements.

(2) Direction true north shall be shown at zero azimuth.

(3) Actual field intensity measured at each monitoring point established in the various directions for which a limiting field was specified in the instrument of authorization together with ordinary snapshots, clear and sharp, taken at each monitoring point, with the field intensity meter in its measuring position, and with the camera so located that its field takes in as many permanent landmarks as possible.

(4) Orientation of array with respect to true north, time (specify degrees leading [+] or lagging [−]) and space phasing of elements. (Space phasing in feet and degrees) and both calculated and measured parameters.

(b) Actual measured field intensity contours for 25, 10, and 5 mv/m and any other contours specified by the instru-

ment of authorization on a map having the largest practical scale.

(c) Complete tabulation of all data used in plotting the above patterns.

(d) Measurements taken and analyzed in accordance with section 2A of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations in at least the following directions:

(1) Those specified in the instrument of authorization.

(2) In all minor lobes and nulls not included in subparagraph (1) of this paragraph.

(3) In major lobes. Generally at least three radials are necessary to establish a major lobe; however, additional radials may be required.

(e) Patterns plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7'' x 10'') using divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n}[1a] (no other values shall be used).

(f) All values of field intensity less than 10 percent of the r. m. s. field intensity of the pattern shown on an enlarged scale.

§ 3.152 *Field intensity measurements in support of applications or evidence at hearings.* In the determination of interference, groundwave field intensity measurements will take precedence over theoretical values, provided such measurements are properly taken and presented. When measurements or groundwave signal intensity are presented, they shall be sufficiently complete, in accordance with section 2A of Standards of Good Engineering Practice Concerning Standard Broadcast Stations to determine the field intensity at 1 mile in the pertinent directions for that station.

§ 3.153 *Use of Frequency and Modulation Monitors at Auxiliary Broadcast Transmitters.* The following shall govern the installation of approved frequency and modulation monitors at auxiliary transmitters:

(a) In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved frequency monitor shall be installed at the auxiliary transmitter, except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter.

(b) Even though exempted by the above from installing an approved frequency monitor, the licensee will be held strictly responsible for any frequency deviation of the auxiliary transmitter in excess of 20 cycles from the assigned frequency. Furthermore, whenever the auxiliary transmitter is operated without a frequency monitor under this exemption, it shall be monitored by means of the frequency monitor at the main transmitter.

(c) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond 2 calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(d) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitor may be used for monitoring both transmitters, provided they are so arranged as to be switched readily from one transmitter to the other.

XIII. It is proposed to amend § 3.181 by deleting paragraph (b) (4) (iv).

XIV. It is proposed to amend § 3.252 by the addition to paragraph (a) of a footnote as follows:

[1a] Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's Office in Washington, D. C., and at each of its field offices.

XV. It is proposed to amend § 3.253 by the addition to paragraph (a) of a footnote as follows:

[1b] Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's Office in Washington, D. C., and at each of its field offices.

XVI. It is proposed to add a new section to read as follows:

§ 3.250 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one or more of the following conditions.

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2[1] of this subchapter, provided the data and information submitted indicates that the transmitter meets the requirements of section 8 of the Appendix to Subpart B. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Applicants, specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) A transmitter not included on the Radio Equipment List, Part B, may be accepted for licensing conditionally upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations.

(3) A transmitter listed on an instrument of authorization by manufacture and type number or as a composite and which was in use prior to (effective date of this section) may continue to be used by the licensee, his successors or assignees in business provided such transmitter continues to comply with the rules and regulations.

(4) Measurements made in accordance with § 3.254 on transmitters conditionally accepted in accordance with subparagraphs (1) or (2) of this paragraph shall be submitted with the license application to indicate that the transmitter complies with the requirements of section 8 of the Appendix to Subpart B.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2[1] of this subchapter.

XVII. It is proposed to amend § 3.254 by the deletion of the parenthetical expression "(Sections 8 and 13)" in paragraph (a).

XVIII. It is proposed to amend section 7–I of the Appendix to Subpart B of Part 3 to read as follows:

I. Information regarding data required in connection with standard broadcast directional antenna systems may be found in § 3.150 of this chapter.

XIX. It is proposed to amend paragraph D (2) of section 8 of the Appendix to Subpart B of Part 3 to read as follows:

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point.

XX. It is proposed to delete sections 13, 16, 17 and 18 of the Appendix to Subpart B of Part 3.

XXI. It is proposed to delete footnote 2 of section 8 of the Appendix to Subpart B.

XXII. It is proposed to add a new section to read as follows:

§ 3.550 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one or more of the following conditions.

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2[1] of this subchapter, provided the data and information submitted indicates that the transmitter meets the requirements of section 8 of the Appendix to Subpart B. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Applicants, specifying

[1] The related rules of Part 2 are the subject of proposed rule making in Docket No. 10798.

transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) A transmitter not included on the Radio Equipment List, Part B, may be accepted for licensing conditionally upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations.

(3) A transmitter listed on an instrument of authorization by manufacture and type number or as a composite and which was in use prior to (effective date of this section) may continue to be used by the licensee, his successors or assignees in business provided such transmitter continues to comply with the rules and regulations.

(4) Measurements on transmitters conditionally accepted in accordance with subparagraphs (1) or (2) of this paragraph shall be submitted with the license application to indicate that the transmitter complies with the requirements of section 8 of the Appendix to Subpart B.

(b) Additional rules with respect to withdrawal of type acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 [1] of this subchapter.

XXIII. It is proposed to amend § 3.552 by the addition to paragraph (a) of a footnote as follows:

[8a] Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's office in Washington, D. C., and at each of its field offices.

XXIV. It is proposed to amend § 3.553 by the addition to paragraph (a) of a footnote as follows:

[8b] Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment." Copies of this list are available at the Commission's office in Washington, D. C., and at each of its field offices.

XXV. It is proposed to add a new section to read as follows:

§ 3.640 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one or more of the following conditions.

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by the following type acceptance procedure set forth in Part 2 [1] of this subchapter, provided the data and information submitted indicates that the transmitter meets the requirements of § 3.687. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Applicants, specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) A transmitter not included on the Radio Equipment List, Part A, may be accepted for licensing conditionally upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations.

(3) A transmitter listed on an instrument of authorization by manufacture and type number or as a composite and which was in use prior to (effective date of this section) may continue to be used by the licensee, his successors or assignees in business provided such transmitter continues to comply with the rules and regulations.

(4) Measurements on transmitters conditionally accepted in accordance with subparagraphs (1) or (2) of this paragraph shall be submitted with the license application to indicate that the transmitter complies with the requirements of § 3.687.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 [1] of this subchapter.

XXVI. It is proposed to delete the second paragraph appearing after Table V in section I of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

XXVII. It is proposed to delete subsections B and C of section 2 and sections 3, 7, 8, 9, 10, 14, 20, 21, 22 and 23 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

XXVIII. It is proposed to amend paragraph D (2) of section 12 of the AM Standards to read as follows:

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point.

XXIX. It is proposed to amend § 3.41 by deleting the text proceeding the table and substituting the following:

§ 3.41 *Maximum rated carrier power; tolerances.* The maximum rated carrier power of a transmitter shall be an even power step as recognized by the Commission's plan of allocation (100 watts, 250 watts, 500 watts, 1 kw, 5 kw, 10 kw, 25 kw, 50 kw) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

[F. R. Doc. 54-3523; Filed, May 11, 1954; 8:52 a. m.]

[1] The related rules of Part 2 are the subject of proposed rule making in Docket No. 10798.

[47 CFR Parts 7, 8]

[Docket No. 11019; FCC 54-585]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules proposing specific availability date for frequencies in the band 2000–2850 kc; Docket No. 11019.

1. On February 10, 1954, the Commission adopted a report and order in Docket No. 10444 finalizing a plan of frequency assignment for all areas which would be used as the basis for carrying out the Maritime Mobile radiotelephone portions of the Geneva Agreement (1951) in the frequency bands between 2000 and 2850 kc. However, the effective dates of deletion of certain existing frequencies and availability of new frequencies were to be made the subject of later proceedings.

2. The rules presently provide that the frequencies 2482 kc (coast station frequency) and 2382 kc (ship station frequency) when made available at New York, N. Y., shall be subject to the condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of New Orleans, Louisiana, or to the service of any ship station which is within 300 nautical miles of New Orleans, Louisiana. The proposed amendments would not change the above condition. However, in order to inaugurate immediate use of the frequencies at New York, it is proposed to make them available with the temporary additional limitations that they be used on a day only basis (one hour after local sunrise and one hour before local sunset) and on condition that no harmful interference shall be caused to the police radio service by use of 2482 kc.

3. The proposed amendments as appear below are issued under the authority contained in sections 4 (i), 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission

on or before June 15, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments and briefs presented before taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 5, 1954.

Released: May 7, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 7.306 (b) is amended with respect to assignment of frequencies in the vicinity of New York, N. Y., by changing in the table of frequencies the item regarding the frequencies 2482 kc and 2382 kc to read as follows:

2482 [5]---- Available beginning June 15, 1954; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier is assigned for transmission.	2382 [5]---- Available beginning June 15, 1954.

and by adding a new footnote 5 to read as follows:

[5] Temporarily day only and on further condition that harmful interference is not caused to the Police Radio Service by use of 2482 kc.

2. Section 8.354 (a) (1) is amended with respect to assignment of frequencies in the vicinity of New York, N. Y. by changing in the table of frequencies the item regarding the frequencies 2382 kc and 2482 kc to read as follows:

2382 [5]---- Available beginning June 15, 1954; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2482 [5]---- Available beginning June 15, 1954.

and by adding a new footnote 5 to read as follows:

[5] Temporarily day only and on further condition that harmful interference is not caused to the Police Radio Service by use of 2482 kc.

[F. R. Doc. 54-3522; Filed, May 11, 1954; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[472.53]

HATS AND BEADED BAG PLATES

TARIFF CLASSIFICATION

APRIL 6, 1954.

Notice of prospective classification of hats, trimmed with a bow of cellulose loosely basted thereto, and beaded bag plates in part of net embroidered with a design so placed that the embroidery cannot be seen when incorporated in a finished bag.

It appears that hats, trimmed with a bow of cellulose loosely basted thereto, and beaded bag plates in part of net embroidered with a design so placed on the net that the embroidery cannot be seen when incorporated in a finished bag, are properly classifiable as articles not ornamented, under paragraph 1529 (a), Tariff Act of 1930, at rates of duty higher than those heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations (19 CFR 16.10a (d), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1529 (a), as modified, as articles, ornamented, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 54-3510; Filed, May 11, 1954; 8:50 a. m.]

United States Coast Guard

[CGFR 54-18]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend these approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority;

(c) The names and addresses of manufacturers of approved equipment shall be made as indicated below; and

(d) The Document CGFR 54-14 appearing in the FEDERAL REGISTER dated March 19, 1954 (19 F. R. 1614-1619), regarding approval of equipment shall be corrected as indicated below:

LIFE PRESERVERS, CORK (JACKET TYPE)

Approval No. 160.003/1/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.003/2/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.003/3/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif.

Approval No. 160.003/4/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif.

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275, 46 CFR 160.003)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE)

Approval No. 160.004/1/0, Model 42, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.004/2/0, Model 46, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.004)

[1] Dissenting statement of Commissioner Bartley filed as part of original document.

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/145/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.007/146/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass., for Gob Shops, Inc., 54–46 Broadway, Pawtucket, R. I.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/404/1, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. revised Feb. 8, 1954, manufactured by The Holiday Line, Inc., 54 Greene Street, New York 13, N. Y. (Supersedes Approval No. 160.008/404/0 published in the FEDERAL REGISTER Mar. 25, 1954.)

Approval No. 160.008/600/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. dated December 11, 1953, manufactured by Kolpin Bros. Co., Berlin, Wis.

Approval No. 160.008/609/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, The Safegard Corp. dwg. dated October 20, 1952, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.008/610/0, 16" x 16" x 2" rectangular buoyant cushion, 21 oz. kapok, Broh Life Preserver Co. dwg. No. 115L, dated January 15, 1954, manufactured by H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn., for Broh Life Preserver Co., 3404 Deodar Street, Indiana Harbor, Ind.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

WINCH LIFEBOAT

Approval No. 160.015/66/0, type B135-M-N lifeboat winch with quick return mechanism, approval is limited to mechanical components only and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–11 dated November 19, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.015)

LADDERS, EMBARKATION–DEBARKATION (FLEXIBLE)

Approval No. 160.017/17/2, Fig. 017–S. C. embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 017–1, rev. G–2, dated January 21, 1954, manufactured by Allain Marine Sales Co., 2122 Kentucky Street, New Orleans, La. (Supersedes Approval No. 160.017/17/1 published in the FEDERAL REGISTER Mar. 25, 1954.)

Approval No. 160.017/18/2, Fig. 017–A. C. embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. No. 017–1, rev. G–2, dated January 21, 1954, manufactured by Allain Marine Sales Co., 2122 Kentucky Street, New Orleans, La. (Supersedes Approval No. 160.017/18/1 published in the FEDERAL REGISTER Mar. 25, 1954.)

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

DAVITS, LIFEBOAT

Approval No. 160.032/55/1, mechanical davit, crescent sheath screw, type C–53, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 2 part falls, identified by general arrangement dwg. No. 1974–1 dated September 1, 1948, and revised February 19, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/55/0 terminated in the FEDERAL REGISTER Oct. 1, 1952.)

Approval No. 160.032/96/1, mechanical davit, straight boom sheath screw, type B–20, approved for maximum working load of 4,000 pounds per set (2,000 pounds per arm), using four, five, or six-part falls, identified by general arrangement dwg. No. 3161–1, dated December 23, 1953, and revised February 4, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/96/0 terminated in the FEDERAL REGISTER Mar. 18, 1953.)

Approval No. 160.032/145/0, mechanical davit, straight boom sheath screw, type 22–31–8, approved for maximum working load of 7,500 pounds per set (3,750 pounds per arm), identified by general arrangement dwg. No. 5012–1D dated September 4, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.032/147/0, gravity davit, type G65S–8, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2 part falls, identified by arrangement dwg. No. 3515 dated January 12, 1954, and revised March 25, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/28/1, 28.0' x 10.0' x 4.0' steel, motor-propelled lifeboat without radio cabin (Class B), 60-person capacity, identified by construction and arrangement dwg. No. G–2860 dated January 22, 1952, and revised February 15, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/28/0 terminated in the FEDERAL REGISTER Oct. 1, 1952.)

Approval No. 160.035/63/1, 31.0' x 11.25' x 4.5' steel, motor-propelled lifeboat without radio cabin (Class B), 83-person capacity, identified by construction and arrangement dwg. No. 2414 dated January 9, 1953, and revised January 13, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/63/0 terminated in the FEDERAL REGISTER Oct. 1, 1952.)

Approval No. 160.035/106/1, steel, oar-propelled lifeboat, 46-person capacity, identified by general arrangement and construction dwg. No. 49R–2659 dated December 8, 1946, and revised February 14, 1954, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/106/0 terminated in the FEDERAL REGISTER Oct. 1, 1952.)

Approval No. 160.035/313/0, 26.0' x 9.0' x 3.83' aluminum, motor-propelled lifeboat with radio cabin (Class A), 43-person capacity, identified by construction and arrangement dwg. No. 3490 dated August 6, 1953, and revised January 12, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/38/0, sound powered telephone station with internal ringer, selective ringing, common talking, desk type, Types 2, 8, and 17, dwg. No. 70–529, alt. 0, manufactured by Henschel Corp., Amesbury, Mass. (Extension of the approval published in FEDERAL REGISTER Mar. 25, 1949, effective Mar. 25, 1954.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 113.30–25 (a))

VALVES, SAFETY (POWER BOILERS)

Approval No. 162.001/9/2, Style HN-MS–26, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. HV–8–MS, revised January 28, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/9/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/10/2, Style HNA-MS–27, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 900° F., dwg. No. HV–10–MS, revised January 29,

1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/10/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/11/2, Style HNA–MS–37, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 900° F., dwg. No. HV–11–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/11/1, published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/12/2, Style HNA–MS–28, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 1000° F., dwg. No. HV–10–MS, revised January 29, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/12/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/13/2, Style HNA–MS–38, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 1000° F., dwg. No. HV–11–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/13/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/14/2, Style HS–MS–15, carbon steel body pop safety valve, exposed spring, maximum pressure 300 p. s. i., maximum temperature 650° F., dwg. No. HV–6–MS, revised January 29, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/14/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/15/2, Style HS–MS–25, carbon steel body pop safety valve, exposed spring, maximum pressure 450 p. s. i., maximum temperature 650° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/15/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/16/2, Style HSA–MS–16, carbon steel body pop safety valve, exposed spring, maximum pressure 300 p. s. i., maximum temperature 750° F., dwg. No. HV–12–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/16/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/17/2, Style HN–MS–36, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 750° F., dwg. No. HV–9–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/17/1, published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/18/2, Style HSA–MS–17, alloy steel body pop safety valve, exposed spring, maximum pressure 300 p. s. i., maximum temperature 900° F., dwg. No. HV–12–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/18/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/19/2, Style HSA–MS–27, alloy steel body pop safety valve, exposed spring, maximum pressure 450 p. s. i., maximum temperature 900° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/19/1 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/46/2, Style HSA–MS–26, carbon steel body pop safety valve, exposed spring, maximum pressure 450 p. s. i., maximum temperature 750° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/46/1 published in the FEDERAL REGISTER April 13, 1949.)

Approval No. 162.001/101/1, Style HS–MS–35, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/101/0 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/102/1, Style HSA–MS–36, carbon steel pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/102/0 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/103/1, Style HSA–MS–37, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 900° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/103/0 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/104/1, Style HN–MS–25, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 650° F., dwg. No. HV–8–MS, revised January 28, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/104/0 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/105/1, Style HN–MS–35, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p. s. i., maximum temperature 650° F., dwg. No. HV–9–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/105/0 published in the FEDERAL REGISTER Apr. 13, 1949.)

Approval No. 162.001/190/1, Style HS–MS–16, carbon steel body pop safety valve, exposed spring, maximum pressure 300 p. s. i., maximum temperature 750° F., dwg. No. HV–6–MS, revised January 29, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/190/0 published in the FEDERAL REGISTER May 19, 1953.)

Approval No. 162.001/191/1, Style HS–MS–26, carbon steel body pop safety valve, exposed spring, maximum pressure 450 p. s. i., maximum temperature 750° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/191/0 published in the FEDERAL REGISTER May 19, 1953.)

Approval No. 162.001/192/1, Style HS–MS–36, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p. s. i., maximum temperature 750° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/192/0 published in the FEDERAL REGISTER May 19, 1953.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, as amended, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 162.001)

BOILERS, HEATING

Approval No. 162.003/8/2, Series Crane 20, cast iron sectional steam or hot water heating boiler, dwg. No. 28482–A, dated January 29, 1954, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Supersedes Approval No. 162.003/8/1 published in the FEDERAL REGISTER Apr. 30, 1949.)

Approval No. 162.003/9/2, Series Crane 16, cast iron sectional steam or hot water heating boiler, dwg. No. 28481–A, dated January 29, 1954, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill.

(Supersedes Approval No. 162.003/9/1 published in the FEDERAL REGISTER Apr. 30, 1949.)

Approval No. 162.003/11/2, Series Crane 14, cast iron sectional steam or hot water heating boiler, dwg. No. 28480–A, dated January 29, 1954, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Supersedes Approval No. 162.003/11/1 published in the FEDERAL REGISTER Apr. 30, 1949.)

Approval No. 162.003/151/0, size 3624–8C, vertical fire tube hot water heating boiler, 157,000 B. t. u. per hour, dwg. No. H–198, rev. 2 dated February 1, 1954, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

Approval No. 162.003/152/0, size 3630–10E, vertical fire tube steam or hot water heating boiler, 236,000 B. t. u. per hour, dwg. No. H–110M–1 dated October 29, 1953, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

Approval No. 162.003/153/0, size 4236–12E, vertical fire tube steam or hot water heating boiler, 341,500 B. t. u. per hour, dwg. No. H–110–L–1, rev. 2 dated July 31, 1953, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

Approval No. 162.003/154/0, size 6042–14E, vertical fire tube steam or hot water heating boiler, 525,000 B. t. u. per hour, dwg. No. H–110–N, rev. 1 dated September 25, 1952, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1, and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/82/0, Kidde VL No. 6 (Symbol GEC) 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–185–XK, rev. C dated December 8, 1952, name plate dwg. No. AT–185–A13 dated November 6, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/83/0, Kidde VL No. 5 (Symbol GEC) 1½-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–195–XK, rev. D dated December 8, 1952, name plate dwg. No. AT–195–A13 dated November 6, 1953 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER CARTRIDGE-OPERATED TYPE

Approval No. 162.009/16/0, C-O-Two Conversion Unit for converting 2½-gallon size soda-acid type fire extinguishers into pressure cartridge-operated fire extinguishers of plain water type, Part No. 81590, assembly dwg. No. B–61816, rev. 1 dated January 18, 1954, name plate dwg. No. C–2416, rev. 4 dated January 18, 1954 (Coast Guard Classification: Type A, Size II), manufactured by C-O-Two Fire Equipment Co., Newark 1, N. J.

Approval No. 162.009/17/0, C-O-Two Conversion Unit for converting 2½-gallon size soda-acid type fire extinguishers into pressure cartridge-operated fire extinguishers of anti-freeze water type, Part No. 81585, assembly dwg. No. B–61816, rev. 1 dated January 18, 1954, name plate dwg. No. C–2616, rev. 2 dated July 28, 1953 (Coast Guard Classification: Type A, size II), manufactured by C-O-Two Fire Equipment Co., Newark 1, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, PRESSURE-VACUUM RELIEF

Approval No. 162.017/68/0, Figure No. 240, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron body, dwg. No. 240–A, dated January 26, 1953, approved for 4" size, manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

Approval No. 162.017/69/0, Figure No. 250, pressure only or vacuum only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron body, dwg. No. 250–A, dated January 30, 1953, approved for 4" size, manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

Approval No. 162.017/70/0, Figure No. 260, pressure only relief valve, enclosed pattern, weight-loaded poppet, nickel cast iron body, dwg. No. 260–A, dated January 26, 1953, approved for 4" size, manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

(R. S. 4405, 4417a, 4491, as amended, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. App. 1275; 46 CFR 162.017)

DECK COVERINGS

Approval No. 164.006/38/0, MARBLELOID, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230–12: FP2687, dated February 4, 1949, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Marbleloid, Inc., 2040 Eighty-eighth Street, North Bergen, N. J.

(R. S. 4405, 4417a, 4426, as amended, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 4463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

STRUCTURAL INSULATIONS

Approval No. 164.007/2/1, SPRAY-CRAFT, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/23, dated June 2, 1944, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 12 pounds per cu. ft. density,
4 inches at 8 pounds per cu. ft. density,

manufactured by Sprayed Insulation, Inc., 56–58 Crittenden Street, Newark 4, N. J. (Supersedes Approval No. 164.007/2/0 published in FEDERAL REGISTER Oct. 1, 1952.)

(R. S. 4405, 4417a, 4426, as amended, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 72.05, 92.05)

BULKHEAD PANELS

Approval No. 164.008/24/1, KAYLO, inorganic composition board type bulkhead panel with wood, steel, or equivalent veneer on both sides identical to that described in National Bureau of Standards Test Report No. TG10230–7: FP2635, dated July 22, 1948, approved as meeting Class B–15 requirements in a ⅞-inch thickness, exclusive of the veneer, manufactured by United States Plywood Corp., 55 West Forty-fourth Street, New York 36, N. Y. (Extension of the approval published in FEDERAL REGISTER Mar. 25, 1949, effective Mar. 25, 1954.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.008)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/31/0, LW MARINE ACOUSTICAL UNIT, incombustible material in accordance with Johns-Manville Sales Corp. letter dated February 3, 1954, and dwg. No. M–1–9 dated March 11, 1954, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y.

(R. S. 4405, 4417a, 4426, as amended, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. App. 1275; 46 CFR 164.009)

PORTABLE FIRE EXTINGUISHING SYSTEM

Portable foam fire extinguishing system for cargo tanks of tank vessels, National Aer-O-Foam Line Proportioner, Type LP–6A, assembly dwg. No. B–24–1–N dated June 2, 1948, name plate dwg. No. A–22–1–B, rev. A dated May 29, 1950, for use with pick-up tube and at least three cans (15 gallons) of National Aer-O-Foam Liquid, for supplying solution to portable National Aer-O-Foam nozzles, approved for a superficial liquid area not exceeding 300 square feet:

multiple units may be used to protect greater areas in the ratio of one unit for each 300 square feet or fraction thereof to be protected, manufactured by National Foam System, Inc., Union and Adams Streets, West Chester, Pa.

(R. S. 4405, 4417a, 4491, as amended, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 463a, 50 U. S. C. App. 1275)

The name of the American Stove Company has been changed to Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo., for the following approvals for Liquefied Petroleum Gas Consuming Appliances, previously published in the FEDERAL REGISTER: Approval Nos. 162.020/5/0 through 162.020/14/0; 162.020/28/1 through 162.020/30/1; 162.020/31/0 through 162.020/34/0; 162.020/42/1 through 162.020/44/1; 162.020/46/0 and 162.020/47/0.

The address of Neptune Specialties, Inc., has been changed from 52 Clark St., Brooklyn 2, N. Y., to 208 St. Johns Place, Brooklyn, N. Y., for the following approvals: Approval No. 160.008/515/0 for non-standard buoyant cushion, and Approval No. 160.019/5/0 for Sea Anchor Type N-1, both of which were previously published in the FEDERAL REGISTER.

The Coast Guard Document CGFR 54-14 and Federal Register Document 54-2109 published in the FEDERAL REGISTER dated March 25, 1954, is corrected by changing the revision date in the fifth line of Approval No. 160.025/11/0 to November 3, 1943, in lieu of November 3, 1945, under the heading "Nozzles, Water Spray (1½ inch Fixed Type)," 19 F. R. 1615, and by changing Approval No. 162.025/54/0, Model No. E601-A to Approval No. 162.025/50/0, Model No. E600-A, in the 49 through 52 series shown in the third column of page 1618, under the heading, "Indicators, Boiler Water Level, Secondary Type" (19 F. R. 1618).

Dated: May 5, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 54-3508; Filed, May 11, 1954; 8:49 a. m.]

[CGFR 54-19]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Termination of Approval No. 160.002/36/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by General Textile Mills, Inc., Carbondale, Pa. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/78/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Hinshaw Mattress Co., 1913-19 Milam, Texarkana, Tex. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/405/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, flexible plastic film cover and straps, stitched seams, specifications dated March 12, 1949, manufactured by Hinshaw Mattress Co., 1913-19 Milam, Texarkana, Tex. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

Termination of Approval No. 160.008/406/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, American Pad & Textile Co., dwg. No. C-102, rev. December 21, 1948, and No. A-211 dated December 21, 1948, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., Chicago, Ill. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 160.008/407/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, American Pad & Textile Co. dwg. No. B-46, rev. March 6, 1946, and No. A-203 dated February 2, 1948, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Chicago, Ill. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

BUOYANT APPARATUS

Termination of Approval No. 160.010/3/1, buoyant apparatus, pine decking with copper tanks, 20-person capacity, dwg. No. G-305-S, dated January 2, 1947, revised January 30, 1949, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

Termination of Approval No. 160.010/7/1, buoyant apparatus, pine decking with copper tanks, 5-person capacity, dwg. No. G-129, dated January 20, 1937, revised January 31, 1949, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

Termination of Approval No. 160.010/8/1, buoyant apparatus, pine decking with copper tanks, 11-person capacity, dwg. No. G-129, dated January 20, 1937, revised January 31, 1949, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.010)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Termination of Approval No. 160.033/37/0, Rottmer Type R-50, releasing gear, approved for maximum working load of 10,000 pounds per set (5,000 pounds per hook), identified by general arrangement dwg. No. 3245-3, dated February 17, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER Apr. 13, 1949. Termination of approval effective Apr. 13, 1954.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.033)

LIFEBOATS

Termination of Approval No. 160.035/234/0, 24' x 7' x 3' steel, oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement dwg. No. 3266 dated January 10, 1949, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

VALVES, SAFETY (POWER BOILERS)

Termination of Approval No. 162.001/96/0, Series 200-E-101, steel body pop safety valve, exposed spring, fitted with ventilated spring cover, expanded outlet, 600 pounds per square inch pressure rating, 750° F. maximum temperature, dwg. No. P-20125, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER Feb. 19, 1949.

Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.001/97/0, Series 210–E–101, steel body pop safety valve, exposed spring fitted with ventilated spring cover, equal outlet and inlet, 600 pounds per square inch pressure rating, 750° F. maximum temperature, dwg. No. P–20125, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, as amended, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 162.001)

BOILERS, HEATING

Termination of Approval No. 162.003/126/0, Crane 40 cast iron sectional steam or hot water heating boiler, dwg. No. DR–26747, rev. B dated December 12, 1951, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER Feb. 6, 1952.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Termination of Approval No. 162.015/10/1, Model No. B175–19A, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–19A dated July 25, 1945, and altered July 25, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/12/1, Model No. B175–17, backfire flame arrester for carburetors, identified by undated assembly dwg. No. B175–17, altered July 24, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/13/1, Model No. B175–14, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–14 dated May 9, 1946, and altered July 24, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/14/1, Model No. B175–12, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–12 dated May 6, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/15/1, Model No. B175–12A, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–12A dated May 13, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/16/1, Model No. B175–13B, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–13B dated May 14, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/17/1, Model No. B175–13, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–13 dated May 7, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/18/1, Model No. B175–13A, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–13A dated May 13, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

Termination of Approval No. 162.015/19/1, Model No. B175–16, backfire flame arrester for carburetors, identified by assembly dwg. No. B175–16 dated May 8, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

(R. S. 4405, 4491, as amended, 54 Stat. 165, 166, as amended; 46 U. S. C. 375, 489, 526l, 526p; 46 CFR 162.015)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/5/0, Magic Chef gas range, Model No. 660, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4).001, manufactured by Magic Chef, Inc. (formerly American Stove Co.) 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/6/0, Magic Chef gas range, Model No. 190, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4).001, manufactured by Magic Chef, Inc. (formerly American Stove Co.) 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/7/0, Magic Chef gas range, Model No. 620, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4).001, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/8/0, Magic Chef gas range, Model No. 630, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4).001, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/9/0, Magic Chef gas range, Model No. 180, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4) .001, including supplementary certificate Serial No. 1, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/10/0, Magic Chef gas range, Model No. 391, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4).001, including supplementary certificate Serial No. 1, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/11/0, Magic Chef gas range, Model No. 640, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–(22–4.8 & –9.4) .001, including supplementary certificate Serial No. 1, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

Termination of Approval No. 162.020/12/0, Magic Chef gas range, Model No. 191, for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 11–22–3.801, manufactured by Magic Chef, Inc. (formerly American Stove Co.), 4931 Daggett Avenue, St. Louis 10, Mo. (Approved FEDERAL REGISTER Mar. 25, 1949. Termination of approval effective Mar. 25, 1954.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16–10)

DECK COVERINGS

Termination of Approval No. 164.006/37/0, "Houston Seaco Decking," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230–11: FP2686 dated January 26, 1949, approved as meeting Class A–60 requirements in a

1½ inch thickness, manufactured by A. H. Houston & Co., Inc., 11 Broadway, New York 4, N. Y. (Approved FEDERAL REGISTER Feb. 19, 1949. Termination of approval effective Feb. 19, 1954.)

(R. S. 4405, 4417a, 4426, as amended, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

BULKHEAD PANELS

Termination of Approval No. 164.008/27/1, "Kaylo," inorganic composition board type bulkhead panel with wood, aluminum or equivalent veneer on both sides, identical to that described in National Bureau of Standards Test Report No. TG10230–14: FP 2746, dated June 29, 1949, and Protexol Testing Laboratory Report No. 190, dated January 3, 1950, approved as meeting B–15 requirements in a ⅞ inch thickness, exclusive of combustible veneers, inclusive of aluminum or equivalent veneers, manufactured by Owens-Illinois Glass Co., Toledo 1, Ohio. (Approved FEDERAL REGISTER May 10, 1950.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.008)

Dated: May 5, 1954.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 54–3509; Filed, May 11, 1954; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

CALIFORNIA, LOUISIANA, MONTANA, NEW MEXICO AND WYOMING

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

NAME OF FIELD, EFFECTIVE DATE, AND ACREAGE

(1) CALIFORNIA

Buena Vista Hills Field (revision), Feb. 17, 1952	25,247
Midway Field (revision), Jan. 15, 1954	28,491
Sunset Field (revision), Mar. 10, 1949	13,396

(3a) LOUISIANA

Romere Pass Field (revision), Oct. 4, 1953	4,440

(4) MONTANA

Bowdoin Field (revision), Nov. 10, 1953	222,685

(5) NEW MEXICO

San Juan Field (revision), Jan. 1, 1954	997,199

(9) WYOMING

Church Buttes Field, Apr. 28, 1946	49,838
Clareton Field (revision and consolidation), Mar. 17, 1954	24,472
Grass Creek Field (revision), Dec. 7, 1953	6,305
Hamilton Dome Field (additional), Jan. 18, 1954	3,233
Kirby Creek Field, July 1, 1948	1,229
Little Laramie Field, Oct. 19, 1948	196
Manderson Field, Mar. 29, 1954	8,037
Murphy Dome Field, Nov. 25, 1953	1,147
Sage Creek Field, Oct. 14, 1953	1,087
South Fork Field, Mar. 22, 1949	2,350

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 54–3486; Filed, May 11, 1954; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Gross Galesburg Co., Charlton, Iowa, effective 5–6–54 to 5–5–55; 10 learners for normal labor turnover purposes (work pants and shirts).

Grove Dress Co., 113 North High Street, Selinsgrove, Pa., effective 4–29–54 to 4–28–55; 10 learners for normal labor turnover purposes (ladies' frocks).

Harvic Manufacturing Co., Inc., Sweet Valley, Pa., effective 4–27–54 to 4–26–55; 5 learners for normal labor turnover purposes (dresses).

Hollywood-Maxwell Co., 407 Main Street, Arkadelphia, Ark., effective 5–4–54 to 5–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

I. Janov Shirt Co., 489 West Broad Street, Hazleton, Pa., effective 5–3–54 to 5–2–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Kennebec Manufacturing Co., Inc., South Gardiner, Maine, effective 4–29–54 to 4–28–55; 10 learners for normal labor turnover purposes (children's outer garments).

Kennebec Manufacturing Co., Inc., Main Avenue, Gardiner, Maine, effective 4–29–54 to 4–28–55; 10 learners for normal labor turnover purposes (children's outer garments).

The Newton Co., Newton, Miss., effective 5–4–54 to 5–3–55; 10 percent of the total number of factory production workers engaged in the production of men's slacks for normal labor turnover purposes (men's slacks).

The Newton Co., Newton, Miss., effective 5–4–54 to 5–3–55; 10 percent of the total number of factory production workers engaged in the production of ladies' slacks for normal labor turnover purposes (ladies' slacks).

Pettibelle, Inc., East Liberty Street, Extension, Sumter, S. C., effective 5–3–54 to 5–2–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Phillips-Jones Corp. Factory, Barnesboro, Pa., effective 5–3–54 to 5–2–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Phillips-Jones Factory, Minersville, Pa., effective 4–29–54 to 4–28–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 5–4–54 to 11–3–54; 20 learners for expansion purposes (dresses, etc.).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill., effective 5–4–54 to 5–3–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses, etc.).

Wentworth Manufacturing Co., Lake City, S. C., effective 4–26–54 to 10–25–54; 25 learners for plant expansion purposes (dresses).

Wood Garment Manufacturing Co., Inc., Crane, Mo., effective 4–26–54 to 4–25–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 5–11–54 to 5–10–55; 10 learners for normal labor turnover purposes (combination and leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733; and May 3, 1954, 19 F. R. 1761).

The Bella Co., Mount Pleasant, Tenn., effective 4–27–54 to 4–26–55; 5 learners for normal labor turnover purposes.

Crescent Hosiery Mills, Madisonville, Tenn., effective 5–3–54 to 5–2–55; 5 learners for normal labor turnover purposes.

Granite Hosiery Mills, South Main Street, Mount Airy, N. C., effective 5–3–54 to 5–2–55; 5 percent of the total number of factory production workers for normal labor turnover purposes.

C. D. Jessup & Co., Claremont, N. C., effective 5–8–54 to 5–7–55; 5 learners for normal labor turnover purposes.

Union Dye & Finishing Works, Inc., 4 North Pinckney Street, Union, S. C., effective 4–27–54 to 4–26–55; 5 learners for normal labor turnover purposes.

Vaughn Hosiery Mill, Carrollton, Ga., effective 4–30–54 to 4–29–55; 5 learners for normal labor turnover purposes.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent cur-

tailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of May 1954.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 54-3487; Filed, May 11, 1954; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10610, 10611; FCC 54-598]

ARKANSAS TELEVISION CO., AND ARKANSAS TELECASTERS, INC.

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re applications of Arkansas Television Company, Little Rock, Arkansas, Docket No. 10610, File No. BPCT-1057; Arkansas Telecasters, Inc., North Little Rock, Arkansas, Docket No. 10611, File No. BPCT-1740; for construction permits for new television stations.

1. The Commission has under consideration (1) a petition filed on August 24, 1953 by Arkansas Telecasters, Inc. seeking an enlargement of the issues with respect to section 307 (b) of the Communications Act of 1934, as amended; (2) an opposition to the petition filed on September 2, 1953, by Arkansas Television Company; and (3) a response filed September 9, 1953, by Chief, Broadcast Bureau.

2. The Commission, in its order of August 4, 1953, designated the applicants herein for hearing on the standard comparative issues,[1] and an additional issue under which Arkansas Telecasters, Inc., is required to establish whether its proposal would constitute a hazard to air navigation.

3. In its August 24, 1953 petition, Arkansas Telecasters requests that the Commission enlarge the hearing issues in this proceeding with respect to section 307 (b) of the Communications Act of 1934, as amended.[2] In support thereof, Arkansas Telecasters contends that of the four television channels allocated to the Little Rock Area for commercial use, three channels have already been granted to applicants in Little Rock, and the instant contest for the remaining available channel is between Arkansas Television, proposing Little Rock as the principal city to be served, and Arkansas Telecasters, proposing North Little Rock as its principal city to be served. Arkansas Telecasters submits that the Commission should enlarge the issues in the present proceeding to permit the petitioner to show that a grant of its application should be preferred, in view of 307 (b) considerations. It is contended that North Little Rock, Arkansas is a separate and distinct community (the third largest city in the state of Arkansas) and lies within fifteen miles of Little Rock, to which the television channel in this proceeding has been allocated.[3]

4. Arkansas Television in opposing the instant petition, contends that both applicants proposed to serve the entire Little Rock, Arkansas metropolitan area, which comprises Little Rock and North Little Rock, and that either applicant herein would be required to meet the needs of both communities. The Broadcast Bureau has responded to the instant petition by suggesting that if the Commission determines that the issues should be enlarged to permit inquiry pursuant to section 307 (b), the new issue should be so framed as to inquire (1) whether or not the provisions of 307 (b) are applicable to facts as developed; and (2) if so, then to determine which of the applicants would provide the more fair, efficent and equitable distribution of television service.

5. In the present proceeding we are confronted with our rule involving communities located within fifteen miles of the community to which the television channel in our tables of assignments has been allocated. In such a situation we would be remiss in our duties under the act were we to fail to consider the applicability of 307 (b) considerations to the proposals involved. We do not hold, however, that where enlargement of the issues is requested on the basis of our fifteen-mile rule we are compelled automatically to grant enlargement without a showing having been made that 307 (b) considerations would be pertinent in the particular case. Nor do we mean to rule that once we permit enlargement of issues, that section 307 (b) of the act is to be considered the determinative issue in the proceeding. We believe the better course to follow is one which requires a preliminary showing that 307 (b) consideration would be pertinent in deciding the particular case.

6. In the instant case, in view of the probability that both applicants herein will provide equally acceptable service over the area encompassing both Little Rock and North Little Rock, and the probability that a transmission facility located in either city will be available to the residents of both communities, we believe that a specific determination should be made as to whether considerations with respect to section 307 (b) of the act are applicable and, if so, whether a choice between the applicants herein can be reasonably based thereon, and, if so, whether a grant to one or the other applicant will provide the more fair, efficient and equitable distribution of television service to the communities involved.

7. *Accordingly, it is ordered,* This 5th day of May 1954, that the above-entitled petition filed on August 24, 1953 by Arkansas Telecasters, Inc. is granted and the issues are enlarged to read as follows: To determine whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other applicant would provide the more fair, efficient and equitable distribution of television service to the communities involved.

Released: May 6, 1954.

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

[F. R. Doc. 54-3524; Filed, May 11, 1954; 8:52 a. m.]

[Docket No. 10918; FCC 54M-615]

CHARLIE KULLMAN

ORDER CONTINUING HEARING

In the matter of Charlie Kullman, Aransas Pass, Texas, order to show cause why the license for Radiotelephone Station WB-9777 should not be revoked, Docket No. 10918.

The Commission having under consideration a Motion filed by the Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for May 3, 1954, at Washington, D. C.; and

It appearing that additional time is required in order to afford the licensee an opportunity to submit to the Commission a technical report as requested by the Commission setting forth the specific steps that have been taken by his radio technician to suppress the harmonic radiation of the transmitter of his radiotelephone station WB-9777:

It is ordered, This 30th day of April 1954, that the Motion be, and it is hereby granted and that the hearing in the

[1] To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in light of the record made with respect to the significant difference among the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

[2] Section 307 (b) of the Communications Act of 1934, as amended, provides: "In considering applications for licenses * * * the Commission shall make such distribution of licenses, * * * among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

[3] Section 3.607 (b) of the Commission's rules provides: "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community."

above-entitled matter be, and it is hereby continued to June 3, 1954.

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

[F. R. Doc. 54-3525; Filed, May 11, 1954; 8:53 a. m.]

[Docket No. 10920; FCC 54M-607]

WRIGHT & HAWKINS LTD.

ORDER CONTINUING HEARING

In re application of Wright & Hawkins Ltd., Beaumont, Texas, order to snow cause why the license for Radiotelephone Station WB-9374 should not be revoked; Docket No. 10920.

The Commission having under consideration a Motion filed by the Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for May 5, 1954, at Washington, D. C., until June 4, 1954; and

It appearing that additional time is required in order to afford the licensee an opportunity to comply with a Commission request to submit a technical report setting forth the specific steps taken by the radio technician to make the transmitter operative on January 7, 1954, and to submit an explanation why the licensee ignored the Commissions Official Violation Notices dated November 17, 1953 and December 22, 1953;

It is ordered, This 4th day of May 1954, that the Motion, be, and it is hereby granted and that the hearing in the above-entitled matter be, and it is hereby continued to June 4, 1954.

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

[F. R. Doc. 54-3526; Filed, May 11, 1954; 8:53 a. m.]

[Docket No. 10921; FCC 54M-608]

TRAWLER BATAVIA, INC.

ORDER CONTINUING HEARING

In re application of Trawler Batavia, Inc., Portland, Maine, order to show cause why the license for Radiotelephone Station WE-3595 should not be revoked; Docket No. 10921.

The Commission having under consideration a motion filed by the Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for May 5, 1954, at Washington, D. C., until June 4, 1954; and

It appearing that additional time is required in order to afford the licensee an opportunity to comply with the Commission's request of April 21, 1954, to submit an explanation why the official violation notices dated October 28, 1953, and November 30, 1953, were ignored.

It is ordered, This 4th day of May 1954, that the motion be, and it is hereby granted and that the hearing in the above-entitled matter be, and it is hereby continued to June 4, 1954.

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

[F. R. Doc. 54-3527; Filed, May 11, 1954; 8:53 a. m.]

[Docket No. 10987; FCC 54M-610]

ATLAS TOWING CO.

ORDER CONTINUING HEARING

In the matter of Atlas Towing Co., Parkersburg, West Virginia, for construction permit for a new limited Class II-B coast station to be located at Parkersburg, West Virginia; Docket No. 10987, File No. 8806-F1-P-1.

The Commission having before it a petition filed April 23, 1954, by applicant named above requesting that the hearing in this matter presently scheduled for May 17, 1954, "be continued for a period of at least thirty days or such additional time as may meet the convenience of the Examiner, the Commission staff and the parties respondent"; and

It appearing that no opposition has been filed to a grant of the petition and that good cause has been shown by the applicant for a continuance because of prior engagements of its counsel and the inability of such counsel to prepare for the hearing and present the evidence on the issues specified unless the date presently scheduled for the hearing is continued at least thirty days; and

It further appearing that by reason of other hearings presently scheduled to be conducted by the Examiner and the pressure of other business it will not be convenient for him to conduct the hearing herein before August 2, 1954;

It is therefore ordered, This 4th day of May, that the petition is granted and that the hearing herein now scheduled for May 17, 1954, is continued and rescheduled to begin at 10:00 a. m., Monday, the 2d day of August 1954, at Washington, D. C.

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

[F. R. Doc. 54-3528; Filed, May 11, 1954; 8:53 a. m.]

[Docket Nos. 10995, 10996; FCC 54M-596]

TEXAS TELECASTING, INC., AND BIG SPRING BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Texas Telecasting, Inc., Big Spring, Texas, Docket No. 10995, File No. BPCT-1739; Big Spring Broadcasting Company, Big Spring, Texas, Docket No. 10996, File No. BPCT-1749; for construction permits for new television stations.

The Commission having under consideration a motion filed April 29, 1954, by Texas Telecasting, Inc., requesting that the above-entitled consolidated proceeding now scheduled to begin on May 14, 1954, be continued to a date not earlier than May 31, 1954;

It appearing that the reason for the requested continuance is the fact that counsel for Texas Telecasting, Inc., is involved in another consolidated television proceeding in which the taking of testimony is scheduled to begin on May 10, 1954, and that the taking of this testimony will probably continue for some time; and

It appearing that counsel for the competing applicant and for the Chief, Broadcast Bureau have no objections to the granting of the continuance, that good cause to the granting of the motion has been shown;

It is ordered, This the 4th day of May 1954 that the motion for continuance is granted and the hearing in the above-entitled proceeding is continued from May 14, 1954, to June 1, 1954, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

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

[F. R. Doc. 54-3529; Filed, May 11, 1954; 8:53 a. m.]

[Docket Nos. 11016, 11017; FCC 54-573]

SOUTHWESTERN PUBLISHING CO., INC., AND BOULDER CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southwestern Publishing Co., Inc., Henderson, Nevada, Docket No. 11016, File No. BPCT-663; Boulder City Broadcasting Company, Henderson, Nevada, Docket No. 11017, File No. BPCT-1619; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of May 1954:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Henderson, Nevada; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that by a letter dated April 30, 1954, Boulder City Broadcasting Company requested that it be allowed until May 19, 1954, to respond to the letter sent to it on April 27, 1954, pursuant to section 309 (b) of the Com-

munications Act of 1934, as amended; that by previous letter dated January 27, 1954, Boulder City Broadcasting Company had been notified of essentially the same deficiencies in its application as were set forth in the Commission's letter of April 27, 1954; and that the reasons set forth in its reply of April 30, 1954, do not appear to constitute sufficient grounds for extending its time to respond to the Commission's letter of April 27, 1954; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Southwestern Publishing Co., Inc., is legally and technically qualified to construct, own and operate a television broadcast station; and that Boulder City Broadcasting Company is technically qualified to construct, own and operate a television broadcast station.

It is ordered, That the request of Boulder City Broadcasting Company for an extension of time to reply to the Commission's letter of April 27, 1954, is denied;

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 4th day of June 1954 in Washington, D. C., upon the following issues:

1. To determine the identity, citizenship and business interests of the person or persons owning of record or voting the 200 shares of the capital stock of Boulder City Broadcasting Company, issued to Melvin O. Larson, now deceased.

2. To determine whether Boulder City Broadcasting Company and Southwestern Publishing Co., Inc., are financially qualified to construct, own and operate their proposed television broadcast stations.

3. To determine, in the light of the interests of Edward J. Jansen, Edith Jansen, Truman B. Hinkle, Ray T. Frederick, Otto Stoehr, and C. Norman Cornwall in Desert Television Company, applicant for a television station to operate on Channel 13 at Las Vegas, Nevada, whether a grant of the application of Boulder City Broadcasting Company would be consistent with the provisions of § 3.636 of the Commission's rules and its policies promulgated thereunder.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: May 6, 1954.

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

[F. R. Doc. 54-3530; Filed, May 11, 1954; 8:53 a. m.]

RENEWAL OF EXEMPTION OF CERTAIN U. S. PASSENGER VESSELS FROM RADIO PROVISIONS WHEN NAVIGATED IN SPECIFIED WATERS

In the matter of (1) renewal of exemption of all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land in waters lying between: (a) Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or (b) Hillsboro Light and Triumph Reef Beacon, Florida; or (c) Naples, Florida and Brownsville, Texas; or (d) Salt Point and Point Sur, California; and (2) renewal of exemption of all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land.

The Commission having under consideration the above-captioned matters; and

It appearing that section 352 (b) (3) of the Communications Act of 1934, as amended, provides that the Commission may, if it considers that the route or the conditions of the voyage, or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Title III, Part II of the act, exempt from the radio provisions of Title III, Part II, passenger vessels of a tonnage of less than 100 gross tons not subject to the radio provisions of the Safety Convention; and

It further appearing that the Commission has heretofore granted and renewed exemption for specified periods to all passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land on voyages in the open sea in waters lying in the individual areas described in caption (1) supra, and that the exemptions currently in force expire May 13, 1954; and

It further appearing that pursuant to section 352 (b) (1) of the Communications Act of 1934, as amended, and Regulation 5, Chapter IV of the Safety of Life at Sea Convention, London, 1948, the Commission has heretofore granted for a period of one year exemption to all United States passenger vessels of a tonnage up to and including 15 gross tons, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, and Regulation 3, Chapter IV of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land or more than 200 nautical miles between two consecutive ports: *Provided*, That when navigated within these limitations on international voyages each ship involved shall have on board an appropriate Exemption Certificate as prescribed by section 359 (a) of the Communications Act of 1934, as amended, and by Regulation 11, Chapter I of the Safety of Life at Sea Convention, London, 1948, and the exemption currently in force expires May 13, 1954; and

It further appearing that while it is administratively expedient to grant a general exemption to passenger vessels of a tonnage up to and including 15 gross tons from the radio provisions of Title III, Part II of the Communications Act, it is not expedient to grant a general exemption to such vessels from the radio provisions of the Safety Convention, because it is desirable that such vessels obtain exemption certificates before taking advantage of a Safety Convention exemption; and

It further appearing that the passenger vessels described under captions (1) and (2) supra, come within the class of vessels which may be granted exemption under section 352 (b) (3) of the aforesaid Communications Act, as amended; and

It further appearing that there is no information before the Commission tending to show that the routes, or the conditions of the voyages of any of the vessels in question have changed, substantially, since the ships were first granted exemption, or that they will change, substantially, during the period for which the instant exemptions are under consideration for renewal;

It is ordered, This 30th day of April 1954, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention are exempt from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1955, when navigated on voyages in the open sea in waters lying between:

(a) Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or

(b) Hillsboro Light and Triumph Reef Beacon, Florida; or

(c) Naples, Florida and Brownsville, Texas; or

(d) Salt Point and Point Sur, California:

Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

It is further ordered, This 30th day of April 1954, pursuant to section 352 (b) (3) of the Communications Act of 1934,

as amended, that all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention are exempt from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, until May 13, 1955: *Provided*, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

It is further ordered, That these exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

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

[F. R. Doc. 54-3521; Filed, May 11, 1954; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1815, G-2053]

COMMONWEALTH NATURAL GAS CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

By order issued October 16, 1951 in Docket No. G-1815, the Commission, pursuant to authority contained in Section 4 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, and classifications contained in proposed First Revised Sheets Nos. 4 and 8B to FPC Gas Tariff, Original Volume No. 1, filed on September 19, 1951 by Commonwealth Natural Gas Corporation (Commonwealth). The said revised sheets provided for increased rates and charges to Commonwealth's utility customers amounting to $267,000, or 9.7 percent, based upon estimated sales during the year of 1952. The order also provided that, pending the hearing and decision thereon, said revised sheets be suspended. Thereafter, on March 19, 1952, at the expiration of the period of suspension, upon motion of Commonwealth, the suspended revised sheets became effective under bond and subject to refund, if so ordered, of such portion of the increased rates and charges as the Commission might find not justified.

By order issued September 12, 1952, in Docket No. G-2053, the Commission, pursuant to the authority contained in Section 4 of the Natural Gas Act, ordered that a hearing be held concerning the lawfulness of the rates, charges, and classifications contained in First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B to FPC Gas Tariff, Original Volume No. 1, filed on August 15, 1952 by Commonwealth. The said revised sheets would have superseded the tariff sheets described immediately above and proposed increased rates and charges which would result in annual increase payments by Commonwealth's customers amounting to $516,400, an increase of about 16 per cent, based on estimated sales for the year ending August 31, 1953. The order also provided that, pending the hearing and decision thereon, the revised sheets filed on August 15, 1952 be suspended. Thereafter, on February 15, 1953, upon motion of Commonwealth, the suspended revised sheets became effective, under bond and subject to refund, if so ordered, of such portion of the increased rates as the Commission might find not justified.

The Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the above-entitled proceedings for the purpose of hearing, to hold a public hearing in the above-entitled proceedings at the time and place hereinafter ordered, and to prescribe as hereinafter ordered the procedure to be followed at the hearing.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), the proceedings in the above-entitled Docket Nos. G-1815 and G-2053 be and the same are hereby consolidated for the purpose of hearing; and, further, such hearing be held commencing on June 21, 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 in the above-entitled proceedings.

(B) At the hearing Commonwealth shall first present and complete its case-in-chief before cross-examination is undertaken.

(C) Commonwealth shall serve upon all parties, not later than May 22, 1954, copies of the testimony and exhibits proposed to be offered at the hearing, including five (5) copies upon Commission Staff Counsel.

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

Adopted: May 5, 1954.

Issued: May 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3494; Filed, May 11, 1954; 8:47 a. m.]

[Docket Nos. G-2290, G-2304, G-2325]

TENNESSEE GAS TRANSMISSION CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Tennessee Gas Transmission Company, Docket No. G-2290; The Manufacturers Light and Heat Company, Docket No. G-2304; The Ohio Fuel Gas Company, Docket No. G-2325.

Tennessee Gas Transmisison Company (Tennessee), a Delaware corporation with its principal place of business in Houston, Texas, filed in Docket No. G-2290, on October 21, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities, and the delivery of natural gas as described in said application.

The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pennsylvania, filed in Docket No. G-2304, on November 9, 1953, an application, which was supplemented on December 3, 1953, for authorization by the Commission pursuant to section 7 of the Natural Gas Act, of the release and assignment to its affiliate, The Ohio Fuel Gas Company (Ohio Fuel Gas), of the right to purchase certain volumes of natural gas as described in said application as supplemented.

Ohio Fuel Gas, an Ohio corporation, with its principal place of business in Columbus, Ohio, filed in Docket No. G-2325, on December 3, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities as described in said application.

It appears that common questions of law and fact are involved in the applications filed by Tennessee, Manufacturers and Ohio Fuel Gas.

These proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, each of said Applicants having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested 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 applications, including publication in the FEDERAL REGISTER on December 18, 1953 (18 F. R. 8519-8520).

The Commission orders:

(A) The proceedings in Docket Nos. G-2290, G-2304, and G-2325 be and the same hereby are consolidated for purpose of hearing.

(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 hearing be held on May 26, 1954, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved 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.

(C) 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: May 5, 1954.

Issued: May 6, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3495; Filed, May 11, 1954; 8:47 a. m.]

[Docket No. G-2363]

EL PASO NATURAL 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 February 5, 1954, and a supplement thereto on March 22, 1954, pursuant to Section 7 of the Natural Gas Act, for authorization to acquire 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 February 27, 1954 (19 F. R. 1131).

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 May 24, 1954, at 9:30 a. m., e. d. s. t., in the 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 as supplemented: *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: May 5, 1954.

Issued: May 6, 1954.

By the Commission.

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

[F. R. Doc. 54-3496; Filed, May 11, 1954; 8:47 a. m.]

[Docket No. G-2416]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 6, 1954.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on April 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 2-inch tap on its Lirette-Mobile pipeline, together with necessary metering and regulating equipment at the proposed tap, for the sale of natural gas to the Town of Waveland, Hancock County, Mississippi, for resale in the Town of Waveland.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure. Applicant proposes to finance construction out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of May 1954. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 54-3493; Filed, May 11, 1954; 8:46 a. m.]

[Docket No. G-2424]

BALTIC OPERATING CO.

ORDER SUSPENDING PROPOSED TARIFF AND PROVIDING FOR HEARING

On April 9, 1954, Baltic Operating Company (Baltic) tendered for filing its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective May 10, 1954, and proposing, among other things, an annual rate increase of $10,378 to its wholesale customers, based on sales for the year 1953, as adjusted. The purpose of Baltic's proposed increase in rates is to pass on to its customers a rate increase from its supplier, Cities Service Gas Company, which was suspended by order of the Commission issued on April 22, 1954 in Docket No. G-2410, until September 23, 1954.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such Act concerning the lawfulness of Baltic's FPC Gas Tariff, First Revised Volume No. 1, and that said proposed tariff be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, services, and classifications contained in FPC Gas Tariff, First Revised Volume No. 1, and the service agreements thereunder.

(B) Pending such hearing and decision thereon, Baltic's FPC Gas Tariff, First Revised Volume No. 1, be and the same is hereby suspended and the use thereof deferred until September 23, 1954, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

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

Adopted: May 5, 1954.

Issued: May 6, 1954.

By the Commission.

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

[F. R. Doc. 54-3497; Filed, May 11, 1954; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CERTAIN OFFICIALS

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY; DESIGNATION OF ACTING ADMINISTRATOR

The following named officials of the Office of the Administrator, Housing and Home Finance Agency, are hereby designated to act in the place and stead of the Housing and Home Finance Administrator, with the title of "Acting Administrator" and with all the powers, rights, and duties vested in or assigned to the said Administrator, in the event the Administrator is unable to act by reason of his absence, illness, or other cause, provided that no official named below shall have authority to act as "Acting Administrator" unless all those whose names appear before his are unable to act by reason of absence, illness, or other cause:

(1) William F. McKenna, Deputy Administrator.

(2) B. T. Fitzpatrick, General Counsel.

(3) Lewis E. Williams, Assistant Administrator (Administration).

(4) Neal J. Hardy, Assistant Administrator (Plans and Programs).

This designation supersedes the designation of Acting Administrator effective January 21, 1950, published at 15 F. R. 369, 371 (January 21, 1950), which designation is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; 63 Stat. 440 (1949), 12 U. S. C., 1952 ed. 1701d-1)

Effective as of the 12th day of April 1954.

[SEAL] ALBERT M. COLE, *Housing and Home Finance Administrator.*

F. R. Doc. 54-3506; Filed, May 11, 1954; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1611]

MAGNAVOX CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in The Magnavox Company, Common Stock, $1 Par Value; File No. 7-1611.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of May A. D. 1954.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of The Magnavox Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 19, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

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

[F. R. Doc. 54-3491; Filed, May 11, 1954; 8:46 a. m.]

[File Nos. 7-1612—7-1615]

WORTHINGTON CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MAY 5, 1954.

In the matter of applications by the Boston Stock Exchange for unlisted trading privileges in: Worthington Corporation, Common Stock, No Par Value, 7-1612; Minnesota Mining and Manufacturing Company, Common Stock, No Par Value, 7-1613; C. I. T. Financial Corporation, Common Stock, No Par Value, 7-1614; Long Island Lighting Company, Common Stock, $10 Par Value, 7-1615.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 21, 1954, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

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

[F. R. Doc. 54-3492; Filed, May 11, 1954; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 6]

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

MAY 7, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearin, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

APPLICATIONS FOR OPERATING AUTHORITY

NO. MC 7228 SUB 17, HOME TRANSFER & STORAGE CO., a corporation, 408 Main Street, Mount Vernon, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, commodities in bulk, those (other than heavy machinery) requiring special equipment, and household goods as defined by the Commission, between points in that portion of Skagit County, Wash., lying on and west of Washington Highway 1-A. Applicant is authorized to conduct operations in Washington and Oregon.

NO. MC 18088 SUB 20 (amended), FLOYD & BEASLEY TRANSFER COMPANY, INC., Sycamore, Ala. Applicant's attorney: John W. Cooper, 620 Massey Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Textiles* and *textile products*, between Brunbridge, Sycamore, Troy, Boaz and Haleyville, Ala. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, and South Carolina.

NO. MC 20372 SUB 8, J. W. CARTAGE CO., 4170 North First St., Milwaukee 12, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Racing pigeons*, in crates, and *personal effects of attendants* and *supplies* and *equipment used in the care thereof*, in the same vehicle with such pigeons, from Milwaukee, Wis., to Sheldon, Iowa, Mitchell, S. Dak., and Red Wing, Minn. Applicant is authorized to conduct operations in Wisconsin, Minnesota, and Iowa.

NO. MC 36422 SUB 5, MERCHANTS CONTRACT DELIVERIES, INC., 1706-14 Washington St., Kansas City, Mo. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by retail department and mail order stores*, from Kansas City, Mo., to points in Jewell, Republic, Washington, Marshall, Riley, Ottawa, Claud, Mitchell, Lincoln, Clay, Morris, Dickinson, Saline, Ellsworth, Rice, McPherson, Marion, Chase, Woodson, Grunwood, Butler, Sedgwick, Reno, Kingman, Wilson, Cherokee, Labette, Montgomery, Chautauqua, Cawley, Sumner, Harper, Harvey, and Elk Counties, Kans., with *returned and defective shipments* on return movements. Applicant is authorized to operate in Kansas, and Missouri.

NO. MC 39568 SUB 2, ARROW TRANSFER & STORAGE CO., a corporation, 1116 Market St., Chattanooga, Tenn. Applicant's attorney: Lon P. MacFarland, Middle Tennessee Bank Building, Columbia, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, as defined by the Commission; *frozen foods;* and *empty containers or other such incidental facilities* (not specified) used in transporting said commodities, between points in Alabama, Georgia, and Tennessee, within 50 miles of Chattanooga, Tenn., including Chattanooga. Applicant is authorized to conduct operations in Tennessee, Alabama, and Georgia.

NO. MC 43269 SUB 32, WELLS CARGO, INC., 1775 E. 4th Street, P. O. Box 1511, Reno, Nevada. Applicant's attorney: Edward M. Berol, 1095 Market Street, San Francisco 3, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Nevada to points in Nevada, California, and Utah. Applicant is authorized to conduct operations in California, Nevada, Idaho and Oregon.

NO. MC 48533 SUB 5, ALFRED L. ROOT, doing business as A. L. ROOT TRANSPORTATION, 107 Canal Street, Brattleboro, Vt. Applicant's attorney: Arthur M. Marshall, 1340 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in New York to points in Massachusetts, those in New Hampshire on and the south of New Hampshire Highway 9, and those in Vermont on and south of Vermont Highway 9. Applicant is authorized to conduct operations in Vermont, New York, New Hampshire, Connecticut, and Massachusetts.

NO. MC 52458 SUB 128, T. I. McCORMACK TRUCKING COMPANY, INC., 528 Jefferson Street, Hoboken, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, asphalt, kerosene, benzine and milk, between points in Tennessee, on the one hand, and, on the other, points in New York and New Jersey. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, and Virginia.

NO. MC 55905 SUB 71, WEST COAST FAST FREIGHT, INC., 650 Hanford St., Seattle, Wash. For authority to operate as a *common carrier* over regular or connecting routes, transporting: *General commodities*, except those of unusual value, except livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between (1) Seattle, Wash., and Snohomish, Wash., over Washington Highway 2 (Bothell Branch) from Seattle to junction Washington Highway 1–A, thence over Washington Highway 1–A through Day City to Snohomish, and return over same route, serving the intermediate point of Woodinville for joinder purposes only, and with no local service between Snohomish, and Seattle, (2) junction U. S. Highway 10 and Washington Highway 2–A near Factoria, Wash., and Woodinville, Wash., over Washington Highway 2–A from junction U. S. Highway 10 to junction unnumbered county road, thence over said unnumbered county road through Kenilworth to junction Washington Highway 2–D, thence over Washington Highway 2–D to junction Washington Highway 2 (Bothell Branch), thence over Washington Highway 2 through Redmond and Hollywood to Woodinville, and return over same route, serving the junction of U. S. Highway 10 and Washington Highway 2–A, and the intermediate point of Redmond for joinder purposes only, (3) Woodinville, Wash., and Duvall, Wash., over Washington Highway 2–C, serving Duvall, and the junctions of unnumbered county road and Washington Highway 2–C near Cottage Lake, and unnumbered county road and Washington Highway 2–C approximately one mile west of Duvall for joinder purposes only, (4) Redmond, Wash., and junction unnumbered county road and Washington Highway 2–C near Cottage Lake, Wash., over unnumbered county road, serving no intermediate points, and (5) junction unnumbered county road and Washington Highway 2–C approximately one mile west of Duvall, Wash., and Monroe, Wash., over unnumbered county road from junction Washington Highway 2–C to junction Washington Highway 15–B, thence over presently authorized route (Washington Highway 15–B) to Monroe, and return over the same route, serving no intermediate points, for operating convenience only, in connection with (1) regular route operations between Tacoma, Wash., and Spokane, Wash.; Seattle, Wash., and Spokane, Wash.; Seattle, Wash., and Yakima, Wash.; Wenatchee, Wash., and Seattle, Wash.; Portland, Oreg., and Seattle, Wash.; Seattle, Wash., and Tacoma, Wash., and Misoula, Mont., and Coulee Dam, Wash.; Los Angeles, Calif., and Seattle, Wash.; Palisades, Malaga, Orondo, Entiat, Olds, Peshastin, and Leavenworth, Wash., and Tacoma, Wash.; McClellan Air Force Base at McClellan, Calif., and Seattle, Wash.; Tacoma, Wash., and Trinidad, Wash.; Seattle, Wash., and Wenatchee, Wash.; and Monroe, Wash., and Fall City, Wash., and (2) alternate or operating convenience route operations between Weed, Calif., and Seattle, Wash.; and Seattle, Wash., and Dryden, Wash. Applicant is authorized to conduct operations in California, Washington, Oregon, Montana, and Idaho.

NO. MC 59117 SUB 5, VINCENT ELLIOTT, doing business as ELLIOTT TRUCK LINES, 433 North Smith Street, Vinita, Okla. Applicant's attorney: Jack L. Rorschach, Vinita, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities* that include *chemicals, acids* and *anhydrous ammonia*, in bulk, in tank vehicles, and excluding all other liquid commodities between points within 60 miles of Mayes County, Okla., and points within 30 miles of Cherokee County, Kans., on the one hand, and, on the other, points in Missouri, Oklahoma and Kansas. Applicant is authorized to conduct operations in Oklahoma, Missouri and Arkansas.

NO. MC 61396 SUB 42, HERMAN BROS., INC., 1207 Chicago St., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Nebraska to points in Colorado. Applicant is authorized to conduct operations in Iowa, Nebraska, Kansas, and Missouri.

NO. MC 64994 SUB 15, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's attorney: William M. York, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flammable compressed gasses*, in U. S. Government owned tank trailers, from Dunbarton, S. C., to Rocky Flats (near Boulder), Colo., and Albuquerque, and Los Alamos, N. Mex., with *empty U. S. Government owned tank trailers* on return movement.

NO. MC 69116 SUB 24, SPECTOR MOTOR SERVICE, INC., 3100 South Walcott Ave., Chicago 8, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over an alternate route, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than refrigeration, between Chicago, Ill., and Buffalo, N. Y., over presently authorized route (U. S. Highway 41) from Chicago to junction U. S. Highway 20, thence over presently authorized route (U. S. Highway 20) to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction U. S. Highway 112, thence over U. S. Highway 112 to junction By-Pass U. S. Highway 112, thence over By-Pass U. S. Highway 112 to junction Michigan Highway 112, thence over Michigan Highway 112 to Detroit, Mich., thence through Windsor (or port of entry), Canada, and over Canadian Highways to Buffalo, N. Y., through appropriate port of entry, and return over same route, serving no intermediate points between Chicago, Ill., and Detroit, Mich., and serving Detroit, Mich., and Buffalo, N. Y., only for the purpose of entering and leaving Canada through the appropriate ports of entry, for operating convenience only, in connection with regular route operations between Chicago, Ill., and Boston, Mass. The proposed service to be restricted to the transportation of traffic moving between points and places on and east of a line beginning at Buffalo, N. Y., and extending via Scranton and Harrisburg, Pa., to Washington, D. C., on the one hand, and, on the other, points and places on the west of a line beginning at Elkhart, Ind., and extending via Fort Wayne and Indianapolis, Ind., to Vincennes, Ind. Applicant is authorized to conduct operations in Missouri, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maryland, and the District of Columbia.

NO. MC 69492 SUB 11, HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Clinton, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mixed animal feed* and *mixed poultry feed*, from St. Louis, Mo., and East St. Louis, Ill., to Troy, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified. Applicant is authorized to conduct operations in Missouri, Illinois, and Tennessee.

NO. MC 72565 SUB 3, FURNITURE CAPITAL TRUCK LINES, INC., 1621 Century Avenue, S. W., Grand Rapids 9, Michigan. Applicant's attorney: Wilhelmina Boersma, Clark, Klein, Brucker & Waples, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Materials, supplies* and *equipment used in and incidental to*

the manufacture of stoves, household laundry equipment (including washers, driers and ironers) and *kitchen cabinet sinks*, between Grand Rapids, Mich., on the one hand, and on the other, points in Indiana, Illinois, and Ohio.

NO. MC 74846 SUB 34, LEWIS G. JOHNSON, East Union Extension, Newark, New York. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Monroe, Niagara, Erie, Orleans, and Ontario Counties, N. Y., to points in Virginia, North Carolina and South Carolina. Applicant is authorized to conduct operations in New York, New Jersey, Maryland, Pennsylvania, North Carolina, South Carolina, Virginia, Connecticut, and the District of Columbia.

NO. MC 84516 SUB 7, OLLIE P. BROWN, doing business as BROWN TRUCKING COMPANY, 456 South Miami Street, Wabash, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Mineral wool* (rock or slag), from Wabash and Largo, Ind., and points within one mile of each, to points in Kentucky, except those points within ten miles of the Ohio River. Applicant is authorized to conduct operations in Indiana, Ohio, Kentucky, Michigan, Missouri, Iowa, Pennsylvania, West Virginia and Illinois.

NO. MC 89693 SUB 24, J. D. HARMS, doing business as HARMS PACIFIC TRANSPORT, Route 2, Box 2148, Bellevue, Wash. Applicant's attorney: George H. Hart, Kellogg, Reaugh, Hart & Johnson, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Spokane, Wash., and points within 10 miles thereof, to points in Washington. Applicant is authorized to conduct operations in Washington, Idaho, and Oregon.

NO. MC 92983 SUB 100, ELDON MILLER, INC., 1030 Riverside Drive, Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Louisiana, Mo., and points within 10 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Kentucky, Louisiana, Oklahoma, Texas, West Virginia, Ohio, Indiana, Arkansas, Colorado, North Dakota, South Dakota, and Tennessee.

NO. MC 94871 SUB 5, FOX BROS., INC., P. O. Box 395, Brookings, Oreg. Applicant's attorney: Norman E. Sutherland, White, Sutherland and Parks, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, shingles and shakes;* and *lumber mill products*, from points in Coos and Curry Counties, Oreg., to points in California. Applicant is authorized to conduct operations in Oregon and California.

NO. MC 102616 SUB 589, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, Wrape and Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting *Formaldehyde*, in bulk, in tank vehicles, from South Point, Ohio, to Nitro, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NO. MC 102616 SUB 590, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, Wrape and Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Morgantown, W. Va., to Cheat Lake, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NO. MC 105782 SUB 3, amended, W. W. HUGHES, Croyden, Pa. Applicant's attorney: Ralph C. Busser, Jr., Busser and Bendiner, 1609 Morris Building, 1421 Chestnut Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh, cold-packed and frozen agricultural commodities, fish, seafood*, and *other frozen foods*, (1) between points in New Jersey, New York and Pennsylvania, on the one hand, and, on the other, points in Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Kentucky, Arkansas, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, and the District of Columbia; and (2) from points in Michigan, those in that part of Kentucky and Tennessee on and west of U. S. Highway 31E beginning at the Kentucky-Indiana State line to junction U. S. Highway 31; and thence on and west of U. S. Highway 31 to the Tennessee-Alabama State line, St. Louis, Mo., Chicago and Quincy, Ill., Cincinnati, Ohio, and Crozet, Va., to points in Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, Ohio, and the District of Columbia; *frozen fruits* and *prepared fresh fruits*, from points in Logan, Simpson and Warren Counties, Ky., to Nashville and Memphis, Tenn.

NO. MC 106674 SUB 4, OSBORNE TRUCKING CO., INC., 1102 Prairie Street, Vincennes, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Canned goods* (foodstuff), from Vincennes, Washington, Plainville, and Austin, Ind., to points in that part of Iowa bounded by a line beginning at the Iowa-Illinois State line, at or near Dubuque, Iowa, and extending west along U. S. Highway 20 to Waterloo, thence south along U. S. Highway 218 to the Iowa-Illinois State line, and thence north along the Iowa-Illinois State line to point of beginning, including points on the indicated portions of the highways specified; (2) *window glass*, from Vincennes, Ind., to points in that part of Iowa described above; and (3) *petroleum by-products, roofing* and *roofing materials*, from Lawrenceville, Ill., to points in that part of Iowa described above. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Missouri, and Ohio.

NO. MC 107403 SUB 173, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, c/o Shertz, Barnes and Shertz, 226 South Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Chester, W. Va., to points in Pennsylvania on and west of U. S. Highway 220, excepting those in Allegheny, Beaver, Fayette, Greene, Washington and Westmoreland Counties, Pa. Applicant is authorized to conduct operations in Ohio, West Virginia, Pennsylvania, Michigan, Indiana, Virginia, Kentucky, Tennessee, Maryland, Delaware, New Jersey, New York, North Carolina, Georgia, South Carolina, Minnesota, and the District of Columbia.

NO. MC 110048 SUB 6, E. R. MINSHALL, JR., doing business as TRANSPORT DELIVERY COMPANY, 902 Thompson Building, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting *Petroleum* and *petroleum products*, in bulk, in tank trucks, between points in Missouri, excepting those north, and west of a line commencing at the Missouri-Kansas State line, and thence extending east along Missouri Highway 2 to junction Missouri Highway 13, thence north along Missouri Highway 13 to junction U. S. Highway 69, and thence along U. S. Highway 69 to the Missouri-Iowa State line. Applicant is authorized to conduct operations in Missouri, Iowa, and Illinois.

NO. MC 114546 SUB 1 MORTON NORTHRUP, doing business as NORTHERN CARTAGE CO., 4960 North Nagle Avenue, Chicago, Ill. Applicant's attorney: Zeamore A. Ader, 100 North LaSalle Street, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used upholstered sofas, chairs*, and *foot stools*, between Chicago, Ill., on the one hand, and, on the other, points in Jasper, Lake, La Porte, Newton, Porter and Starke Counties, Indiana.

NO. MC 114664, FRED ROGERS, 6719 Edgewood Drive, Albuquerque, N. Mex. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Southwest Corner Plaza, P. O. Box 1437, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil* and *water*, in bulk, in tank vehicles, between points in San Juan, McKinley, Rio Arriba and Sandoval Counties, N. Mex., Navajo and Apache Counties, Ariz., San Juan County, Utah, and Montezuma, La Plata, Archu-

leta, Conejos, Rio Grande, Mineral, Hinsdale, Ouray, San Juan, Dolores, San Miguel and Montrose Counties, Colo.

NO. MC 114680, NORTHERN TRANSIT COMPANY, A CORPORATION, 129 Franklin Street, Hancock, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in Wisconsin on and north of Wisconsin Highway 29, and points on and east of U. S. Highway 53.

NO. MC 114704, A. & A. TRUCKING CO., A CORPORATION, East Pearl St., Waukesha, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Drain tile*, from Waukesha, Wis., to points in Wisconsin and that part of Illinois on and north of U. S. Highway 30 from the Illinois-Iowa State line to junction U. S. Highway 6 at Joliet, and thence on and north of U. S. Highway 6 to the Illinois-Indiana State line, and *supplies or raw material* on return movements.

NO. MC 114705, ROBERT R. ROTH, doing business as ROTH GRAIN SERVICE, 940 Brook Street, Beloit, Wis. Applicant's attorney: Edward A. Solie, Solie and Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, (1) from Streator, Ill., to points in Rock County, Wis., (2) from Dubuque, Iowa, to points in Rock County, Wis., and Winnebago County, Ill.; and (3) from Beloit, Wis., to points in Winnebago County, Ill.

NO. MC 114711, FRANK SASLOVSKY, doing business as ASSOCIATED CARRIAGE SERVICE, 284 Meserole Street, Brooklyn 6, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 26, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, and *baby carriages*, uncrated, from New York, N. Y., to points in New Jersey within sixty miles of New York, N. Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

NO. MC-F-5675. Authority sought for purchase by BREMAN'S EXPRESS COMPANY, 300 Canal St., Leechburg, Pa., of the operating rights of DAVID BREMAN (ROSE BREMAN, THEODORE BREMAN AND EDWARD GOLDBERG, EXECUTORS) AND THEODORE BREMAN, doing business as BREMAN'S EXPRESS, 300 Canal St., Leechburg, Pa., and for acquisition by DAVID BREMAN AND THEODORE BREMAN (ROSE BREMAN, THEODORE BREMAN AND EDWARD GOLDBERG, EXECUTORS), Leechburg, Pa., of control of the operating rights through the purchase. Applicants' attorney: Edward Goldberg, 1806 Law & Finance Bldg., Pittsburgh, Pa. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; as a *common carrier*, over regular routes, between Pittsburgh, Pa., and Indiana, Pa., serving all intermediate points and off-route points in townships contiguous to the pertinent routes; between Indiana, Pa., and Philipsburg, Pa., serving all intermediate points; between Clymer, Pa., and Marion Center, Pa., serving all intermediate points; between Dixonville, Pa., and junction unnumbered highway and Pennsylvania Highway 80, serving all intermediate points; between Hillsdale, Pa., and Cherry Tree, Pa., serving all intermediate points; between Pittsburgh, Pa., and Indiana, Pa., for operating convenience only; between Delmont, Pa., and Apollo, Pa., for operating convenience only; *general commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over regular routes, between Ebensburg, Pa., and junction U. S. Highway 219 and Pennsylvania Highway 80, serving all intermediate points and the off-route point of Elmora; between Asheville, Pa., and junction Pennsylvania Highway 36 and U. S. Highway 219, serving all intermediate points; between Carrolltown, Pa., and Patton, Pa., serving all intermediate points, and between Barnesboro, Pa., and Hastings, Pa., serving all intermediate points.

Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5677. Authority sought by JOHN C. DEVENNE, 17822 Lake Ave., Lakewood, Ohio, to control THE ALL-MEN TRANSFER & MOVING CO. (M. J. O'Brien, Trustee), 8416 Lake Ave., Cleveland, Ohio. Applicants' attorney: Charles D. Johnson, 1956 Union Commerce Bldg., Cleveland, Ohio. Operating rights sought to be controlled: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those contaminating to other lading, as a *common carrier*, over irregular routes, between Cleveland, Ohio, on the one hand, and, on the other, Lakewood and Euclid, Ohio; *Household goods*, over irregular routes, between Cleveland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Kentucky, Indiana, Michigan and Illinois; *Commodities, the transportation of which requires the use of special equipment*, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania and West Virginia; *Portland cement*, as a *contract carrier*, over irregular routes, from Middlebranch, Ohio, to points in a described portion of Pennsylvania, and specified points in West Virginia; and between Ironton, Ohio, on the one hand, and, on the other, points in a described portion of Kentucky. John C. DeVenne is President and a Director of Cleveland Cartage Company, which is authorized to operate as a common carrier in Ohio, Pennsylvania, West Virginia, New York, Kentucky, Indiana, Illinois and Michigan. Cleveland Cartage Company owns Central Transit Company, a contract carrier, and two common carriers, Toledo Cartage Company and Western Express Company, which carriers are authorized to operate in Virginia, Massachusetts, Rhode Island, and Connecticut in addition to many of the states in which Cleveland Cartage Company operates. Application for temporary authority under section 210a (b) was granted April 9, 1954.

NO. MC-F-5687. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla., of a portion of the operating rights of RALPH DeCOSTA SHAW, doing business as SEABOARD VAN LINES, 3132 Nicholas Avenue, SE., Washington, D. C., and for acquisition by J. E. FOGARTY of control of the operating rights through the purchase. Applicants' attorneys: Kitchen & Schwartz, Suite 713 Professional Bldg., Jacksonville 2, Fla. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in North Carolina, South Carolina, Georgia and Virginia. Vendee is authorized to operate in Florida, Michigan, Arkansas, Mississippi, Louisiana, South Carolina, North Carolina, Virginia, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, The District of Columbia, Maryland, Pennsyl-

vania, Delaware, New York, New Jersey, Connecticut, Kansas, Maine, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, Texas and Vermont. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5688. Authority sought for purchase by RUSSELL DEVRIES, doing business as CARLTON HILL TRUCKING CO., Carlton Avenue, Carlton Hill, N. J., of a portion of the operating rights of NICHOLAS MAAT, JR., doing business as MAAT'S TRUCKING CO., 118 Nelson Street, Clifton, N. J. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N. J. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Nassau and Suffolk Counties, N. Y., on the one hand, and, on the other, points in Hudson, Essex, Bergen, and Passaic Counties, N. J., Vendee is authorized to operate in New Jersey and New York. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5689. VIRGINIA CAROLINA FREIGHT LINES, INCORPORATED, P. O. Box 1189, Martinsville, Va., seeks to control BURLINGTON TRUCKERS, INC., 1313 Webb Ave., Burlington, N. C., and JAMES C. STONE, Martinsville, Va., seeks to acquire control, through the transaction. Applicants' attorney: Dale C. Dillon, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *Cellulose acetate, rayon yarn*, and *rayon products* and *supplies* used in their manufacture, and *empty rayon yarn containers*, as a *common carrier*, over regular routes, between Amcelle (near Cumberland), Md., and Celco (near Narrows), Va., serving no intermediate points: *General commodities*, except household goods as defined by the Commission, petroleum products in bulk, articles of extraordinary value, commodities injurious to other lading, and those exceeding the size and capacity of other equipment, over irregular routes, between points in Wythe County, Va., and those in that part of Virginia, West Virginia, North Carolina, and Tennessee, within 150 miles of Wythe County, Va.; *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, automobiles, commodities of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Burlington, N. C., and Altavista, Va.; *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between Anderson, Charleston, and Greenville, S. C., on the one hand, and, on the other, Columbia, Greer, Seneca, and Spartanburg, S. C., Augusta and Savannah, Ga., Winston-Salem, N. C., and points in North Carolina within 50 miles of Winston-Salem; *General commodities*, except Class A and B explosives, gasoline in bulk, and household goods as defined by the Commission, over irregular routes, from Norfolk and Richmond, Va., to Henderson, N. C., and points in North Carolina within 50 miles of Henderson; *Cellulose acetate, hosiery, glass bottles, automobile parts, canned goods, cotton seed, cotton seed meal* and *cotton seed hulls, yarn, bobbins, spools, warp, warp pins, warp beams, warp rolls*, and *cones, containers*, and *textile machinery* and *parts thereof, rayon yarn and cloth, rayon mill* and *cotton mill machinery, supplies* and *equipment*, over irregular routes, from, to, and between points in Maryland, Virginia, South Carolina, North Carolina, Michigan, Indiana, Georgia, and Tennessee. Virginia-Carolina Freight Lines, Incorporated, is authorized to operate as a common carrier in Maryland, Virginia, North Carolina, Pennsylvania and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5692. Authority sought for purchase by BROOKS TRUCK LINES, INC., 112 N. Salt Pond, Marshall, Mo., of the operating rights of CHARLES E. BAILEY, doing business as KANSAS CITY-HOLTON TRUCK LINES, 401 East Missouri Ave., Kansas City, Mo., and for acquisition by EARL BROOKS, Marshall, Mo., of control of the operating rights through the purchase. Applicants' attorney: Lee Reeder, 1012 Baltimore Ave., Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Kansas City, Mo., and Holton, Kans.; serving the intermediate point of Birmingham, Kans., and the off-route points of Denison, Circleville, Soldier, Havensville, Onaga, Mayetta and Hoyt, Kans., and points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission. Vendee is authorized to operate under the Second Proviso of section 206 (a) (1) in Missouri. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5695. Authority sought for purchase by LAW & INGHAM TRANSPORTATION COMPANY, INC., Airport Road, Nashua, N. H., of the operating rights of HOWE TRANS., INC., 117 Vine St., Nashua, N. H., and for acquisition by VERNICE W. LAW, ROSALIE B. LAW, AND GEORGE B. LAW, of Nashua, N. H., of control of the operating rights through the purchase. Applicants' attorney: Thomas J. O'Loughlin, Jr., P. O. Box 424, Nashua, N. H. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except livestock, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over a regular route, between Nashua, N. H., and Lowell, Mass., serving all intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between points in Hillsboro County, N. H., on the one hand, and, on the other, points in Massachusetts within a radius of 45 miles of Nashua; *household goods*, as defined by the Commission, over irregular routes, between points in Hillsboro County, N. H., on the one hand, and, on the other, points in Massachusetts. Vendee is authorized to operate as a common carrier in New Hampshire and Massachusetts. Application for temporary authority under Section 210a (b) was granted April 23, 1954.

NO. MC-F-5700. Authority sought for purchase by HALL'S MOTOR TRANSIT COMPANY, A CORPORATION, 4th Street and Shikellamy Ave., Sunbury, Pa., of the operating rights of WALTER HIRSCH, doing business as W. HIRSCH TRUCKING, Hillcrest Ave., Hasson Heights, Oil City, Pa., and for acquisition by JOHN N. HALL, W. LEROY HALL, AND J. DUFF GEORGE of control of the operating rights through the purchase. Applicants' attorney: Leonard R. Apfelbaum, 412-414 Bittner Bld., Sunbury, Pa. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Oil City, Pa., and Cleveland, Ohio, serving the intermediate points of Reno, Franklin, Sandy Lake, and Greenville, Pa., and the off-route points of McClintockville, and Rouseville, Pa., *grease*, over regular routes, from Buffalo, N. Y., to Emlenton, Pa., serving the intermediate point of Rouseville, Pa., restricted to delivery only, *petroleum products*, in containers, over irregular routes, from Oil City, McClintockville, Rouseville, Franklin, Reno, Emlenton, and Titusville, Pa., to points in that part of Ohio east of a line beginning at Cleveland, Ohio, and extending along U. S. Highway 21 to junction U. S. Highway 250, thence east and north of a line extending along U. S. Highway 250 to the Ohio River, and those in New York west of a line beginning at Oswego, N. Y., and extending along New York Highway 57 to Syracuse, N. Y., thence along U. S. Highway 11 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. Vendee is authorized to operate in Ohio, Pennsylvania, New Jersey and New York. Application has been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 54-3505; Filed, May 11, 1954; 8:49 a. m.]

[Notice No. 7]

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

MAY 7, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER (49 CFR 1.240). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other procedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

NO. MC-F-5701, CHICAGO, AURORA AND ELGIN RAILWAY COMPANY, 400 West Liberty Drive, Wheaton, Ill., seeks to control TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 504 E. 7th St., Joplin, Mo. Applicants' attorney: Wentworth E. Griffin, 1012 Baltimore Ave., Kansas City, Mo. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, and *Class A and B Explosives*, as a *common carrier*, over regular routes, between Joplin, Mo., and St. Louis, and Kansas City, Mo., Oklahoma City, Tulsa, and Miami, Okla., and Independence and Parsons, Kans., between junction U. S. Highways 71 and 160 (near Lamar, Mo.) and Pittsburg, Kans., serving all intermediate points between the above-mentioned routes, and the off-route points of Alton, East Alton, and Belleville, Ill., Grand View, Mo., Capaldo, Walnut, West Mineral, Carona, Radley, and Chicopee, Kans., and Welch, Sand Springs, and Hockersville, Okla., those within ten miles of St. Louis, and Kansas City, Mo., those within five miles of Springfield, Mo., Joplin, Mo., Tulsa, Okla., and Oklahoma City, Okla.; *household goods*, as defined by the Commission, and *Class A and B explosives*, over irregular routes, between points in Oklahoma on the one hand, and, on the other, points on the regular routes in Missouri and the off-route points in Missouri and Illinois hereinbefore mentioned; *household goods*, as defined by the Commission, between points in Missouri, Kansas, Oklahoma, and those in that part of Illinois within 150 miles of St. Louis, Mo.; *Class A and B explosives*, between points in Missouri, Oklahoma, Kansas, Texas, Nebraska, Arkansas, and New Mexico. Applicant is not a motor carrier. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

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

[F. R. Doc. 54-3514; Filed, May 11, 1954; 8:50 a. m.]

[4th Sec. Application 29221]

NET TRANSIT RATES ON LUMBER FROM VIRGINIA TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

MAY 7, 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: The Southern Railway Company.

Commodities involved: Lumber and other forest products, carloads.

From: Points in Virginia on Carolina and Northwestern Railway Company.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Southern Railway Company, I. C. C. No. A-11099, supp. 25.

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. 54-3501; Filed, May 11, 1954; 8:48 a. m.]

[4th Sec. Application 29223]

IRON AND STEEL PIPE FROM TEXAS TO MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

MAY 7, 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: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Pipe or tubing, iron or steel, and related articles, carloads.

From: Houston, Fort Worth, Lone Star and Orange, Texas.

To: Memphis, Tenn., Helena, Ark., Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La.

Grounds for relief: Rail competition, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4040, supp. 75; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 340.

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. 54-3503; Filed, May 11, 1954; 8:48 a. m.]