

# FEDERAL REGISTER



VOLUME 19

NUMBER 189

Washington, Wednesday, September 29, 1954

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, § 6.121 is revoked, and the positions listed below are added to §§ 6.103 and 6.303.

#### § 6.103 Treasury Department. \* \* \*

(k) *Reconstruction Finance Corporation.* (1) Until September 30, 1955, Chief, Loan Administration Division; Chief, Public Agency Division; Chief, Liquidation Division; and one Assistant Controller-Treasurer.

(2) Until September 30, 1955, five Supervisory Loan Examiners (D. C.) and eight Supervisory Field Representatives (Field).

#### § 6.303 Treasury Department. \* \* \*

(e) *Reconstruction Finance Corporation.* (1) Until September 30, 1955, one Staff Assistant to the Assistant Secretary of the Treasury (RFC).

(2) Until September 30, 1955, one Special Assistant to the Assistant Secretary of the Treasury (RFC).

(3) Until September 30, 1955, two Administrative Assistants, Office of the Assistant Secretary of the Treasury (RFC).

(4) Until September 30, 1955, the General Counsel; the Director, Office of Loan Administration and Liquidation; and the Controller-Treasurer.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 54-7634; Filed, Sept. 28, 1954; 8:54 a. m.]

## TITLE 7—AGRICULTURE

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

[Docket No. AO 251]

#### PART 923—MILK IN THE APPALACHIAN MARKETING AREA

##### SUBPART—ORDER REGULATING HANDLING

Sec.

923.0 Findings and determinations.

##### DEFINITIONS

923.1 Act.  
923.2 Secretary.  
923.3 Department of Agriculture.  
923.4 Person.  
923.5 Cooperative association.  
923.6 Appalachian marketing area.  
923.7 Fluid milk plant.  
923.8 Approved plant.  
923.9 Nonfluid milk plant.  
923.10 Handler.  
923.11 Producer.  
923.12 Producer milk.  
923.13 Approved milk.  
923.14 Other source milk.  
923.15 Producer-handler.  
923.16 Chicago butter price.  
923.17 Base milk.  
923.18 Excess milk.

##### MARKET ADMINISTRATOR

923.20 Designation.  
923.21 Powers.  
923.22 Duties.

##### REPORTS, RECORDS, AND FACILITIES

923.30 Reports of receipts and utilization.  
923.31 Other reports.  
923.32 Records and facilities.  
923.33 Retention of records.

##### CLASSIFICATION

923.40 Skim milk and butterfat to be classified.  
923.41 Classes of utilization.  
923.42 Shrinkage.  
923.43 Responsibility of handlers and re-classification of milk.  
923.44 Transfers.  
923.45 Computation of the skim milk and butterfat in each class.  
923.46 Allocation of skim milk and butterfat classified.

##### MINIMUM PRICES

923.50 Basic formula price.  
923.51 Class prices.

(Continued on next page)

## CONTENTS

	Page
<b>Agricultural Conservation Program Service</b>	
Rules and regulations:	
Naval Stores Conservation Program, 1955; miscellaneous amendments.....	6263
<b>Agricultural Marketing Service</b>	
Rules and regulations:	
Milk handling in certain marketing areas:	
Appalachian.....	6249
Central Mississippi.....	6257
<b>Agriculture Department</b>	
See also Agricultural Conservation Program Service; Agricultural Marketing Service; Forest Service.	
Notices:	
Louisiana; disaster assistance; delineation and certification of parishes in drought area...	6281
<b>Civil Service Commission</b>	
Rules and regulations:	
Competitive service, exceptions from; Treasury Department...	6249
<b>Defense Mobilization Office</b>	
Rules and regulations:	
Manpower Policy and Specialized Personnel Committees, creation of.....	6275
<b>Federal Communications Commission</b>	
Notices:	
Hearings, etc.:	
Community Broadcasting Service (WWBZ).....	6278
Jordan Dispatch Service.....	6280
Mathis, Bill.....	6280
Mercer Broadcasting Co. et al.....	6279
Moss, William C. (KSEY)....	6278
Seaton Publishing Co.....	6279
Triad Television Corp. et al...	6279
Western Broadcasting Co., Inc. (KIFN).....	6278
Proposed rule making:	
Radio stations in Alaska other than amateur and broadcast...	6277
Television broadcast stations:	
Power and antenna height requirements.....	6276
Table of assignments.....	6276



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

**CFR SUPPLEMENTS**

(For use during 1954)

The following Supplements are now available:

Title 7: Parts 210-899 (\$2.25)

Title 19, Revised 1953 (\$5.00)

Title 32A, Revised Dec. 31, 1953 (\$1.50)

Title 46: Part 146 to end (\$6.50)

Previously announced: Title 3, 1953 Supp. (\$1.50); Titles 4-5 (\$0.60); Title 6 (\$2.00); Title 7: Parts 1-209, Revised 1953 (\$7.75); Part 900 to end (\$1.25); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$1.25); Part 400 to end (\$0.50); Title 15 (\$1.25); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Title 21 (\$1.50); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 1-79, Revised 1953 (\$7.75); Parts 80-169 (\$0.50); Parts 170-182 (\$0.75); Parts 183-299, Revised 1953 (\$5.50); Part 300 to end, and Title 27 (\$1.00); Titles 28-29 (\$1.25); Titles 30-31 (\$1.00); Title 32: Parts 1-699 (\$1.75); Part 700 to end (\$2.25); Title 33 (\$1.25); Titles 35-37 (\$0.70); Title 38 (\$2.00); Title 39 (\$2.00); Titles 40-42 (\$0.50); Title 43 (\$1.75); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.35); Titles 47-48, Revised 1953 (\$7.75); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

**CONTENTS—Continued**

**Federal Communications Commission—Continued**

Rules and regulations:	Page
Frequency allocations and radio treaty matters; general rules and regulations; industrial radio services; renewal of VHF shoran authorizations.....	6264
Radio broadcast services; table of assignments for television broadcast stations (2 documents).....	6264
Stations on shipboard in the maritime service; required antenna-ground systems and authorized transmitter power.....	6265
Telegraph and telephone franks; records to be maintained and reports to be filed.....	6266

**Federal Housing Administration**

Notices:	
Insurance fund debentures; call for partial redemption before maturity:	
2½ percent:	
Housing, Series Q.....	6283
Mutual Mortgage, Series K.....	6282
National Defense Housing, Series P.....	6283
Title I Housing, Series L.....	6282
War Housing, Series H.....	6283
2¾ percent Mutual Mortgage, Series E.....	6282
3 percent Mutual Mortgage, Series U.....	6283

**Federal Power Commission**

Notices:	
Panhandle Eastern Pipe Line Co. et al.; order fixing date for oral argument on application for abrogation of order or in alternative for rehearing and application for rehearing and stay.....	6281

**Forest Service**

Notices:	
Dixie National Forest; removal of trespassing horses.....	6281

**Housing and Home Finance Agency**

See Federal Housing Administration.

**Interior Department**

See Land Management Bureau.

**Interstate Commerce Commission**

Notices:	
Applications for relief:	
Newsprint paper, from Childersburg and Coosa Pines, Ala., and Calhoun, Tenn., to points in Texas.....	6296
Motor carrier applications.....	6285
Intrastate rates on bituminous coal within Ohio.....	6296
Rules and regulations:	
Explosives and other dangerous articles; miscellaneous amendments.....	6266

**CONTENTS—Continued**

<b>Land Management Bureau</b>	Page
Notices:	
Arizona; proposed withdrawal and reservation of lands.....	6278

**Post Office Department**

Rules and regulations:	
International postal service: Postage rates, service available and instructions for mailing; Kenya and Uganda; Tanganyika Territory.....	6276

**Securities and Exchange Commission**

Notices:	
Middle South Utilities, Inc.; order regarding issuance and sale of common stock pursuant to rights offering.....	6284

**CODIFICATION GUIDE**

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

	Page
<b>Title 5</b>	
Chapter I:	
Part 6.....	6249
<b>Title 7</b>	
Chapter IX:	
Part 923.....	6249
Part 987.....	6257
Chapter XI:	
Part 1106.....	6263
<b>Title 32A</b>	
Chapter I (ODM):	
DMO IV-1.....	6275
<b>Title 39</b>	
Chapter I:	
Part 127.....	6276
<b>Title 49</b>	
Chapter I:	
Parts 71-78.....	6266
<b>Title 47</b>	
Chapter I:	
Part 2.....	6264
Part 3 (2 documents).....	6264
Proposed rules (2 documents).....	6276
Part 8.....	6265
Part 11.....	6264
Part 14 (proposed).....	6277
Part 41.....	6266

Sec.	
923.52	Butterfat differential to handlers.
923.53	Location differentials to handlers.
923.54	Use of equivalent prices.
	APPLICATION OF PROVISIONS
923.60	Producer-handlers.
923.61	Plants subject to other Federal orders.
	DETERMINATION OF UNIFORM PRICE
923.70	Net obligation of handlers.
923.71	Computation of uniform prices for handlers.
923.72	Computation of the uniform prices for base milk and for excess milk for handlers.
	BASE RATING
923.80	Determination of daily base.
923.81	Computation of base.
923.82	Base rules.
923.83	Announcement of established bases.

PAYMENTS

- Sec. 923.90 Payments to producers.
- 923.91 Butterfat differential to producers.
- 923.92 Location differential to producers.
- 923.93 Adjustment of accounts.
- 923.94 Marketing services.
- 923.95 Expense of administration.
- 923.96 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

- 923.100 Effective time.
- 923.101 Suspension or termination.
- 923.102 Continuing obligations.
- 923.103 Liquidation.

MISCELLANEOUS PROVISIONS

- 923.110 Agents.
- 923.111 Separability of provisions.

AUTHORITY: §§ 923.0 to 923.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including

routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the provision in the order for a base forming period which includes the month of October; and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined in view of the aforesaid facts and circumstances, that good cause exists for making §§ 923.1 through 923.18; 923.20 through 923.22 (i); 923.30 through 923.33; 923.40 through 923.46; 923.60, 923.61, 923.80 through 923.83, 923.95, 923.96, 923.100 through 923.103, 923.110, and 923.111 effective on October 1, 1954, and that it would be contrary to the public interest to delay such effective date beyond that specified. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

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

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

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

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who, participated in a referendum thereon and who, during the determined representative period (August 1954), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered that the full text of the order be published in the FEDERAL REGISTER.

Sections 923.1 through 923.18; 923.20 through 923.22 (i); 923.30 through 923.33; 923.40 through 923.46; 923.60, 923.61, 923.80 through 923.83, 923.95, 923.96, 923.100 through 923.103, 923.110 and 923.111 shall be effective on and after the first day of October 1954 and the entire order (§ 923.1 through 923.111) shall be effective on and after the first day of November 1954.

DEFINITIONS

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

§ 923.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 923.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

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

§ 923.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 923.6 *Appalachian Marketing Area.* "Appalachian Marketing Area," hereinafter called the "marketing area," means all the territory within the counties of Sullivan, Washington, and Greene in Tennessee; Washington and Wise in Virginia; and Harlan in Kentucky.

§ 923.7 *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which a volume of Class I milk equal to an average of more than 1,000 pounds per day, or not less than 2.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area, (b) any plant which during the months of February through July ships grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section or (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided,* That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a fluid milk plant pursuant to this section.

§ 923.8 *Approved plant.* "Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the

month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

§ 923.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 923.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 923.11 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted by the operator of a fluid milk plant for his account to a nonfluid milk plant (1) any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 923.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 923.11.

§ 923.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a fluid milk plant, except the plant of a producer-handler, and which is approved for distribution as Class I milk by the agency issuing the health permit to such plant.

§ 923.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 923.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 923.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 923.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 923.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 923.17 *Base milk.* "Base milk" means milk received at a fluid milk plant

from a producer during any of the months of April through August which is not in excess of such producer's base for such month computed pursuant to § 923.81.

§ 923.18 *Excess milk.* "Excess milk" means either (a) milk received at a fluid milk plant from a producer during any of the months of April through August, which is in excess of base milk received from such producer during such month, or (b) milk received during such month from a producer for whom no base can be computed pursuant to § 923.80.

#### MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 923.22 *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 on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 923.95 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 923.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date

upon which he is required to perform such acts, has not made reports pursuant to §§ 923.30 and 923.31, or payments pursuant to §§ 923.90 through 923.95;

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

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) the 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (3) the 10th day after the end of each month, the uniform price(s), and the producer butterfat differential.

#### REPORTS, RECORDS, AND FACILITIES

§ 923.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 923.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 923.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, for the months of April through August, the total pounds of base and excess milk, (iii) the days

on which milk was received from such producer if less than a full month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 923.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 923.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the 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 a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. 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

§ 923.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 923.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 923.41 through 923.46.

§ 923.41 *Classes of utilization.* Subject to the conditions set forth in §§ 923.43 and 923.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog); and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (3) in shrinkage assigned to Class II pursuant to § 923.42.

§ 923.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 923.11) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 923.41 (a) and (b) (1) (except shrinkage determined pursuant to paragraph (a) of the section) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

§ 923.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

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

§ 923.44 *Transfers.* Skim milk or butterfat disposed of from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 923.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 923.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided*

*further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 923.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant located in the marketing area or not more than 50 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk is transferred in bulk form as cream to a nonfluid plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 923.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 923.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors, the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 923.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 923.45, the market administrator shall determine

the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 923.42 (d);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in products defined as Class I milk pursuant to § 923.41 (a) received in consumer packages from a nonfluid milk plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such nonfluid milk plant whichever is less.

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

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 923.41 (a) (1) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from the fluid milk plants of other handlers in the form of products designated as Class I milk in § 923.41 (a) (1), according to its classification as determined pursuant to § 923.44 (a);

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

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

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

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

#### MINIMUM PRICES

§ 923.50 *Basic formula price*. The highest of the prices computed pursuant to paragraphs (a) or (b) of this section and § 923.51 (b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

#### Present Operator and Location

Borden Co., Mount Pleasant, Mich.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Hudson, Mich.  
Pet Milk Co., Wayland, Mich.  
Pet Milk Co., Coopersville, Mich.  
Borden Co., Orfordville, Wis.  
Borden Co., New London, Wis.  
Carnation Co., Chilton, Wis.  
Carnation Co., Berlin, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Oconomowoc, Wis.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Belleville, Wis.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.6.

(b) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¼ cents for each full ½ cent that the average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, as reported by the Department of Agriculture during the delivery period, is above 5 cents.

§ 923.51 *Class prices*. Subject to the provisions of §§ 923.52 and 923.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price*. The Class I milk price shall be the basic formula price for the preceding month, plus \$2.10 during the months of August through February and plus \$1.70 during all other months.

(b) *Class II milk price*. For the months of March through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph and for all other months the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

#### Company and Location

Pet Milk Co., Mayfield, Ky.  
Pet Milk Co., Bowling Green, Ky.  
Pet Milk Co., Greenville, Tenn.  
Pet Milk Co., Abingdon, Va.  
Carnation Co., Murfreesboro, Tenn.  
Carnation Co., Statesville, N. C.  
Borden Co., Lewisburg, Tenn.  
Borden Co., Chester, S. C.  
Carnation Co., Galax, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, and subtract 75 cents therefrom.

(i) Multiply by 4.80 the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at New York as reported during the month by the Department of Agriculture;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, 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, by the Department of Agriculture.

§ 923.52 *Butterfat differential to handlers*. For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 923.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price*. Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price*. Multiply by 0.11 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at New York, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 923.53 *Location differentials to handlers*. For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 923.41 (a) (1) and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 923.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the city limits of Kingsport (miles):	Rate per hundredweight (cents)
50 but less than 60	10
For each additional 10 miles or fraction thereof an additional	1.5

*Provided*, That for purpose of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 923.46 (a) (1), (2), and (3), and the comparable steps in (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 923.54 *Use of equivalent prices*. If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 923.60 *Producer-handlers.* Sections 923.40 through 923.46, 923.50 through 923.53, 923.70 through 923.72, 923.80 through 923.83, and 923.90 through 923.96 shall not apply to a producer-handler.

§ 923.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 923.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 923.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 923.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a fluid milk plant pursuant to § 923.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 923.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 923.46 (a) (4) and (b), whichever is less.

§ 923.71 *Computation of uniform prices for handlers.* For each of the months of September through March, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions to be made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 923.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of April through August, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 923.70 the total of the location differential deductions made pursuant to § 923.92;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 923.80 *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through February by the number of days from the first day milk is received from such producer during said months to the last day of February, inclusive, but not less than 120 days.

§ 923.81 *Computation of base.* The base of each producer to be applied during the months of April through August shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month: *Provided*, That if the producer's milk was not received on a daily basis, the daily base shall be multiplied by the number of days during the month for which the milk production of such producer was received by such handler.

§ 923.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through February.

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be removed from one handler to another handler.

§ 923.83 *Announcement of established bases.* On or before April 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 923.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 15th day after the end of each month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 923.71 for the months of September through March, and at not less than the uniform price for base milk computed pursuant to § 923.72 with respect to base milk received from such producer and at not less than the uniform price for excess milk computed pursuant to

§ 923.72 with respect to excess milk received from such producer for the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 923.91, (2) the location differential pursuant to § 923.92, (3) marketing service deductions pursuant to § 923.95, (4) proper deductions authorized in writing by the producer, and (5) adjustments for errors in calculating payment to such individual producer for past months: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested by the cooperative association, pay such cooperative association on or before the 13th day after the end of each month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph;

(b) In making the payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

- (1) The month and identity of the handler and of the producer;
- (2) The daily and total pounds and the average butterfat content of milk received from such producer;
- (3) The minimum rate or rates at which payment to such producer is required pursuant to the order;
- (4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;
- (5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and
- (6) The net amount of payment to such producer.

§ 923.91 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 923.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 923.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 923.92 *Location differential to producers.* In making payment to producers pursuant to § 923.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and 50 miles or more from the city limits of Kingsport, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the city limits of Kingsport (miles):	Rate per hundredweight (cents)
50 but less than 60-----	10
For each additional 10 miles or fraction thereof an additional-----	1.5

§ 923.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 923.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 923.90, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of this statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 923.90 (b).

§ 923.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes

operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part 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 received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part 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 representatives.

(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 transaction involving fraud or wilful 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, pursu-



ant to section 8c (15) (A) of the act, a petition claiming such money.

**EFFECTIVE TIME, SUSPENSION, OR TERMINATION**

§ 923.100 *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 § 923.101.

§ 923.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

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

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

**MISCELLANEOUS PROVISIONS**

§ 923.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

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

Issued at Washington, D. C., this 24th day of September 1954.

[SEAL] EARL L. BUTZ,  
Assistant Secretary.

[F. R. Doc. 54-7598; Filed, Sept. 28, 1954; 8:45 a. m.]

[Docket No. AO 252]

**PART 987—MILK IN THE CENTRAL MISSISSIPPI MARKETING AREA**

**SUBPART—ORDER REGULATING HANDLING**

- Sec. 987.0 Findings and determination.
- DEFINITIONS
- 987.1 Act.
- 987.2 Secretary.
- 987.3 Department of Agriculture.
- 987.4 Person.
- 987.5 Cooperative association.
- 987.6 Central Mississippi marketing area.
- 987.7 Distributing plant.
- 987.8 Supply plant.
- 987.9 Fluid milk plant.
- 987.10 Nonfluid milk plant.
- 987.11 Approved plant.
- 987.12 Handler.
- 987.13 Producer.
- 987.14 Producer milk.
- 987.15 Other source milk.
- 987.16 Producer-handler.
- 987.17 Chicago butter price.

**MARKET ADMINISTRATOR**

- 987.20 Designation.
- 987.21 Powers.
- 987.22 Duties.

**REPORTS, RECORDS, AND FACILITIES**

- 987.30 Reports of receipts and utilization.
- 987.31 Other reports.
- 987.32 Records and facilities.
- 987.33 Retention of records.

**CLASSIFICATION**

- 987.40 Skim milk and butterfat to be classified.
- 987.41 Classes of utilization.
- 987.42 Assignment of shrinkage.
- 987.43 Responsibility of handlers and reclassification of milk.
- 987.44 Transfers.
- 987.45 Computation of the skim milk and butterfat in each class.
- 987.46 Allocation of skim milk and butterfat classified.

**MINIMUM PRICES**

- 987.50 Basic formula price.
- 987.51 Class prices.
- 987.52 Butterfat differential to handlers.
- 987.53 Location differentials to handlers.

**APPLICATION OF PROVISIONS**

- 987.60 Producer-handlers.
- 987.61 Plants subject to other Federal orders.

**DETERMINATION OF UNIFORM PRICE**

- 987.70 Net obligation of handlers.
- 987.71 Computation of uniform prices for handlers.
- 987.72 Computation of the uniform price for base milk and for excess milk for handlers.

**BASE RATING**

- 987.80 Determination of daily base.
- 987.81 Computation of base.
- 987.82 Base rules.
- 987.83 Announcement of established bases.

**PAYMENTS**

- 987.90 Payments to producers.
- 987.91 Butterfat differential to producers.
- 987.92 Location differentials to producers.
- 987.93 Adjustment of accounts.
- 987.94 Marketing services.
- 987.95 Expense of administration.
- 987.96 Termination of obligations.

**EFFECTIVE TIME, SUSPENSION, OR TERMINATION**

- 987.100 Effective time.
- 987.101 Suspension or termination.
- 987.102 Continuing obligations.
- 987.103 Liquidation.

**MISCELLANEOUS PROVISIONS**

- Sec. 987.110 Agents.
- 987.111 Separability of provisions.

AUTHORITY: §§ 987.0 to 987.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the provision in the order for a base forming period which includes the month of October; and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the

provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined in view of the aforesaid facts and circumstances, that good cause exists for making §§ 987.1 through 987.17; 987.20 through 987.22 (h); 987.30 through 987.33; 987.40 through 987.46; 987.60, 987.61, 987.80 through 987.83, 987.95, 987.96, 987.100 through 987.103, 987.110 and 987.111 effective on October 1, 1954, and that it would be contrary to the public interest to delay such effective date beyond that specified. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

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

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

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

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who, participated in a referendum thereon and who, during the determined representative period (August 1954), were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered that the full text of the order be published in the FEDERAL REGISTER.

Sections 987.1 through 987.17; 987.20 through 987.22 (h); 987.30 through 987.33; 987.40 through 987.46; 987.60, 987.61, 987.80 through 987.83, 987.95, 987.96, 987.100 through 987.103, 987.110 and 987.111 shall be effective on and after the first day of October 1954 and the entire order (§ 987.1 through 987.111) shall be effective on and after the first day of November 1954.

#### DEFINITIONS

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

§ 987.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized

to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 987.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

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

§ 987.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 987.6 *Central Mississippi marketing area.* "Central Mississippi marketing area," hereinafter called the "marketing area," means all the territory within the following counties: Claiborne, Copiah, Covington, Forrest, Hinds, Jasper, Jefferson Davis, Jones, Madison, Marion, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren, Wayne, Lamar (except beat 2 thereof), and Lawrence (except beats 1, 2 and 3 thereof).

§ 987.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to more than an average of 1,000 pounds per day or 5.0 percent of the Grade A milk and skim milk received from producers and other plants, whichever is less, is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area.

§ 987.8 *Supply plant.* "Supply plant" means (a) any plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

§ 987.9 *Fluid milk plant.* "Fluid milk plant" means a distributing plant or a supply plant.

§ 987.10 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 987.11 *Approved plant.* "Approved plant" means: (a) A fluid milk plant, (b) any milk plant from which Class I milk is disposed of (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets located in the marketing area, or (c) any plant from which milk or skim milk approved by the appropriate health

department for distribution as Class I milk in the marketing area is shipped to a distributing plant during the month.

§ 987.12 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 987.13 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during the months of March through July: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 987.14 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at the fluid milk plant directly from producers, or diverted from the plant pursuant to § 987.13.

§ 987.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 987.41 (a) (1), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 987.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product during the month.

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates an approved plant but who receives no milk from other dairy farmers.

§ 987.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

#### MARKET ADMINISTRATOR

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

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 987.22 *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 on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

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

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

(d) Pay out of the funds provided by § 987.95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 987.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 987.30 and 987.31 or payments pursuant to § 987.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 987.51 (a) and the Class I butterfat differential computed pursuant to § 987.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 987.51 (b) and the Class II butterfat differential computed pursuant to § 987.52 (b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price for each handler computed pursuant to § 987.71 and the butterfat differential computed pursuant to § 987.91; and

(3) On or before the 10th day after the end of each of the months of March

through July, the uniform prices for base milk and for excess milk for each handler computed pursuant to § 987.72, and the butterfat differential computed pursuant to § 987.92;

(j) On or before the 10th day after the end of each month, mail to each handler at his last known address a statement showing for such handler:

(1) The amount and value of producer milk in each class and the totals thereof;

(2) For the months of March through July, the amounts and value of his base and excess milk, respectively; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

#### REPORTS, RECORDS, AND FACILITIES

§ 987.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk; and for the months of March through July, the total quantity of base milk received;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 987.41 (a) (1) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of Class I milk on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 987.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July the total pounds of base and excess milk, (iii) the number of days on which milk was received from such producer if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk, or cream at his fluid milk plant(s), his intention to receive such product, and on or before the

last day such product is received, his intention to discontinue receipt of such milk;

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 987.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 987.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the 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 a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. 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

§ 987.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 987.30 shall be classified by the market administrator pursuant to the provisions of §§ 987.41 through 987.46.

§ 987.41 *Classes of utilization.* Subject to the conditions set forth in §§ 987.43 and 987.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (other than frozen storage cream), cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, and sterilized products

contained in hermetically sealed containers); (2) contained in inventory of milk and milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph, on hand at the end of the month; and (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of and used for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; and (4) in shrinkage not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 987.42 *Assignment of shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 987.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

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

§ 987.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 987.46, and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 987.41 (a) (1);

(c) As Class I milk if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonfluid milk plant, unless the following conditions are met:

(1) The transferring handler claims utilization in a product specified in § 987.41 (b);

(2) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification; and

(3) The Class I milk in the nonfluid milk plant does not exceed the receipts of butterfat and skim milk in milk received during the month from dairy farmers who the market administrator determines are the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, cream, or skim milk so transferred or diverted.

§ 987.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 987.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 987.45, the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 987.42 (b);

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

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk contained in inventory of Class I products on hand at the beginning of the month;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 987.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 987.44 (a);

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

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

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

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

#### MINIMUM PRICES

§ 987.50 *Basic formula price.* The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by 3.5 and multiply by 4.0:

#### *Present Operator and Location*

Borden Co., Mount Pleasant, Mich.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Hudson, Mich.  
Pet Milk Co., Wayland, Mich.  
Pet Milk Co., Coopersville, Mich.  
Borden Co., Orfordville, Wis.  
Borden Co., New London, Wis.  
Carnation Co., Chilton, Wis.  
Carnation Co., Berlin, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Oconomowoc, Wis.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Belleville, Wis.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5;

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

#### *Present Operator and Location*

Kraft Cheese Co., Newton, Miss.  
Borden Co., Starkville, Miss.  
Carnation Co., Tupelo, Miss.  
Brookhaven Creamery, Brookhaven, Miss.  
Pet Milk Co., Kosciusko, Miss.

§ 987.51 *Class prices.* Subject to the provisions of §§ 987.52 and 987.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus \$1.85 during the months of March, April, May and June, and plus \$2.25 during all other months.

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the price determined pursuant to § 987.50 (c).

§ 987.52 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 987.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 987.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol Building, Jackson, Mississippi, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to another fluid milk plant and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 987.51 (a) shall be reduced by 10 cents: *Provided,* That for purposes of calculating such location differential, products so designated as Class I milk which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 987.46 (a) (1) and (2) and the comparable steps in § 987.46 (b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor plants to be made first to plants to which the location differential is applicable.

APPLICATION OF PROVISIONS

§ 987.60 *Producer - handlers.* Sections 987.40 through 987.46, 987.50 through 987.53, 987.70 through 987.72, 987.80 through 987.83, and 987.90 through 987.96 shall not apply to a producer-handler.

§ 987.61 *Plants subject to other Federal orders.* The provisions of this order shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, 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 by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Central Mississippi marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 987.8 (b) during each of the preceding months of August through December.

DETERMINATION OF UNIFORM PRICE

§ 987.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) in the case of a handler operating a fluid milk plant which was not a fluid milk plant under this order during each of the preceding 5 months, add an amount calculated by multiplying the difference between the Class I and the Class II prices adjusted by the appropriate butterfat differentials by any figure determined as follows: Any amount by which the hundredweight of skim milk or butterfat in inventory classified for such month, pursuant to § 987.41 (a) (2), is less than the least hundredweight of skim milk or butterfat, respectively, deducted pursuant to § 987.46 (a) (3) and (b) for such handler for any month since such plant was not a fluid milk plant; (f) add for each month of July an amount calculated by multiplying by 40 cents the hundredweight by which the inventory classified pursuant to § 987.41 (a) (2) for the preceding month exceeds any inventory so classified for the preceding February.

§ 987.71 *Computation of uniform prices for handlers.* For each of the months of August through February, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions to be made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by

the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

§ 987.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March through July, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 987.70 the total of the location differential deductions made pursuant to § 987.90 (b) or (c);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. market; and

(g) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in producer milk. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

BASE RATING

§ 987.80 *Determination of daily base.* The daily base of each producer shall be

calculated by the market administrator as follows: Divide the total pounds of milk received by all handlers from such producer during the months of September through January by the number of days from the first day milk is received from such producer during said months to the last day of January, inclusive, but not less than 120 days.

§ 987.81 *Computation of base.* The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days such producer's milk was received by such handler during the month.

§ 987.82 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a fluid milk plant during the months of September through January;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

§ 987.83 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

#### PAYMENTS

§ 987.90 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each of the months of August through February for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 987.71, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section and deductions made pursuant to § 987.94;

(c) On or before the 15th day after the end of each of the months of March through July, after allowance for the amount of payment made pursuant to

paragraph (a) of this section for deductions made pursuant to § 987.94, and for other proper deductions authorized in writing by such producer, as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 987.72 for the quantity of base milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 987.72 for the quantity of excess milk received from such producer during the month, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 987.91 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 987.90 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 987.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 987.92 *Location differentials to producers.* In making payment to producers pursuant to § 987.90, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located outside the marketing area and more than 50 miles from the State Capitol Building in Jackson, Mississippi, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced 10 cents per hundredweight.

§ 987.93 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting

in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 987.94 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 987.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer. In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90 (d).

§ 987.95 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handler's own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from a nonfluid milk plant.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part 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 the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part 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 representatives.

(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 transaction involving fraud or wilful 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**

§ 987.100 *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 § 987.101.

§ 987.101 *Suspension or termination.* The Secretary may suspend or termi-

nate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

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

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

**MISCELLANEOUS PROVISIONS**

§ 987.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

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

Issued at Washington, D. C., this 24th day of September 1954.

[SEAL]

EARL L. BUTZ,  
Assistant Secretary.

[F. R. Doc. 54-7597; Filed, Sept. 28, 1954; 8:45 a. m.]

**Chapter XI—Agricultural Conservation Program Service, Department of Agriculture**

[NSCP-1901, Supp. 1]

**PART 1106—NAVAL STORES CONSERVATION PROGRAM**

**SUBPART—1955**

**MISCELLANEOUS AMENDMENTS**

Pursuant to the authority vested in the Secretary of Agriculture under sec-

tions 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Act of 1954, and the Department of Agriculture Appropriation Act, 1955, the 1955 Naval Stores Conservation Program, approved August 17, 1954 (19 F. R. 5303), is amended as follows:

1. Section 1106.633 is deleted and the following substituted therefor:

§ 1106.633 *Excess acreage of basic agricultural commodities.* (a) Any person who knowingly harvests any basic agricultural commodity or causes any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended, shall not be eligible for any payment of cost-shares whatsoever on that farm or on any other farm under 1955 programs authorized by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. A basic agricultural commodity shall not be deemed to have been knowingly harvested on any farm in excess of the farm acreage allotment for such basic agricultural commodity if it is determined under applicable price support regulations that the acreage allotment for the commodity has not been knowingly exceeded.

(b) Any person who makes application for payment for cost-shares with respect to any farm shall file with such application a statement that he has not knowingly harvested any basic agricultural commodity or caused any basic agricultural commodity to be harvested on any farm in which he has an interest, in excess of the 1955 acreage allotment established for the farm for such basic agricultural commodity under the Agricultural Adjustment Act of 1938, as amended.

2. In § 1106.602 *Inspection assistance*, paragraph (b) is amended as follows:

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

3. In § 1106.621 *Initial use of spiral gutters or varn aprons and double-headed nails to minimize damage to the trees in installing faces for the virgin year or in the first elevation; 1½ cents per face*, the undesignated paragraph following paragraph (b) is amended to read as follows:

This payment is in addition to that authorized for meeting the requirements of §§ 1106.611, 1106.612, 1106.613, 1106.614, 1106.615, 1106.616, 1106.617, 1106.618, 1106.619, 1106.620, 1106.623, or 1106.624.

4. In § 1106.622 *Initial use of double-headed nails to conserve worked portion of the tree; ½ cent per face*, the undesignated paragraph following paragraph (b) is amended to read as follows:

This payment is in addition to that authorized for meeting the requirements of §§ 1106.612, 1106.614, 1106.616, 1106.618, or 1106.620.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304, 897; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 22d day of September 1954.

[SEAL] J. EARL COKE,  
Assistant Secretary of Agriculture.

[F. R. Doc. 54-7632; Filed, Sept. 28, 1954;  
8:54 a. m.]

**TITLE 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

[FCC 54-1202]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**PART 11—INDUSTRIAL RADIO SERVICES**

**RENEWAL OF VHF SHORAN AUTHORIZATIONS**

SEPTEMBER 22, 1954.

The Commission has reviewed the matter of certain authorizations which have been issued in the past to licensees of the Commission for use of frequencies in the band 225-328.6 Mc in connection with the operation of Shoran equipments. The Commission's rules do not provide for authorizations of this type. Accordingly, the Commission has this date advised the existing licensees now authorized to use such frequencies in connection with the operation of Shoran equipments that it does not presently contemplate that new authorizations or renewals of existing authorizations will be made after December 31, 1954, unless by such time provision has been made in the Commission's rules permitting such use of those frequencies by non-Government stations. The Commission has advised the same licensees that they may petition the Commission to amend its Rules so as to permit such authorizations, noting, however, that the frequency band 225-328.6 Mc is allocated in the United States for use only by United States Government radio stations.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7624; Filed, Sept. 28, 1954;  
8:51 a. m.]

[Docket No. 11117; FCC 54-1208]

[Rules Amdt. 3-21]

**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. 11117.

1. The Commission has under consideration its notice of proposed rule making issued on July 28, 1954 (FCC 54-963) and published in the FEDERAL REGISTER on August 4, 1954 (19 F. R. 4880) proposing to assign Channel 38 to Sunbury, Pennsylvania, in lieu of Channel 65, and to make other changes in the table. The Notice was issued in response to a petition filed by Sunbury Broadcasting Corporation, Sunbury, Pennsylvania.

2. The time for filing comments in this proceeding expired August 30, 1954. No comments were filed opposing the proposed amendment. In support of its request petitioner urged that the proposed amendments are technically feasible; that they will provide a more efficient utilization of available UHF channels in that an assignment is made to Shamokin, a community of 16,000 persons now without an assignment; that the assignment of a lower channel in this rugged area would insure a higher quality service and a more successful operation; and that petitioner will file an application for the use of Channel 38.

3. As we pointed out in the notice of proposed rule making, the Commission has not recognized distinctions among the various UHF channels for assignment purposes. However, in light of the more effective use of the available assignments that would be made under the proposal in this proceeding, we are of the view that a finalization of the proposed changes would serve the public interest.

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

5. In view of the foregoing: *It is ordered*, That, effective October 25, 1954, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City	Channel No.	
	Add	Delete
Sunbury, Pa.....	38	65
Lewistown, Pa.....	74	38
Shamokin, Pa.....	65	.....

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

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7628; Filed, Sept. 28, 1954;  
8:52 a. m.]

[Rules Amdt. 3-22]

[Docket No. 10936; FCC 54-1209]

**PART 3—RADIO BROADCAST SERVICES**

**TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS**

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on February 25, 1954 (FCC 54-260) advising that a petition had been filed by John H. Phipps requesting the assignment of television Channel 2 to Havana, Florida.

2. John H. Phipps filed comments supporting the assignment of Channel 2 to Havana, urging that such assignment would meet all requirements of the Commission's rules; would represent a fair and equitable distribution of VHF television facilities; and would bring television service to a large and important

area, which would include Tallahassee, the capital city of Florida. Havana, with a population of 1,634 persons is located 16 miles from Tallahassee. Tallahassee has a population of 27,237 persons and has 3 channels assigned, Channels 11, 24, and 51, with Channel 11 reserved for educational use. No applications have been filed to date for any of the Tallahassee assignments.

3. The Alabama Educational Television Commission filed a comment in opposition to the Havana assignment and a counterproposal urging that Channel 2 be assigned instead to Andalusia, Alabama to be reserved in that community for noncommercial educational use. Since Andalusia is only about 130 miles from Havana, the two proposals are conflicting. In support of its counterproposal, the Alabama Commission submits that the assignment of Channel 2 as an educational channel in Andalusia would meet all requirements of the Commission's rules and would permit the establishment of an educational station to serve the needs of the south central portion of Alabama. It is urged that an educational station operating in Andalusia would provide a necessary link in Alabama's statewide educational television service and that the Alabama Commission will file an application for an educational station in the event Channel 2 is reserved in Andalusia. Andalusia has a population of 9,162 persons. One channel, Channel 29, is presently assigned, but no applications have been filed for this frequency.

4. In reply to the Alabama Commission's counterproposal, Mr. Phipps argues that since only one channel has been assigned to Andalusia, an educational assignment in that community would violate the allocation principles employed by the Commission in its Sixth Report and Order. It is contended that in that proceeding the Commission reserved an assignment for noncommercial educational use only in communities which had three or more assignments or where the community had been designated as a primarily educational center; and it is contended that Andalusia does not fit either of these categories. It is also submitted, in opposition to the Alabama Commission's request, that the State of Alabama already has its fair share of television channels, both VHF and UHF, for educational use and that it is not possible for every State to achieve complete coverage in the VHF band.

5. The Commission has before it two conflicting proposals for the assignment of Channel 2: One seeks this assignment for Havana, Florida; the other for Andalusia, Alabama to be reserved for education. The assignment could be employed in either community in accordance with the Commission's technical requirements; however, since the two communities are only 130 miles apart, the channel can be used in only one of them. Channel 2 in Havana would represent a first assignment for a community of 1,634 persons. Havana, however, is only 16 miles from Tallahassee which presently has 3 assignments, one of which is reserved for education. In Andalusia, Channel 2 would represent a second assignment and a



first educational reservation in a community of 9,162 persons.

6. Upon our careful review of the comments filed in this proceeding, we have determined that Channel 2 should be assigned to Andalusia and reserved for education in that community. On the basis of the record made in this proceeding, we believe that the need for an educational reservation in Andalusia as contemplated by the Alabama Commission outweighs the need for the assignment of this frequency in Havana. The Alabama Educational Television Commission, created by legislative act for the purpose of bringing educational television to the people of Alabama and empowered to own and operate television stations for this purpose, has already been granted a permit to construct an educational station at Munford and has an application for such a station pending for Birmingham. The Alabama Commission submits that the assignment of Channel 2 in Andalusia is both necessary and desirable in order to achieve wide-area coverage of the southern section of the State and to aid in the effectuation of its statewide educational television service. The Alabama Commission points out in this connection, that Channel 2 in Andalusia would provide educational television service not only to that community but would also bring educational television to the large rural area surrounding it.

7. Mr. Phipps contends that since only one channel has been assigned to Andalusia, an educational reservation in that community would not be warranted and would not be in accord with the Commission's assignment principles as employed in the Sixth Report and Order. While it is correct that in the above proceeding the Commission, as a general rule, reserved a channel for educational purposes only if a community had as many as three television channels assigned to it, or if the community could be classified as a "primarily educational center," these principles were only general guideposts and not hard and fast rules. The Commission in a number of instances, upon a proper showing of need, has since reserved channels in communities without regard to the number of assignments in the communities. For example, in order to provide for a state-wide educational network in Tennessee, the Commission has assigned and reserved Channel 2 in Sneedville and Channel 11 in Lexington, Tennessee, communities with very small populations. (See our Report and Order (FCC 54-364) issued March 19, 1954.) We believe, on the basis of the entire record in this proceeding, that the assignment of Channel 2 in Andalusia for educational use is to be preferred to the assignment of Channel 2 to Havana, Florida. Accordingly, we are adopting the counterproposal of the Alabama Educational Television Commission and are rejecting the conflicting proposal of John H. Phipps.<sup>1</sup>

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

9. In view of the foregoing: *It is ordered*, That effective October 25, 1954, the Table of Assignment contained in § 3.606 of the Commission's rules governing Television Broadcast Stations is amended as follows:

City:	Channel No.
Andalusia, Ala.....	*2—, 29

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

Adopted: September 22, 1954.  
Released: September 23, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7625; Filed, Sept. 28, 1954;  
8:51 a. m.]

[Docket No. 11011; FCC 54-1196]  
[Rules Amdt. 8-10]

PART 8—STATIONS ON SHIPBOARD IN THE  
MARITIME SERVICES

REQUIRED ANTENNA-GROUND SYSTEMS AND  
AUTHORIZED TRANSMITTER-POWER

In the matter of amendment of Part 8 of the Commission's Rules to require antenna-ground systems and to specify minimum transmitter power or minimum field strength for ship stations operating on frequencies below 25 Mc for telephone communication with public coast stations exclusively; Docket No. 11011.

1. The Commission instituted the above-captioned proceeding by the adoption of a notice of proposed rule making on April 21, 1954. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the notice in this proceeding was duly published in the FEDERAL REGISTER on April 28, 1954 (19 F. R. 2472). The period provided for the submission of written comments and replies thereto by interested parties has expired.

2. Comments were submitted by three parties, the American Merchant Marine Institute, Inc., the Southern California Marine Radio Council, and the American Telephone & Telegraph Company. Comments were submitted by the General Development Corporation subsequent to the closing date for comment in the Docket. Inasmuch as the comments were similar to comments filed by other parties, they are, in effect, covered in the proceedings.

3. The American Merchant Marine Institute, Inc., supported the proposed rule making stating, in part, that "If the operational requirements of a particular user are such that his needs can be satisfied by only the short distance transmissions which can be obtained from equipment below the standards proposed, then the user should be operating on frequencies in the VHF bands (which have been established for short

distance communication purposes), and not on the longer distance frequencies below 25 Mc". The American Telephone & Telegraph Company indicated that amendments of the nature of those proposed would be desirable but recommended that the requirements be extended to cover ship-to-ship communication frequencies and that the minimum power values be reduced to one-half of those proposed. The Southern California Marine Radio Council objected to the antenna-ground system requirement on the basis that it would be impractical or even impossible in the case of certain non-metallic hulled vessels to attach metal plates to the hull. The Council pointed out the economic burden involved in installing metal plates, although recognizing the benefit of good antenna-ground systems, and expressed the belief that they should be made the subject of education rather than rule. With respect to the minimum power requirement, the Council stated that the lower limit should be 10 watts because "reasonably satisfactory" communication is being obtained with transmitters rated at 12 watts and because "an optimum balance" would be achieved "between power output, size and cost of transmitter, and battery capacity". The Council further pointed out, as had the American Telephone & Telegraph Company, that although the proposed rules were expressly directed to ship-to-shore public correspondence only, as a practical matter they would apply to intership communication as well, since in most instances a single set of equipment was used for both types of communication.

4. In view of the comments regarding the infeasibility under various circumstances of installing ground plates on non-metallic hulls, the rule, as finalized, has been revised so as to eliminate the absolute requirement that such a plate be installed on vessels having non-metallic hulls. In lieu thereof, with respect to such ships, the rule calls for the installation of the best possible antenna-ground system under the circumstances on the particular ship.

5. The minimum power values have been finalized as proposed. The comments submitted did not object to the specification in the rules of minimum power values but suggested different and less minimum values than those proposed. There was not any unanimity as to what the minimum values should be, and apparently the primary basis for the suggested values was what each party's experience indicated would furnish "satisfactory" communication. However, as suggested by the American Merchant Marine Institute in its comment, the public interest in use of radio frequencies is not directed solely to furnishing "satisfactory" communication without regard to the efficiency of use of the frequencies involved. Frequencies are now available in the VHF band to handle essentially short distance communication. Effective frequency utilization requires that such communications be removed from the extremely congested longer distance frequencies in the 2 to 4 Mc band, and placed in the VHF band. Reduction of the minimum power values from those proposed to any of the values

<sup>1</sup>In the notice of proposed rule making it was proposed to assign Channel 2+ to Havana. While this offset carrier assignment was technically feasible in Havana it cannot be employed in Andalusia. Accordingly, we are assigning Channel \*2—, which is technically feasible in Andalusia.

<sup>2</sup>Dissenting Statement of Commissioner Webster. "I would deny both petitions."

suggested would tend to lessen the effectiveness of the requirement for this purpose.

6. The rules, as finalized, herein, do not distinguish between frequencies for public correspondence ship-shore use and frequencies for intership use. As indicated by the comments, the distinction is more apparent than real in view of the equipment installed aboard most vessels. Therefore, the distinction has been eliminated.

7. In view of the foregoing and pursuant to sections 4 (i), 303 (f), (h) and (r) of the Communications Act of 1934, as amended, it is ordered that effective November 1, 1954, Part 8 of the Commission's rules and regulations are amended as set forth below.

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

Adopted: September 22, 1954.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Section 8.107 is amended by adding a new paragraph (c) as follows:

(c) When a ship station is operating on any carrier frequency below 25 Mc authorized for radiotelephony and the effective operation of the antenna employed is not independent of a ground connection on the frequency in use, the radio station ground system of each such ship station for operation on such frequency shall consist of:

(1) An effective radio ground to the hull for a vessel having a metallic-hull, or

(2) In the case of a vessel not having a metallic hull, the most effective radio ground practicable under the circumstances. Preferably the ground shall be to a bare plate or strips, or a combination thereof, of corrosion-resistant metal of at least 12 square feet in aggregate area affixed to the hull below the waterline.

2. Section 8.134 (a) is amended to read as follows:

(a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the provisions of § 8.110 (a), not be exceeded; and on condition that the minimum authorized transmitter-power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in § 8.7 (ii)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise, the minimum authorized transmitter-power shall not be less than the particular power set forth in paragraph (c) of this section.

3. Section 8.134 (c) is amended by designating the present contents of paragraph (c) to be paragraph (c) (1) and adding a new subparagraph (2) to read as follows:

(2) For ship stations on board any

Class of radio-frequency amplifier used in last radio stage of transmitter	Minimum authorized transmitter power in watts (when no modulation is present)
Class C—Plate, or plate and screen-grid modulated...	15.
Class C—Control, screen, or suppressor-grid modulated.	30.
Class C—Cathode modulated.....	24.
Other classes.....	Equivalent values as specified in the station authorization.

Provided, however, That the Commission may specifically license the use of authorized transmitter-power less than that specified in the foregoing table, for telephone communication on frequencies within the band 2000 to 4000 kc on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used, (see § 8.7 (ff)) a minimum radio frequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over sea-water of one statute mile (over fresh water, the minimum radio frequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

[F. R. Doc. 54-7626; Filed, Sept. 28, 1954; 8:52 a. m.]

[Docket No. 11107; FCC 54-1192]

[Rules Amdt. 41-1]

PART 41—TELEGRAPH AND TELEPHONE  
FRANKS

RECORDS TO BE MAINTAINED AND REPORTS TO  
BE FILED

In the matter of amendment of Part 41, Telegraph and Telephone Franks, of the Commission's rules and regulations; Docket No. 11107.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

On July 14, 1954, the Commission adopted a notice of proposed rule making proposing to amend Part 41 (Telegraph and Telephone Franks) of the Commission's rules and regulations. This notice was published in the FEDERAL REGISTER July 20, 1954 (19 F. R. 4482) in accordance with section 4 (a) of the Administrative Procedure Act. The proposed amendment of § 41.31 of Part 41 of the rules eliminates the requirement of maintaining records of personal telephone calls of officers, agents, or employees of common carriers subject to the act made from company official stations. The proposed amendment provides economic relief in that it eliminates the requirement for preparing toll tickets or the recording of all such calls on AMA (automatic message accounting) tape. It requires that the carrier be prepared, upon request, to make studies which would show data regarding such calls.

No comments have been received regarding the above-mentioned proposed rule making.

category of vessel, the authorized transmitter power on and after July 1, 1959, on frequencies between 2000 and 25,000 kc assigned for communication by telephony shall not be less than the power designated in the following table:

It is ordered, That under authority contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended, the amendment contained in the notice of proposed rule making and set forth below is hereby adopted.

It is further ordered, That said amendment shall become effective November 1, 1954.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: September 23, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Delete paragraph (b) of § 41.31 and substitute in lieu thereof the following:

§ 41.31 Records to be maintained and reports to be filed. \* \* \*

(b) With respect to the communications referred to in § 41.13 every carrier subject to the act shall maintain its records in such a manner as to show the number of each class of such communications handled free of charge: *Provided*, That with respect to personal telephone calls of officers, agents, or employees of common carriers subject to the act made free of charge or at reduced rates from telephone company official stations it shall be sufficient, in lieu of such record maintenance, if the carrier be at all times prepared, upon appropriate request, to make studies which will show the number of each class of such communications handled free of charge or at reduced rates.

[F. R. Doc. 54-7627; Filed, Sept. 28, 1954; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce  
Commission

[Docket No. 3666; Order 16]

PARTS 71-78—EXPLOSIVES AND OTHER  
DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of September 1954.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as

amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 commodity list (15 F. R. 8264, 8366, 8267, 8271, Dec. 2, 1950) (17 F. R. 7279, Aug. 9, 1952) (49 CFR 72.5, 1950 Rev., 1953 Supp.) as follows:

§ 72.5 List of explosives and other dangerous articles. (a) \* \* \*

Table with 5 columns: Article, Classed as, Exemptions and packing (see sec.), Label required if not exempt, Maximum quantity in 1 outside container by rail express. Rows include Automobiles, magnesium scrap, propylene, detonating fuzes, diacetyl peroxide, etc.

§ 73.69 Detonating fuzes with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges. (a) Detonating fuzes with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges, when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

NOTE 1: Radiation on the surface of any detonating fuze having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping container shall not exceed 200 milliroentgens per hour.

(c) Each outside package must be plainly marked "Detonating Fuzes—Handle Carefully—Do not Store or Load With Any High Explosives," or "Detonating Fuzes, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives," or "Boosters (Explosive)—Handle Carefully," or "Bursters (Explosive)—Handle Carefully," or "Supplementary Charges (Explosive)—Handle Carefully," as the case may be.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.116 (d), (e), and introductory text of paragraph (f) (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.116, 1950 Rev.) to read as follows:

§ 73.116 Outage. \* \* \*

(d) Flammable liquids must not be loaded into domes of tank cars. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage.

(e) Flammable liquids having vapor pressure of 16 pounds per square inch absolute at 100° F. or less must be so loaded in tank cars that the outage shall be not less than 2 percent.

(f) Flammable liquids having a vapor pressure exceeding 16 pounds per square inch absolute at 100° F. for which minimum outage is not otherwise specifically provided herein, when loaded in uninsulated tank cars, must be so loaded that the minimum outage will be the greatest of the following values:

2. Amend § 73.120 (a) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.120 1950 Rev.) to read as follows:

§ 73.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.

(a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with gasoline or other fuel tanks are exempt from specification packaging, marking, and labeling requirements, provided such tanks are securely closed, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks

PART 73—SHIPPERS

Amend § 73.8 (b) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.8, 1950 Rev.) to read as follows:

§ 73.8 Canadian shipments. \* \* \*

(b) Specification containers made and maintained in full compliance with corresponding specifications prescribed by the Board of Transport Commissioners for Canada in its Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, and Specifications for Shipping Containers, and marked in accordance therewith, BTC, CRC, etc., may be used for ship-

ment of explosives and other dangerous articles offered for transportation by carriers by rail freight, rail express, highway, or water.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Amend § 73.34 (k) table (17 F. R. 4293, May 10, 1952) (49 CFR 73.34, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders. \* \* \* (k) \* \* \*

Table with 2 columns: Specification under which cylinders were made, Minimum retest pressure (pounds per square inch). Rows include ICC-3, ICC-3A, ICC-3B, ICC-3C, ICC-3E, ICC-4, ICC-9, ICC-25, ICC-33.

plusive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component.

2. Amend § 73.69 (a) and (c) (17 F. R. 9336, Nov. 1, 1952) (49 CFR 73.69, 1950 Rev., 1953 Supp.) to read as follows:

(No change in Exceptions.)

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.53 (g) (2) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 Definition of class A explosives. \* \* \*

(g) Type 7. \* \* \*

(2) Detonating fuzes are used in the military service to detonate the high ex-

must have been drained and securely closed.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.190 (b) (2) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.190 1950 Rev.) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* \* \* \*

(b) \* \* \*  
(2) Spec. 5A, 6A, or 6B (§§ 78.81, 78.97, or 78.98 of this chapter). Metal barrels or drums, not over 30 gallons capacity each.

2. Add paragraph (a) (4) to § 73.206 (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.*

(a) \* \* \*  
(4) Spec. 37D (§ 78.125 of this chapter). Metal drums (single-trip) not exceeding 6 gallons capacity each, with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, cushioned on all sides with incombustible packing material, packed in strong outside wooden boxes (see § 73.25). Not more than 4 inside metal drums shall be packed in one outside wooden box.

3. Amend entire § 73.220 (19 F. R. 3260, June 3, 1954) (49 CFR 73.220, 1950 Rev.) to read as follows:

§ 73.220 *Magnesium scrap (borings, clippings, shavings, sheets, or turnings).*  
(a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of clippings or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of clippings or sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

4. In § 73.224 amend introductory text of paragraph (a) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.224, 1950 Rev.) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) Cumene hydroperoxide of strength not exceeding 75 percent in a non-volatile

solvent, dicumyl peroxide of strength not exceeding 50 percent in a non-volatile solvent, and tertiary butylisopropyl benzene hydroperoxide not exceeding 60 percent strength must be packed in specification containers as follows:

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.245 (a) (7) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) \* \* \*

(7) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other non-fragile plastic material (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

2. Amend § 73.256 (a) (3) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 73.256, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.256 *Compounds, cleaning, liquid.* (a) \* \* \*

(3) Spec. 22B (§ 78.197 of this chapter). Plywood drums equipped with molded liner of type and material approved by the Bureau of Explosives.

3. Amend § 73.257 (a) (6) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 73.257, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) \* \* \*

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic (bags are not authorized), not over one quart capacity each. Individual containers must be packed to prevent movement within the box by use of partitions or other suitable cushioning. Dry storage batteries or battery charger devices may be packed in the same outside box when adequately separated from inside containers of electrolyte acid, but not more than 4 inside containers of electrolyte acid may be so packed under this provision; gross weight of completed package shall not exceed 65 pounds.

4. Amend § 73.260 (a) (3) (19 F. R. 3260, June 3, 1954) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries.* (a) \* \* \*

(3) Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic), or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation, are exempt from specification packaging requirements for transportation by rail freight, highway, or water. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 300 pounds gross and must not fail under a superimposed weight equal to two times

the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

5. In § 73.263 amend paragraph (a) (1) and add paragraph (a) (15) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) \* \* \*

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other non-fragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in each outside container.

(15) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other non-fragile plastic material resistant to the lading (bags are not authorized), not over 1 quart capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

6. Amend § 73.287 (a) (2) (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.287, 1950 Rev.) to read as follows:

§ 73.287 *Chromic acid solution.* (a) \* \* \*

(2) Spec. 17H (§ 78.118 of this chapter). Metal drums (single-trip), not over 5 gallons capacity.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend entire § 73.303 (18 F. R. 3136, June 2, 1953) (49 CFR 73.303, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.303 *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (a) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements.

(b) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks are exempt from specification packaging, marking, and labeling requirements, provided such tanks are securely closed, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification pack-

aging, marking other than name of contents, and labeling requirements. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

2. In § 73.308 (a), table, cancel the entry Propylene and amend the entry Vinyl methyl ether, inhibited (17 F. R. 9837, Nov. 1, 1952) (49 CFR 73.308, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) \* \* \*

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
<i>Cancel</i>		
Propylene.....	44.....	ICC-3A300; ICC-3AA300; ICC-3B300; ICC-4A300; ICC-4B300; ICC-4BA300; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.
<i>Change</i>		
Vinyl methyl ether, inhibited (see Note 7).	68.....	ICC-4B150, without brazed seams; ICC-4BA225, without brazed seams; ICC-3A150; ICC-3AA150; ICC-3B150; ICC-25.

3. Amend § 73.312 (a) (1) (18 F. R. 3136, June 2, 1953) (49 CFR 73.312, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) \* \* \*

(1) Spec. 3<sup>1</sup>, 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X<sup>1</sup> (see appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET or 9, 25<sup>1</sup>, 26<sup>1</sup>, 38<sup>1</sup>, or 41 (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51, 78.54, 78.55, 78.63, or 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used. (No change in Note 1.)

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.332 (a) (2) (17 F. R. 9944, Nov. 4, 1952) (49 CFR 73.332, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid, liquefied.* (a) \* \* \*

(2) Spec. 3A480, 3AA480, or 3A480X (§§ 78.36, 78.37, or 78.43 of this chapter). Metal cylinders of not over 278 pounds water capacity (nominal); valve protection cap must be used and be at least 3/16 inch thick, gas-tight, with 3/16 inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

2. Amend the heading of § 73.391 (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.391, 1950 Rev.) to read as follows:

§ 73.391 *Radioactive materials class D Poison; definition.* \* \* \*

3. In § 73.392 amend paragraph (c) and add paragraph (d) (16 F. R. 5326, June 6, 1951) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.392, 1950 Rev., 1953 Supp.) to read as follows:

§ 73.392 *Exemptions for radioactive materials.* \* \* \*

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt

from specification packaging and labeling requirements for shipment in carload lots by rail freight only provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor and unloaded by consignee.

(d) Detonating fuzes with radioactive components as described in § 73.53 (g) (2) are exempt from labeling requirements.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.529 (c) (18 F. R. 3137, June 2, 1953) (49 CFR 74.529, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.529 *Cars for class B, explosives.* \* \* \*

(c) Explosives, class B, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus. Packages of explosives shall be so braced and stayed as to prevent their movement and so as to prevent injury to them due to movement of other freight during transit. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed. "Dangerous" placards prescribed by § 74.552 must be securely attached to the car or truck body or trailer so as to be visible from both sides and ends of the car.

2. Amend § 74.530 (b) (18 F. R. 3137, 3138, June 2, 1953) (49 CFR 74.530, 1950 Rev. 1953 Supp.) to read as follows:

§ 74.530 *Cars for class C, explosives.* \* \* \*

(b) Explosives, class C, may be carried in tight, closed truck bodies or trailers on flat cars provided such truck bodies or trailers are not equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

3. In § 74.532 amend the introductory text of paragraph (a) (18 F. R. 3138, June 2, 1953) (49 CFR 74.532, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.532 *Loading other dangerous articles.* (a) Shipments must be properly loaded in closed cars, container cars, or in tight closed truck bodies or trailers on flat cars, except as otherwise provided in Parts 71-78 of this chapter and cars placarded as prescribed, when accepted by carriers. Ends, side walls, or doors of truck bodies or trailers shall not be relied upon to prevent the shifting of heavy loads unless adequately designed.

SUBPART E—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 (a), chart, amend item g vertical and horizontal columns (17 F. R. 9839, Nov. 1, 1952) (49 CFR 74.538, 1950 Rev., 1953 Supp.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) \* \* \*

"g" Detonating fuzes, with or without radioactive components.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART B—LOADING AND UNLOADING

Amend § 77.835 (j) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* \* \* \*

(j) *Transfer of explosives en route.* No class A or class B explosive shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns, red emergency reflectors or red flags shall be set out in the manner prescribed for disabled or stopped motor vehicles. (See Motor Carrier Safety Regulations, Part 192 of this chapter.) In any event, all practicable means, in addition to these hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 (a), chart, amend item g vertical and horizontal columns (17 F. R. 9840, Nov. 1, 1952) (49 CFR 77.848, 1950 Rev., 1953 Supp.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) \* \* \*

"g" Detonating fuzes, with or without radioactive components.

SUBPART D—VEHICLES AND SHIPMENTS IN TRANSIT; ACCIDENTS

Amend § 77.854 (a) and (f) (15 F. R. 8369, 8370, Dec. 2, 1950) (49 CFR 77.854, 1950 Rev.) to read as follows:

§ 77.854 *Disabled vehicles and broken or leaking packages; repairs.* (See also Forbidden articles, § 77.821.)

(a) *Care of lading, explosives or other dangerous articles.* Whenever for any cause other than necessary traffic stops any motor vehicle transporting any explosive or other dangerous article is stopped upon the traveled portion of any highway or shoulder thereof, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against. See §§ 192.22 to 192.26 inclusive, of this chapter, for signals required to be displayed on the highway.

(f) *Stopped vehicles; other dangerous articles.* Whenever any motor vehicle transporting flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons, is stopped for any cause other than necessary traffic stops upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(1) For motor vehicles other than cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases and not transporting explosives, class A or class B, flares (pot torches), fuses, red electric lanterns, red emergency reflectors, and red flags shall be displayed as required under §§ 192.22, 192.23, 192.24, and 192.26 of this chapter.

(2) For cargo tank motor vehicles used for the transportation of flammable liquids or flammable compressed gases, whether loaded or empty, and vehicles transporting explosives class A or class B, red electric lanterns, red emergency reflectors and red flags shall be displayed as required in §§ 192.25 and 192.26 of this chapter.

§ 78.81 *Specification 5A; steel barrels or drums.*

§ 78.81-9 *Closures.* (a) Adequate to prevent leakage; gasket required. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

NOTE 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16" diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

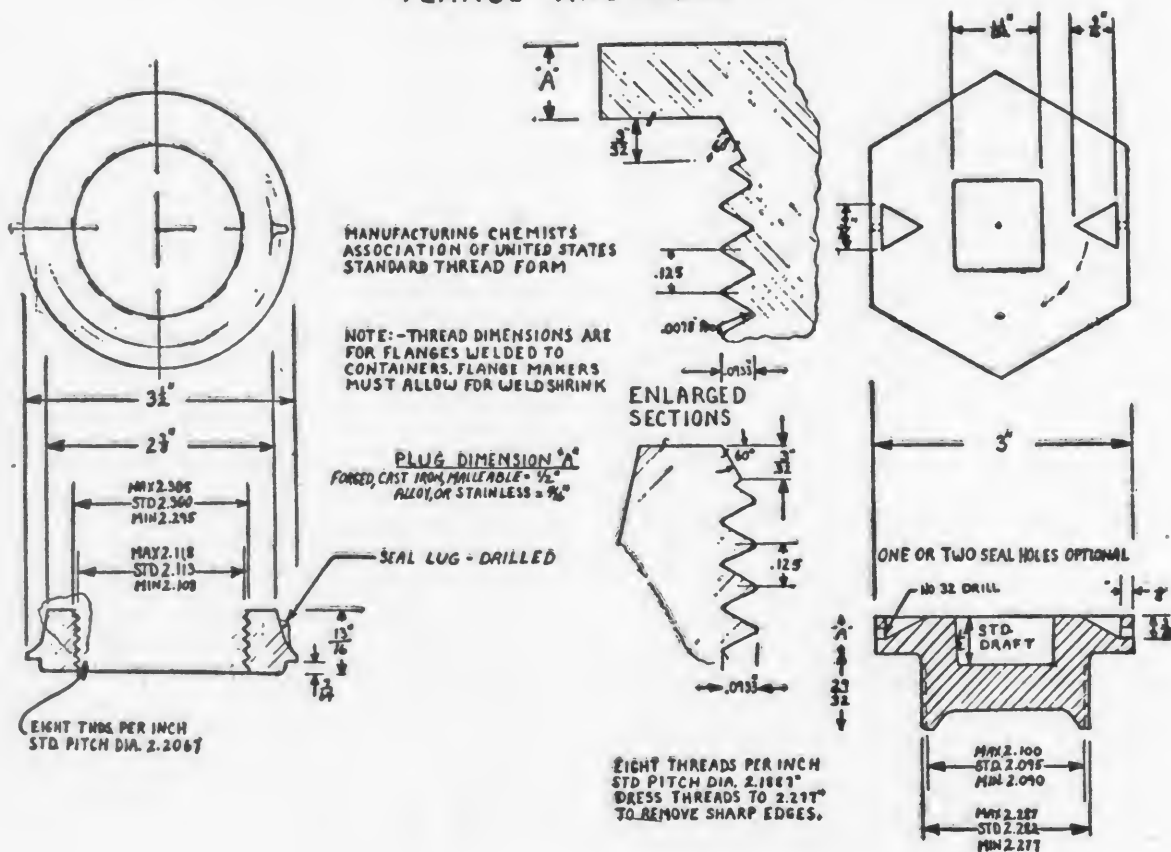
(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend entire § 78.81-9 (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81-9, 1950 Rev.) to read as follows:

FLANGE AND PLUG



(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

2. Amend § 78.82-2 (a) (17 F. R. 7284, Aug. 9, 1952) (49 CFR 78.82-2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82-2 Rated capacity. (a) Rated capacity as marked, see § 78.82-11 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater. Actual capacity of bilge type containers must be not less than rated (marked) capacity, nor greater than rated (marked) capacity plus 2 percent plus 2 quarts.

3. Amend § 78.83-9 (d) (1) (19 F. R. 1285, Mar. 6, 1954) (49 CFR 78.83-9, 1950 Rev.) to read as follows:

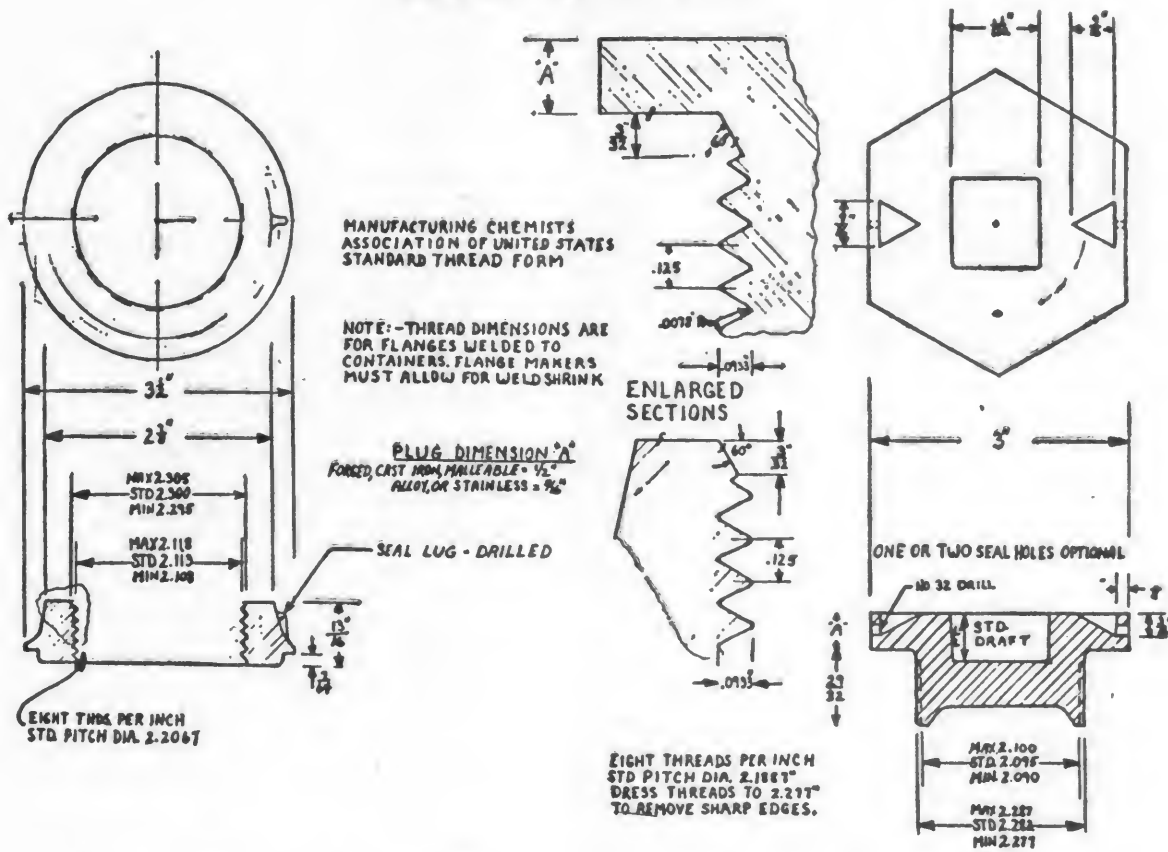
§ 78.83 Specification 5C; steel barrels or drums.

§ 78.83-9 Closures. \* \* \*

(d)

(1) Eight (8) threads or less per inch, thread diameters and thread form must comply with the following drawing (other details on drawing are recommended) or

FLANGE AND PLUG



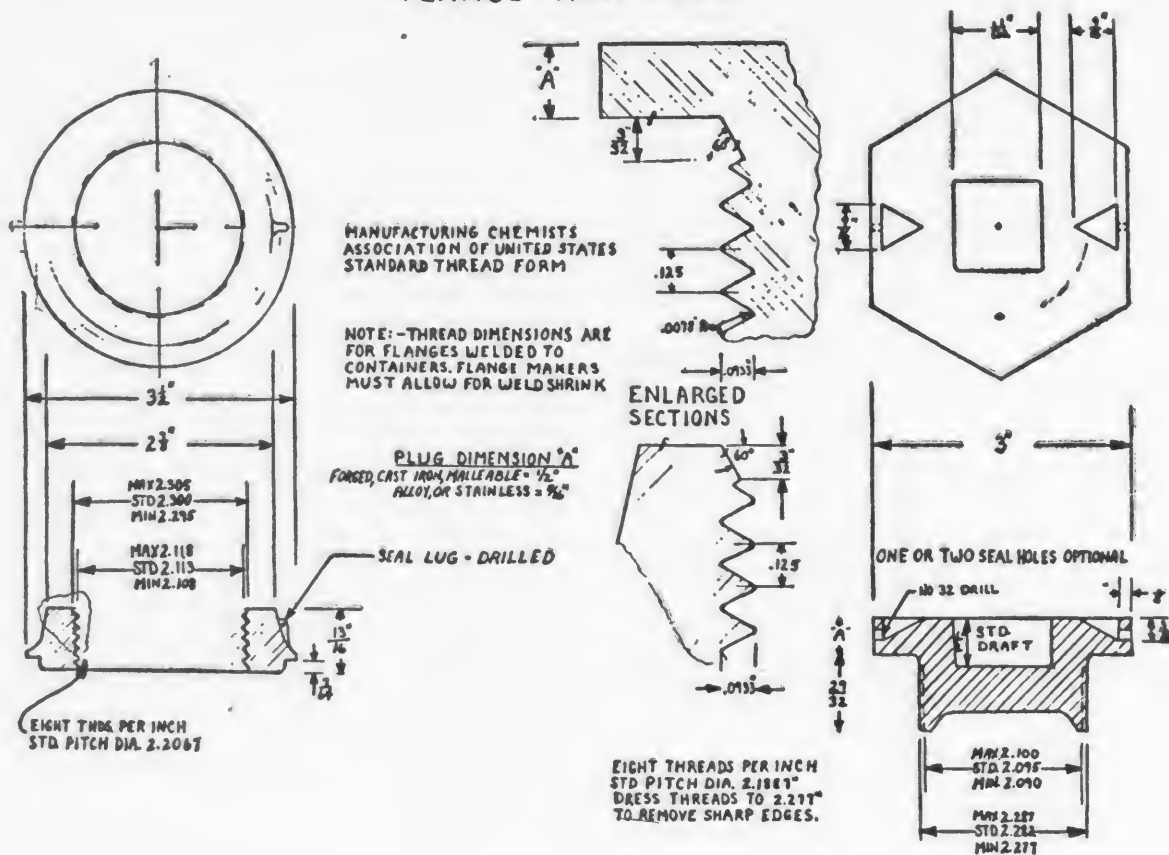
4. Amend § 78.88-8 (d) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 78.88-8, 1950 Rev.) to read as follows:

§ 78.88 Specification 5K; nickel barrels or drums.

§.78.88-8 Closures. \* \* \*

(d) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

FLANGE AND PLUG





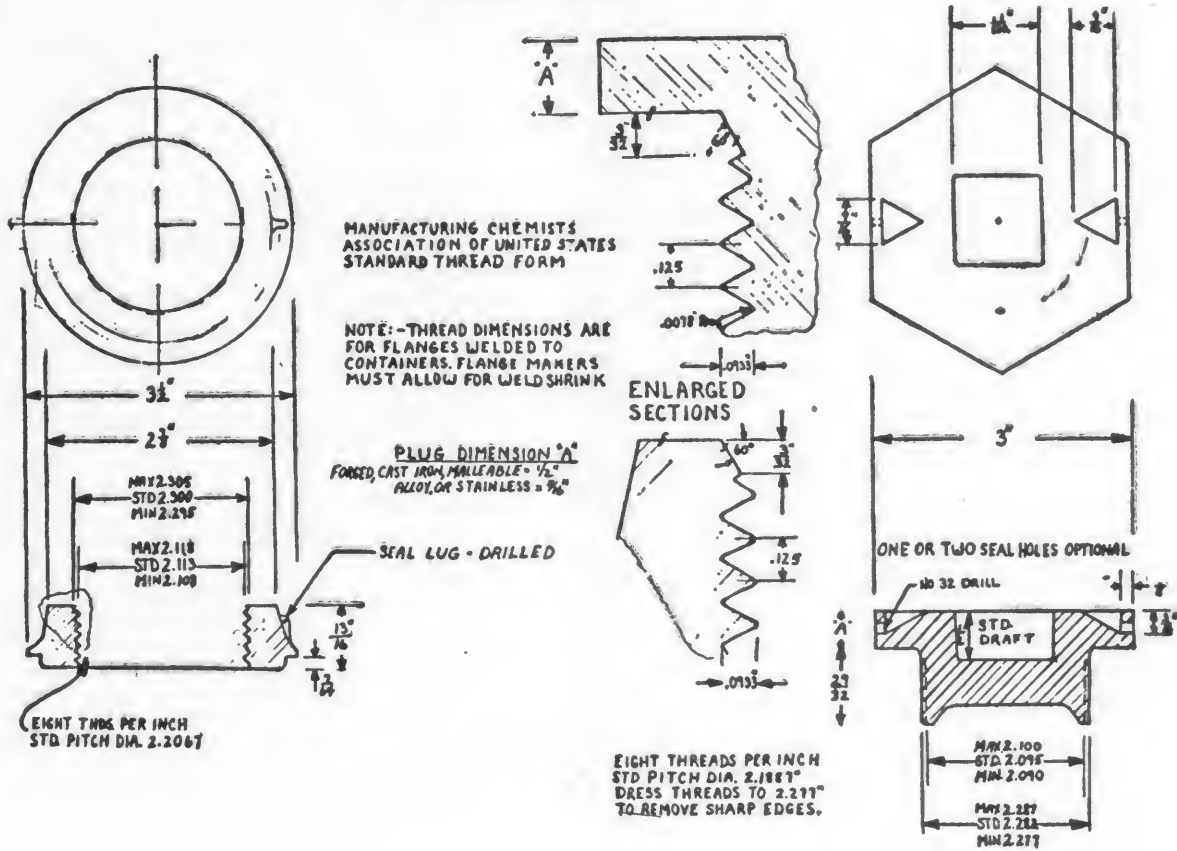
5. Amend § 78.90-8 (e) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.90-8, 1950 Rev.) to read as follows:

§ 78.90 Specification 5M; monel drums.

§ 78.90-8 Closures. \* \* \*

(e) Openings over 2.3" diameter not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4" standard pipe size. Flanges with inside threads and plugs must conform with the thread diameter and thread form shown in the following drawing; other details shown on the drawing are recommended.

FLANGE AND PLUG



6. Amend § 78.115-2 (a); amend § 78.115-6 (a), table (17 F. R. 7286, Aug. 9, 1952) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115-2, 78.115-6, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115-2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115-10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

§ 78.115-6 *Parts and dimensions.* (a) \* \* \*

Marked capacity not over (gallons)	Type of container	Minimum thickness in the blank (gauge, United States standard)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum	
					Size (gauge or inch)	Weight (pounds per foot)
5.....	Straight side.....	24	24	None.....		
10.....	do.....	20	20	do.....		
30.....	do.....	18	18	(1)		
65.....	do.....	16	16	(1)		

<sup>1</sup> Rolled or swedged in hoops.

7. Amend § 78.116-2 (a) (17 F. R. 7286, Aug. 9, 1952) (49 CFR 78.116-2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.116 Specification 17E; steel drums.

§ 78.116-2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116-10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

8. Amend § 78.118-2 (a) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 78.118-2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.118 Specification 17H; steel drums.

§ 78.118-2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118-10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

9. Amend § 78.119-2 (a) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 78.119-2, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.119 Specification 17X; steel barrels or drums.

§ 78.119-2 *Rated capacity.* (a) Rated capacity as marked, see § 78.119-10 (a) (3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. Amend § 78.168-13 (a) (2) (15 F. R. 8461, Dec. 2, 1950) (49 CFR 78.168-13 1950 Rev.) to read as follows:

§ 78.168 Specification 15A; wooden boxes, nailed.

§ 78.168-13 *Reduced thicknesses.* (a) \* \* \*

(2) Ends or cleats: Minimum  $\frac{7}{16}$ ".

2. Amend § 78.169-13 (a) (2) (15 F. R. 8464, Dec. 2, 1950) (49 CFR 78.169-13 1950 Rev.) to read as follows:

§ 78.169 Specification 15B; wooden boxes, nailed.

§ 78.169-13 *Reduced thicknesses.* (a) \* \* \*

(2) Ends or cleats: Minimum  $\frac{7}{16}$ ".

3. Amend § 78.170-12 (a) (2) (15 F. R. 8466, Dec. 2, 1950) (49 CFR 78.170-12 1950 Rev.) to read as follows:

§ 78.170 Specification 15C; wooden boxes, nailed.

§ 78.170-12 *Reduced thicknesses.* (a) \* \* \*

(2) Ends or cleats: Minimum  $\frac{7}{16}$ ".

4. Amend § 78.171-13 (a) (2) (15 F. R. 8468, Dec. 2, 1950) (49 CFR 78.171-13 1950 Rev.) to read as follows:

§ 78.171 Specification 15D; wooden boxes, nailed.

§ 78.171-13 *Reduced thicknesses.* (a) \* \* \*

(2) Ends or cleats: Minimum  $\frac{7}{16}$ ".

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend heading of § 78.205-28 (16 F. R. 5329, June 6, 1951) (49 CFR 78.205-28, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-28 *Special box; authorized only for wet electric storage batteries of aluminum-case type, asphaltum composition, impregnated rubber, synthetic resin (plastic), or wooden-battery-box type, having a net weight greater than 75 pounds.* \* \* \*

2. Amend §§ 78.214-3 (a), 78.214-4 (a), 78.214-15 (a) (1) and (b) (15 F. R. 8479, Dec. 2, 1950) (18 F. R. 5277, 5278, Sept. 1, 1953) (19 F. R. 3262, June 3, 1954) (49 CFR 78.214-3, 78.214-4, 78.214-15, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214-3 *Solid fiberboard.* (a) To be 3-ply or more; both outer plies waterproofed.

§ 78.214-4 *Corrugated fiberboard.* (a) Both outer facings water resistant; corrugated sheets at least 0.009" thick; all parts securely glued together throughout all contact areas; minimum combined weight of facings not less than 84 pounds per 1,000 square feet, except when only one lining tube is used as provided by § 78.214-15 (b), minimum combined weight of facings must be not less than 138 pounds per 1,000 square feet.

§ 78.214-15 *Authorized gross weight (when packed) and parts required.* (a) Box to be of solid fiberboard, special waterproofed, at least 300-pound test, and weighting at least 250 pounds per thousand square feet. Tubes to be of solid or corrugated fiberboard at least 200-pound test and of 1-piece, or as provided in subparagraph (1) of this paragraph, with adjoining edges stitched, taped, or glued. Glued or stitched lap not less than  $1\frac{1}{4}$ ". Lap must be firmly glued throughout entire area of contact with glue or adhesive which cannot be dissolved in water after the film application has dried.

(1) Or, box shall have one tube liner of solid fiberboard weighing at least 283 pounds per 1,000 square feet with joint or joints either stitched or glued as prescribed in paragraph (a) of this section. One end of the tube may have a handhole approximately  $\frac{3}{4}$ " deep located at the center of the top and a perforation with a minimum of  $\frac{1}{8}$ " cuts and  $\frac{1}{8}$ " webs extending from the handhole to the bottom.

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 65 pounds when boxes without lining tubes are used for electric blasting caps packed in accordance with § 73.66 (g) (1) of this chapter; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, or corrugated fiberboard lining tube as prescribed

in § 78.214-4 (a), are authorized for 65 pounds gross weight.

3. Amend § 78.218-12 (c) and entire § 78.218-13 (15 F. R. 8480, 8481, Dec. 2, 1950) (49 CFR 78.218-12, 78.218-13, 1950 Rev.) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

§ 78.218-12 *Material.* \* \* \*

(c) Immediately after exposure for 3 days under either of the following conditions:

- (1) 70 percent humidity at 100° F.
- (2) 90 percent humidity at 75° F.

§ 78.218-13 *Completed containers.*

(a) Samples must pass the following tests immediately after exposure for 2 weeks to 90 percent humidity at 75° F. or 70 percent humidity at 100° F.; loaded containers shall contain dummy contents of shape and weight same as expected contents.

(1) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½"; speed of compression tester to be ½" per minute plus ¼" minus ¼" per minute.

(2) Three loaded samples to be tested. Each must withstand side to side pressure of at least 500 pounds without deflection of over ½"; except that for boxes with fluted crimped ends the deflection shall not exceed ¾"; speed of compression tester to be ½" per minute plus ¼" minus ¼" per minute.

(3) Three loaded samples to be tested. Each must withstand, without rupture, four 4-foot drops diagonally on the end more likely to cause rupture on impact.

(4) Three loaded samples to be tested. Each must be dropped once, flat on its side, across another similar package lying flat upon the ground with its longitudinal axis at right angles to container dropped. Drops must be made from a height four feet above the topmost point of the container on the ground.

4. Amend §§ 78.219-3 (a) and 78.219-11 (b) (17 F. R. 1564, Feb. 20, 1952) (49 CFR 78.219-3, 78.219-11, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219-3 *Solid fiberboard.* (a) To be 3-ply or more; both outer plies waterproofed.

§ 78.219-11 *Authorized gross weight (when packed) and parts required.* \* \* \*

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight.

5. Amend entire § 78.222-2 (15 F. R. 8481, Dec. 2, 1950) (49 CFR 78.222-2, 1950 Rev.) to read as follows:

§ 78.222 *Specification 21A; fiber drums.*

§ 78.222-2 *Parts and dimensions.*

(a) Parts and dimensions (minimum) as follows:

Authorized net weight (pounds)	Side wall calculated strength <sup>1</sup>	Wooden heads thickness (inch) <sup>2</sup>	Fiber heads <sup>3</sup>		Maximum gallon capacity	Maximum inside diameter (inches)
			Thickness (inch)	Strength <sup>4</sup>		
56.....	680	13/16	0.120	500	7½	9
56.....	680	13/16	.120	650	15	14
56.....	680	13/16	.170	800	20	18½
115.....	850	13/16	.170	800	30	18½
115.....	850	13/16	.220	900	45	23
200.....	1,100	13/16	.220	900	55	18½
200.....	1,100	13/16	.260	1,000	55	23

<sup>1</sup> Mullen or Cady test.  
<sup>2</sup> Number of laminations times strength of sheet. For walls made with liner, include liner in calculations.  
<sup>3</sup> Minimum thickness may be reduced to 2½" for lumber dressed two sides.  
<sup>4</sup> When made of 2 or more discs, the discs must be fastened together with adhesive.  
<sup>5</sup> Approved metal heads permitted when authorized (see § 78.222-5).  
<sup>6</sup> Joints in head must be Linderman joints, glued, except as specified in Note 7.  
<sup>7</sup> Wooden heads at least ½" thick having Kraft paper glued on both sides at all contact areas with water-resistant adhesive are authorized provided tests prescribed in § 78.222-4 are successful. Joints of any type authorized.

6. Amend § 78.331-2 (a) (1), and (c); amend § 78.331-3 (a) (18 F. R. 6782, Oct. 27, 1953) (49 CFR 78.331-2, 78.331-3, 1950 Rev., 1953 Supp.) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331-2 *Existing tank motor vehicles continuing in service.* (a) \* \* \*

(1) Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, may be continued in service provided they have been designed and constructed in accordance with the requirements of specification MC 310 of the Regulations for the Transportation of Explosives and Other Dangerous Articles.

(c) *Qualification of existing tank motor vehicles which conform to Specification MC 311.*

Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to December 31, 1953, and which meet all of the construction requirements of this specification may be continued in service provided such cargo tanks are marked ICC MC 311X on the plate required by § 78.331-5.

§ 78.331-3 *New tank motor vehicles.*

(a) Except as provided in § 78.331-4 every new tank motor vehicle acquired by a motor carrier on or after December 31, 1953, for the transportation of any corrosive liquid shall comply with the requirements of specifications MC 311 or MC 310. A certificate from the builder of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of either specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such

tank is employed in the transportation of corrosive liquids by him. The certificate shall indicate that the cargo tank has successfully passed the test requirements.

*It is further ordered,* That the foregoing amendments to the aforesaid regulations shall have full force and effect on December 2, 1954, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

*It is further ordered,* That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,  
 Secretary.

[F. R. Doc. 54-7387; Filed, Sept. 28, 1954; 8:45 a. m.]

**TITLE 32A—NATIONAL DEFENSE, APPENDIX**

**Chapter I—Office of Defense Mobilization**

[Defense Mobilization Order IV-1 (Revised)]

**DMO IV-1—CREATING A COMMITTEE ON MANPOWER POLICY AND A COMMITTEE ON SPECIALIZED PERSONNEL**

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 15, 1953, and in order to assist the Director of the Office of Defense Mobilization (1) to improve the coordination and effectiveness of Federal policies and programs relating to manpower, and (2) to advise the President on the effective mobilization and maximum utilization of manpower in the event of full mobilization, it is hereby ordered:

1. *Manpower Policy Committee.* a. There is established in the Office of Defense Mobilization the Manpower Policy Committee, which shall consist of the Assistant Director for Manpower, Office of Defense Mobilization, as Chairman; and representatives of the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Health, Education and Welfare, the Federal Civil Defense Administration, the Housing and Home Finance Agency, the Selective Service System, the United States Civil Service Commission, and the Defense Transport Administration.

b. The Manpower Policy Committee shall:

(1) Advise the Director of the Office of Defense Mobilization on problems relating to the mobilization of manpower;

(2) Review Federal policies, plans, and programs relating to manpower, and formulate recommendations for the Director of the Office of Defense Mobilization to improve and coordinate their effectiveness; and

(3) Review and formulate for the Director of the Office of Defense Mobilization proposed policies, executive orders, administrative orders, and legislation relating to the mobilization of manpower.

2. *Committee on Specialized Personnel.* a. There is also established in the Office of Defense Mobilization the Committee on Specialized Personnel which shall consist of persons appointed by the Director of the Office of Defense Mobilization with authoritative knowledge of specialized manpower resources and requirements, and of the measures required for the effective mobilization and utilization of such personnel.

b. For purposes of this Order, specialized personnel shall include engineers, physical, biological and medical scientists, social scientists and humanists; highly qualified technical assistants or subprofessional personnel supporting professional personnel in these fields; and persons in the process of gaining competence in these activities through education, experience or through a combination of both. Health personnel shall be excepted from this definition since the Health Resources Advisory Committee has the primary responsibility for advising the Director, Office of Defense Mobilization, with respect to such personnel.

c. The Committee on Specialized Personnel shall advise the Manpower Policy Committee on:

(1) The policies and actions required with respect to the training and utilization of specialized personnel during partial mobilization in order to achieve the highest state of technological readiness.

(2) The policies and actions with respect to specialized personnel which should be taken in the event of a greater emergency in order to achieve maximum technological mobilization.

3. This Order shall take effect on September 28, 1954.

OFFICE OF DEFENSE  
MOBILIZATION,  
ARTHUR S. FLEMMING,  
Director.

[F. R. Doc. 54-7706; Filed, Sept. 28, 1954;  
11:35 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

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

##### KENYA, UGANDA, AND TANGANYIKA

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, 39 CFR Part 127, make the following changes effective October 1, 1954:

a. In § 127.286 *Kenya and Uganda*, paragraph (b) (1) change the table of surface parcel rates, including surcharges, in subdivision (i) as follows:

Pounds	Rate	Pounds	Rate
1-----	\$0.53	7-----	\$1.93
2-----	.75	8-----	2.19
3-----	1.05	9-----	2.41
4-----	1.27	10-----	2.63
5-----	1.49	11-----	2.85
6-----	1.71		

b. In § 127.363 *Tanganyika Territory*, paragraph (b) (1) change the table of surface parcel rates, including surcharges, in subdivision (i) as follows:

Pounds	Rate	Pounds	Rate
1-----	\$0.53	7-----	\$1.93
2-----	.75	8-----	2.19
3-----	1.05	9-----	2.41
4-----	1.27	10-----	2.63
5-----	1.49	11-----	2.85
6-----	1.71		

(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,  
The Solicitor.

[F. R. Doc. 54-7614; Filed, Sept. 28, 1954;  
8:49 a. m.]

requested to file comments in the proceeding. Although the request of the Department of Education is labelled a request to file a reply to comments, it is apparent that the Department of Education is actually seeking an extension of time in which to file a supplement to its original comments in the proceeding rather than a reply to other comments which have been filed pursuant to the notice.

4. The Radio Americas Corporation opposes the request for extension, urging that there is no reason for granting an extension of time to file comments in this proceeding. It is contended that the Department of Education has not alleged that the information in the Commission's files is newly discovered evidence and has not shown that its failure to file timely comments is due to anything other than lack of diligence on its part.

5. In our view, the Department of Education has made a sufficient showing to warrant an extension of time to file comments in this proceeding: *Accordingly, it is ordered*, That the request for extension of time of the Department of Education of Puerto Rico is granted.

6. Notice is hereby given that the time for filing comments in this proceeding is extended to October 4, 1954, and the time for filing replies to such comments is extended to October 14, 1954.

Adopted: September 22, 1954.

Released: September 23, 1954.

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

[F. R. Doc. 54-7630; Filed, Sept. 28, 1954;  
8:53 a. m.]

## [ 47 CFR Part 3 ]

[Docket No. 11181; FCC 54-1211]

### TELEVISION BROADCAST STATIONS

#### POWER AND ANTENNA HEIGHT REQUIREMENTS

In the matter of amendment of § 3.614 (b), rules governing Television Broadcast Stations, Docket No. 11181.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. Section 3.614 (b) specifies the maximum authorized powers for television broadcast stations and reads, in pertinent part, as follows:

(b) *Maximum power.* Except as provided in subparagraph (1) of this paragraph, the maximum effective radiated powers of television broadcast stations operating on the channels set forth below with the antenna heights not in excess of 2,000 feet above average terrain shall be as follows:

	Maximum visual effective radiated power in db above on kilowatt (dbk)
2 to 6-----	20 dbk (100 kw).
7 to 13-----	25 dbk (316 kw).
14 to 83-----	30 dbk (1000 kw).

(1) In Zone I, on Channels 2-13, inclusive, the maximum powers specified

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

#### [ 47 CFR Part 3 ]

[Docket No. 11129; FCC 54-1210]

#### TELEVISION BROADCAST STATIONS

##### TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11129.

1. The Commission has before it for consideration the request of the Department of Education of Puerto Rico "For Extension of Time Within Which to File Replies to Comments", and an Opposition to this request filed by Radio Americas Corporation.

2. On August 11, 1954, the Commission issued a notice of proposed rule making (FCC 54-1012) in the above-entitled matter proposing the substitution of Channel 11 in San Juan, Puerto Rico for Channel 6, and the substitution of Channel 6 in Caguas, Puerto Rico for Channel 11. The notice specified that comments were to be filed on or before September 7, 1954, and replies to such comments 10 days thereafter. The Board of Education filed comments in the proceeding.

3. In support of its request, the Department of Education states that "on September 15, 1954 the Department's consulting engineer discovered that certain information relating to the proposal was on file at the Commission which had not been brought to their attention before that date"; and additional time is

above for these channels may be used only with antenna heights not in excess of 1,000 feet above average terrain. Where antenna heights exceeding 1,000 feet above average terrain are used on Channels 2-13, or antenna heights exceeding 2,000 feet above average terrain are used on Channels 14-83, the maximum power shall be based on the chart designated as Appendix III, Figure 2a.

(2) In Zones II and III, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.

3. The Commission has received petitions from WBEN, Inc., Buffalo, New York, filed on August 24, 1953, and WSAZ, Inc., Huntington, West Virginia, filed on March 20, 1953, and now made part of this docket, requesting an amendment of § 3.614 (b) so as to delete subparagraph (1) and to revise subparagraph (2) to read as follows:

(2) In all zones, the maximum powers which may be used by television broadcast stations operating on the respective channels set forth in the above table with antenna heights exceeding 2,000 feet above average terrain shall be based on the chart designated as Appendix III, Figure 2b.<sup>1</sup>

Thus, petitioners request elimination of the distinction in heights and powers among television stations in Zone I, II, and III and provision for the same power-height compensation for antenna heights above 2,000 feet in all zones.

4. In support of their requests petitioners urge that the amendment proposed would greatly increase the service area of all stations in Zone I on Channels 2-13; would cause little, if any, interference provided all stations operate with maximum power under the proposal; would remove the artificial limitation on increased power for stations in Zone I, especially those near the line dividing Zones I and II; and would encourage the use of high antenna heights.

5. The Commission believes that rule making proceedings should be instituted in this matter in order that all interested persons may have the opportunity of submitting their comments and that the Commission may have the benefit of such views.

6. Authority for the issuance of the proposed amendments is contained in section 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the amendment proposed by petitioners should not be adopted, or

should not be adopted in the form set forth herein, may file with the Commission on or before November 25, 1954, written data, views or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. 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 that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 22, 1954.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7631; Filed, Sept. 28, 1954; 8:53 a. m.]

[ 47 CFR Part 14 ]

[Docket No. 10915; FCC 54-1205]

RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 14 of the Commission's rules to delete authority for operation by fixed, coast and ship stations in Alaska on the frequency 2986 kc and substituting 2118 kc in lieu thereof; Docket No. 10915.

The original notice of proposed rule making in this docket proposed to delete the frequency 2986 kc and substitute the frequency 2118 kc therefor. However, clearance of a replacement frequency has not been completed as of this date. Deletion of 2986 kc is now made necessary by the pending activation of 2987 kc in the aeronautical mobile service. Therefore, pending a study by the Commission with regard to finding a permanent replacement for 2986 kc, it is proposed to amend Part 14 of the Commission's rules so that the frequency 2986 kc will not be available after November 30, 1954, for use in the terri-

tory of Alaska by non-Government fixed, coast or ship stations, and, as a temporary measure, to permit the use, by fixed stations of one or more substitute frequencies until April 1, 1955. By that date, it is believed that the permanent replacement frequency 2986 kc will be activated.

The proposed amendments to the rules are set forth below and are issued pursuant to the authority recited in the original notice of proposed rule making.

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 below, may file with the Commission on or before October 22, 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.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and 4 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 22, 1954.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Part 14 of the Commission's rules is amended as follows:

1. In § 14.14 after the frequency 2986 kc, add the footnote designator 15.
2. In § 14.32 after the frequency 2986 kc, add the footnote designator 16.
3. In § 14.53 after the frequency 2986 kc, add the footnote designator 16.
4. Add the following footnotes after footnote 14 to this part:

<sup>15</sup> Not to be used after November 30, 1954. During the interim period from December 1, 1954, to April 1, 1955, those stations, whose need for 2 Mc frequencies for communication with the ACS is not fulfilled by operation on any of the other frequencies in the 2 Mc band included in this section, may, as a temporary measure, utilize one or more of the frequencies authorized under § 14.15 provided such operating arrangements are made with the ACS.

<sup>16</sup> Not available after November 30, 1954.

[F. R. Doc. 54-7629; Filed, Sept. 28, 1954; 8:52 a. m.]

<sup>1</sup> Figure 2 (a) would be eliminated and Figure 2 (b) would be relabeled to apply to all zones.

<sup>2</sup> Dissenting opinion of Commissioner Henlock filed as part of original document.

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Document 3]

ARIZONA

## NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 20, 1954.

An application, serial number Arizona 06720, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws except the mineral leasing laws, of the lands described below was filed on February 5, 1952, by the United States Department of Agriculture. The purposes of the proposed withdrawal: protection of recreational facilities in the Butcher Jones Flat Recreational Area within the Tonto National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior at Room 233A Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 8 E.,  
Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .

E. I. ROWLAND,  
State Supervisor.

[F. R. Doc. 54-7612; Filed, Sept. 28, 1954;  
8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10133; FCC 54M-1175]

COMMUNITY BROADCASTING SERVICE (WWBZ)

ORDER CONTINUING HEARING

In re application of Community Broadcasting Service (WWBZ), Vineland, New Jersey, for renewal of license; Docket No. 10133, File No. BR-1435.

It appearing, that good cause is shown in support of the motion of the Commission's Broadcast Bureau, filed September 17, 1954, to continue the hearing in the

above-entitled proceeding from September 29, 1954, to October 13, 1954;

It appearing further, that the applicant herein, the only other party to the proceeding, consents to the above continuance and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the instant pleading;

It is ordered, This 20th day of September 1954, that the motion under consideration is granted, and that the hearing in this proceeding is continued from September 29, 1954, to October 13, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7616; Filed, Sept. 28, 1954;  
8:49 a. m.]

[Docket No. 10218; FCC 54-1215]

WILLIAM C. MOSS (KSEY)

ORDER AMENDING ISSUES

In re application of William C. Moss (KSEY), Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration a petition filed June 10, 1954, by the Chief of its Broadcast Bureau requesting that an issue in the above-captioned proceeding be modified, that a party be removed from said proceeding, and that a party be added to said proceeding;

It appearing, that said proceeding includes issues requiring the determination of whether applicant's proposed operation would involve objectionable interference with Stations KPAT and KWTX or with any other existing standard broadcast stations, and whether the installation and operation of its proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that engineering studies indicating the possibility of objectionable interference to said stations were based upon Figure 3 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that additional engineering studies based upon a revised soil conductivity map adopted by the Commission on February 24, 1954, effective April 5, 1954, disclose that applicant's proposed operation would not involve objectionable interference with Station KWTX but that said operation would cause objectionable interference to Station KADA, Ada, Oklahoma, and would receive objectionable interference from KADA in an area exceeding ten percent

of the remaining interference-free area within applicant's proposed 0.5 mv/m contour; and

It further appearing, that the Chief of the Commission's Broadcast Bureau requests that particular inquiry be made as to whether applicant's proposed operation would provide the recommended minimum of interference-free service to the area within the normally protected 0.5 mv/m contour;

It is ordered, That Station KWTX is removed as a party to this proceeding and that Station KADA is made a party to this proceeding; and

It is further ordered, That the above-mentioned petition of the Chief, Broadcast Bureau is granted, and that issues number "2" and "4" in the above-entitled proceeding are amended to read as follows:

2. To determine whether the operation of Station KSEY as proposed will involve objectionable interference with Stations KPAT, Pampa, Texas, KADA, Ada, Oklahoma, or with any other existing broadcast stations, and, if so, the nature, and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of KSEY as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the minimum of interference-free service within the normally protected (0.5 mv/m) contour.

Released: September 24, 1954.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7617; Filed, Sept. 28, 1954;  
8:49 a. m.]

[Docket No. 10914; FCC 54M-1173]

WESTERN BROADCASTING CO., INC. (KIFN)  
CORRECTED ORDER CONTINUING CONFERENCE  
AND HEARING

In re application of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, for modification of construction permit; Docket No. 10914, File No. BMP-6194.

There is now pending before the Commission in the above-entitled matter (1) the petition of Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, filed August 27, 1954, for Reconsideration and Grant of its above-entitled application; (2) the petition of Metropolitan Television Company (KOA), Denver, Colorado, filed September 3, 1954, for Intervention in the above-entitled matter; and (3) the petition of Western Broadcasting Company,

Inc. (KIFN), requesting a Stay of the Effectiveness of the Report and Order of the Commission adopted August 4, 1954, effective September 7, 1954, proposing to change the so-called ten per cent rule (§ 3.28); and

It appearing that there has been filed on September 20, 1954, by the Chief of the Broadcast Bureau of the Commission a petition requesting indefinite continuance of the hearing conference now scheduled for 10:00 a. m., Tuesday, September 21, 1954, and of the hearing now scheduled to commence at 10:00 a. m., Monday, October 18, 1954; and that counsel for the Chief, Broadcast Bureau of the Commission has advised the Examiner that he proposes to file a petition seeking dismissal of the above-entitled application; and

It appearing that counsel for Western Broadcasting Company, Inc. (KIFN), Phoenix, Arizona, has consented to a grant of the petition of the Chief of the Broadcast Bureau for indefinite continuance of the hearing conference and of the hearing and that a grant of said petition would conduce to the dispatch of the Commission's business and to the ends of justice;

Therefore, it is ordered, This 20th day of September 1954, that the petition of the Chief of the Broadcast Bureau for indefinite continuance is granted; and the hearing conference now scheduled to commence Tuesday, September 21, 1954, and the hearing in the above-entitled matter now scheduled for 10:00 a. m., Monday, October 18, 1954, are hereby continued without date until further order of the Commission.

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

[F. R. Doc. 54-7618; Filed, Sept. 28, 1954;  
8:50 a. m.]

[Docket Nos. 10931, 10933, 11096; FCC 54-  
1218]

MERCER BROADCASTING CO. ET AL.

ORDER ADDING ISSUE

In re applications of Mercer Broadcasting Company, Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; William A. Brewer, Albert W. Eastburn and Theresa Rose, a partnership d/b as Levittown-Fairless Hills Broadcasters, Levittown, Pennsylvania, Docket No. 11096, File No. BP-9193; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration a Petition to Enlarge Issues, filed July 22, 1954, by Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury; an Opposition to the foregoing petition, filed August 2, 1954, by William A. Brewer, Albert W. Eastburn and Theresa Rose, a partnership d/b as Levittown-Fairless Hills Broadcasters; a Response to the

foregoing petition, filed August 2, 1954, by Mercer Broadcasting Company; and a Comment on the foregoing petition, filed August 17, 1954, by the Acting Chief of the Commission's Broadcast Bureau; and

It appearing, that the above-described petition requests enlargement of the issues in the above-entitled proceeding to include issues designed to permit inquiry into the financial qualifications of Levittown-Fairless Hills Broadcasters to construct, own and operate the standard broadcast station it proposes and into the question of whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes; and

It further appearing, that, with respect to the financial qualifications of Levittown-Fairless Hills Broadcasters, petitioner has set forth no facts from which it may reasonably be inferred that the funds called for in the application may not in fact be available and none not before the Commission at the time it designated for hearing the above-entitled application of Levittown-Fairless Hills Broadcasters; and that no grounds exist, therefore, for enlargement of the issues in this regard; and

It further appearing, that, with respect to the question of the real party in interest in the application of Levittown-Fairless Hills Broadcasters, Commission files disclose that as of February 24, 1954, Theresa Rose, one of the three equal partners in Levittown-Fairless Hills Broadcasters, has been Secretary-Treasurer and Director of Morrisville Broadcasting Company, licensee of standard broadcast Station WBUD, Trenton, New Jersey, having been elected to those positions on January 29, 1954; that the application of Levittown-Fairless Hills Broadcasters, filed February 23, 1954, does not reveal the true nature of the interest or connection held by Theresa Rose in Morrisville Broadcasting Company; that this information was not called to the attention of the Commission in any amendment filed to the said application; and that these facts, coupled with the facts of the long association of the partners in Levittown-Fairless Hills Broadcasters with Station WBUD as key employees thereof, Station WBUD's willingness to sell substantial broadcast equipment to this applicant upon terms described by the applicant as "very favorable", Station WBUD's proximity to the station proposed by Levittown-Fairless Hills Broadcasters, and a substantial overlap of service areas of the proposed station and the present service area of Station WBUD, constitute grounds for the enlargement of the issues as requested by the petitioner herein;

It is ordered, That the above-described petition of Drew J. T. O'Keefe, Jack J. Dash and William F. Waterbury is granted insofar as it requests enlargement of the issues in the above-entitled proceeding to include an issue designed to permit inquiry into the question of whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes and, in all other respects, is denied.

It is further ordered, That the Commission's order of June 30, 1954 (FCC 54-806), designating for hearing the above-entitled application of Levittown-Fairless Hills Broadcasters is modified by the addition of the following issue: To determine whether Levittown-Fairless Hills Broadcasters is the real party in interest in the standard broadcast station it proposes.

Released: September 24, 1954.

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

[F. R. Doc. 54-7619; Filed, Sept. 28, 1954;  
8:50 a. m.]

[Docket No. 10965; FCC 54M-1180]

SEATON PUBLISHING CO.

ORDER GRANTING MOTION FOR CONTINUANCE

In re application of The Seaton Publishing Company, Hastings, Nebraska, for construction permit for new television station (Channel 5); Docket No. 10965, File No. BPCT-1265.

Counsel for the applicant in the above-entitled matter having filed, on September 21, 1954, a letter (treated herein as a motion) requesting a continuance of the further hearing in the matter from September 22, 1954 to October 6, 1954, and

It appearing, that good and sufficient cause for a continuance has been shown and that counsel for the Broadcast Bureau consents to such continuance,

It is accordingly ordered, This 21st day of September 1954, that the hearing, heretofore scheduled to resume on September 22, 1954, be and it hereby is continued to October 6, 1954, at 9:00 a. m. in the Commission's Offices in Washington, D. C.

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

[F. R. Doc. 54-7620; Filed, Sept. 28, 1954;  
8:50 a. m.]

[Docket Nos. 11169-11173; FCC 54-1186]

TRIAD TELEVISION CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; 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 22d day of September 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 10 assigned to Parma-Onondaga, Michigan; 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 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; but Triad Television Corporation and Jackson Broadcasting & Television Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Booth Radio & Television Stations, Inc., Television Corporation of Michigan, Inc., and Michigan State Board of Agriculture are legally, financially and technically qualified to construct, own and operate a television broadcast station, but that questions are raised as to whether a grant to any of the three last-named applicants would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder; and

It further appearing, that the antenna site and structure proposed by Television Corporation of Michigan, Inc., and Michigan State Board of Agriculture have been approved with respect to safety to air navigation, but that additional hazard marking symbols are deemed necessary; therefore, any grant authorizing the antenna site and structure proposed by the last-named applicants will be subject to the following condition: That the antenna structure be marked in accordance with special hazard marking specifications to be prescribed by the Commission in addition to those required by Part 17 of the Commission rules;

It is 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 22d day of November 1954, in Washington, D. C., upon the following issues:

1. To determine, in light of the ownership by Booth Radio & Television Stations, Inc., of television station WBKZ, Battle Creek, Michigan, whether a grant of the application of Booth Radio & Television Stations, Inc., would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

2. To determine, in light of the fact that Lansing Broadcasting Company, subscriber to 40 percent of the capital stock of Television Corporation of Michigan, Inc., is owner of television station WILS-TV, Lansing, Michigan, and the fact that John C. Pomeroy, President and a director of Television Corporation of Michigan, Inc., is an officer and stockholder of said Lansing Broadcasting Company, whether a grant of the application of Television Corporation of Michigan, Inc., would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

3. To determine, in light of the ownership by Michigan State Board of Agriculture of television station WKAR-TV, East Lansing, Michigan, whether a grant of the application of Michigan State Board of Agriculture would be consistent with the provisions of § 3.636 of the Commission rules and policies promulgated thereunder.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among 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.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 23, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7621; Filed, Sept. 28, 1954;  
8:50 a. m.]

[Docket No. 11174; FCC 54-1189]

JORDAN DISPATCH SERVICE  
ORDER TO SHOW CAUSE

In the matter of R. C. Jordan, d/b as Jordan Dispatch Service, Plainview, Texas and Lubbock, Texas, order to show cause why the licenses of stations KKG563 and KKE970 in the Domestic Public Land Mobile Radio Service should not be revoked; Docket No. 11174.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the annual reports (FCC Form L) for the year 1953 by R. C. Jordan, d/b as Jordan Dispatch Service as licensee of stations KKG563 and KKE970, respectively, in the Domestic Public Land Mobile Radio Service at Plainview and Lubbock, Texas, respectively; and

It appearing, that, such annual reports show that no common carrier radio service has been rendered to the public through the facilities of such stations during that year; and

It further appearing, that, as the result of a complaint received from Robert S. Bryant alleging inability to obtain communication service from the licensee herein, the Commission advised the licensee, by letter of April 29, 1954, as to his obligation as a common carrier, and the possibility that revocation proceedings might be undertaken herein; and

It further appearing, that, said licensee has willfully failed and refused to provide communication service, without just or reasonable cause, to Robert S. Bryant; and

It further appearing, that, there may either be no public need or demand for the service offered by the above-entitled licensee through such facilities or, if there is a public need or demand for such Domestic Public Land Mobile Radio Service, that need or demand is not being met by such stations; and

It further appearing, that, continuation in effect of the licenses of such stations may not serve the public interest, convenience, or necessity;

It is ordered, That, pursuant to the provisions of section 312(a)(2), (c), and (d) of the Communications Act of 1934, as amended, the above-named R. C. Jordan, d/b as Jordan Dispatch Service shall appear at the Commission's offices in Washington, D. C. at 10:00 a. m. on October 26, 1954 and show cause why the licenses of stations KKG563 and KKE970 should not be revoked.

Released: September 22, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 54-7622; Filed, Sept. 28, 1954;  
8:51 a. m.]

[Docket No. 11180; FCC 54-1206]

BILL MATHIS

ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In re application of Bill Mathis, Abilene, Texas, for construction permit; Docket No. 11180, File No. BP-8917.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1954;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 1280 kilocycles with a power of 500 watts, daytime only, at Abilene, Texas;



It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Station KTRN, Wichita Falls, Texas, and may not otherwise comply with the Standards of Good Engineering Practice; particularly with reference to furnishing a minimum field intensity of 25 mv/m over the business or factory areas of the city sought to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letters dated April 27 and June 27, 1954, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that Station KTRN, in a letter dated June 8, 1954, opposed a grant of the subject application and requested that it be designated for hearing and that KTRN be made a party thereto; and

It further appearing, that the applicant filed replies on August 19 and 24, 1954, stating in the former that it would appear at a hearing on its application and submitting in the latter field intensity measurements purporting to show no interference to Station KTRN from the proposed operation, but that the said measurements were not made in accordance with the Commission's Standards and are not sufficient to substantiate that there would be no interference to Station KTRN; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in the subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.
2. To determine whether the operation of the proposed station would involve interference with Station KTRN, Wichita Falls, Texas, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to furnishing a minimum field intensity of 25 mv/m over the business or factory areas of the city sought to be served.
4. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the proposed operation would serve the public interest, convenience and necessity.

No. 189—5

*It is further ordered,* That the Texoma Broadcasting Company, licensee of Station KTRN, Wichita Falls, Texas, is made a party to the proceeding.

Released: September 24, 1954.

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

[F. R. Doc. 54-7623; Filed, Sept. 28, 1954;  
8:51 a. m.]

### FEDERAL POWER COMMISSION

[Docket Nos. G-2035, G-2040, G-2048, G-2049,  
G-2050, G-2073, G-2301, G-2349, G-2091]

PANHANDLE EASTERN PIPE LINE CO. ET AL.  
ORDER FIXING DATE FOR ORAL ARGUMENT ON  
APPLICATION FOR ABROGATION OF ORDER OR  
IN THE ALTERNATIVE FOR REHEARING AND  
APPLICATION FOR REHEARING AND STAY

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301, G-2349; and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Docket No. G-2091.

Panhandle Eastern Pipe Line Company (Panhandle) filed, on August 6, 1954, an application for abrogation of or in the alternative rehearing respecting our order issued July 15, 1954, denying Panhandle's motion to make effective revised tariff sheets which provided for the cancellation of its interruptible rate schedules. By our order issued September 3, 1954, we deferred action on the aforesaid application so that it might be considered together with Panhandle's application filed August 23, 1954, for rehearing and stay of Opinion No. 274 and accompanying order issued July 28, 1954. In this opinion and order we found, among other things, that Panhandle's interruptible rate schedules as modified should be maintained in full force and effect.

The Commission finds: It is desirable and in the public interest that oral argument be had on the matters and issues presented in Panhandle's application for abrogation of order in the alternative rehearing filed on August 6, 1954, and its application for rehearing and stay filed on August 23, 1954.

The Commission orders: Oral argument shall be had before the Commission October 18, 1954 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented in Panhandle's application for abrogation of order or in the alternative rehearing filed on August 6, 1954 and its application for rehearing and stay filed on August 23, 1954.

Adopted: September 22, 1954.

Issued: September 23, 1954.

By the Commission.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 54-7613; Filed, Sept. 28, 1954;  
8:48 a. m.]

## DEPARTMENT OF AGRICULTURE Forest Service

DIXIE NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas, a number of horses are trespassing and grazing on land in the Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest, in Iron County, State of Utah; and

Whereas, these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest:

*Temporary closure from livestock grazing.* (a) The Pinto Cattle Allotment, Enterprise Ranger District, Dixie National Forest, is hereby closed for the period November 1, 1954, to October 31, 1956, to the grazing of horses excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Dixie National Forest is located.

Done at Washington, D. C., this 24th day of September 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

J. EARL COKE,  
Acting Secretary.

[F. R. Doc. 54-7633; Filed, Sept. 28, 1954;  
8:54 a. m.]

### Office of the Secretary

LOUISIANA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF PARISHES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President on September 20, 1954, determined that a major disaster occasioned by drought existed in the State of Louisiana.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148), as further amended on July 30, 1954, and for the purposes of section 2 (d) of Public Law 38, 81st Con-

gress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the parishes set forth below have been determined to be the aforesaid major disaster area in the State of Louisiana.

STATE OF LOUISIANA  
SEPTEMBER 20, 1954

Beauregard.	Lincoln.
Bienville.	Madison.
Bossier.	Morehouse.
Caddo.	Natchitoches.
Caldwell.	Ouachita.
Catahoula.	Red River.
Clalborne.	Richland.
Concordia.	Sabine.
De Sota.	Tensas.
East Carroll.	Union.
Grant.	Vernon.
Franklin.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

This delineation and certification shall supersede all prior delineations and certifications with respect to the aforesaid major disasters.

Done at Washington, D. C., this 23d day of September 1954.

TRUE D. MORSE,  
*Acting Secretary.*

[F. R. Doc. 54-7599; Filed, Sept. 28, 1954;  
8:45 a. m.]

**HOUSING AND HOME  
FINANCE AGENCY**

**Federal Housing Administration**

**2½ PERCENT TITLE I HOUSING INSURANCE  
FUND DEBENTURES, SERIES L**

**NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY**

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

**2½ PERCENT TITLE I HOUSING INSURANCE FUND  
DEBENTURES, SERIES L**

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	4 to 9.
\$100.....	14 to 22.
\$500.....	55 to 56.
\$1,000.....	207 to 226.
\$5,000.....	2 to 4.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does

not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955 with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954, to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
*Commissioner.*

Approved:

A. N. OVERBY,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 54-7601; Filed, Sept. 28, 1954;  
8:46 a. m.]

**2¾ PERCENT MUTUAL MORTGAGE INSURANCE  
FUND DEBENTURES, SERIES E**

**NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY**

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

**2¾ PERCENT MUTUAL MORTGAGE INSURANCE  
FUND DEBENTURES, SERIES E**

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	935 to 968.
\$100.....	1,533 to 1,712, 2,496 to 2,596.
\$500.....	607 to 635.
\$1,000.....	2,441 to 2,554.
\$5,000.....	679 to 729.
\$10,000.....	178 to 184.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commission of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954, to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
*Federal Housing Commissioner.*

Approved:

A. N. OVERBY,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 54-7602; Filed, Sept. 28, 1954;  
8:46 a. m.]

**2½ PERCENT MUTUAL MORTGAGE INSURANCE  
FUND DEBENTURES, SERIES K**

**NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY**

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

**2½ PERCENT MUTUAL MORTGAGE INSURANCE  
FUND DEBENTURES, SERIES K**

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	31 to 43.
\$100.....	104 to 235.
\$500.....	78 to 125.
\$1,000.....	180 to 238.
\$5,000.....	29 to 54.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for pur-

chase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
Commissioner.

Approved:

A. N. OVERBY,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7603; Filed, Sept. 28, 1954;  
8:46 a. m.]

3 PERCENT MUTUAL MORTGAGE INSURANCE  
FUND DEBENTURES, SERIES U

NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Mutual Mortgage Insurance Fund Debentures, Series U, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

3 PERCENT MUTUAL MORTGAGE INSURANCE FUND  
DEBENTURES, SERIES U

Denomination:	Serial numbers (all numbers inclusive)
\$50	1 to 3.
\$100	1 to 5.
\$500	1.
\$1,000	1 to 6.
\$5,000	1 to 3.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
Commissioner.

Approved:

A. N. OVERBY,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7604; Filed, Sept. 28, 1954;  
8:46 a. m.]

2 1/2 PERCENT HOUSING INSURANCE FUND  
DEBENTURES, SERIES Q

NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2 1/2 percent Housing Insurance Fund Debentures, Series Q, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2 1/2 PERCENT HOUSING INSURANCE FUND  
DEBENTURES, SERIES Q

Denomination:	Serial numbers (all numbers inclusive)
\$50	4 to 6.
\$100	2 to 6.
\$500	4.
\$1,000	39 to 49.
\$10,000	317 to 342.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954, to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
Commissioner.

Approved:

A. N. OVERBY,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7605; Filed, Sept. 28, 1954;  
8:47 a. m.]

2 1/2 PERCENT WAR HOUSING INSURANCE  
FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.)

as amended, public notice is hereby given that 2 1/2 percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2 1/2 PERCENT WAR HOUSING INSURANCE  
FUND DEBENTURES, SERIES H

Denomination:	Serial numbers (all numbers inclusive)
\$50	3,574 to 3,613.
\$100	6,606 to 6,815.
\$500	2,811 to 2,853.
\$1,000	6,055 to 6,241.
\$5,000	2,440 to 2,547.
\$10,000	22,112 to 24,088.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
Commissioner.

Approved:

A. N. OVERBY,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7606; Filed, Sept. 28, 1954;  
8:47 a. m.]

2 1/2 PERCENT NATIONAL DEFENSE HOUSING  
INSURANCE FUND DEBENTURES, SERIES P

NOTICE OF CALL FOR PARTIAL REDEMPTION  
BEFORE MATURITY

SEPTEMBER 22, 1954.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2 1/2 percent National Defense Housing Insurance Fund Debentures, Series P, of the denominations and serial number designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1955, on which date interest on such debentures shall cease:

2½ PERCENT NATIONAL DEFENSE HOUSING  
INSURANCE FUND DEBENTURES, SERIES P

Denomination:	Serial numbers (All numbers inclusive)
\$50-----	37.
\$100-----	5 to 8.
\$500-----	1.
\$1,000-----	34 to 36.
\$10,000-----	99 to 201.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1954. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1954, and provision will be made for the payment of final interest due on January 1, 1955, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1954 to December 31, 1954, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1955, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,  
Commissioner.

Approved:

A. N. OVERBY,  
Acting Secretary of the Treasury.

[F. R. Doc. 54-7607; Filed, Sept. 28, 1954;  
8:47 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 70-3291]

MIDDLE SOUTH UTILITIES, INC.

ORDER REGARDING ISSUANCE AND SALE OF  
COMMON STOCK PURSUANT TO RIGHTS  
OFFERING

SEPTEMBER 23, 1954.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding certain proposed transactions which are summarized as follows:

Middle South proposes to issue and sell, without an underwriting, 475,000 additional shares of its authorized but unissued \$10 par value common stock pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each 15 shares held of record as of the close of business on September 22, 1954, at the price of \$28 per share. The subscription period will expire at 3:30 p. m., New York Time, on October 8, 1954. The subscrip-

tion rights will be evidenced by transferable warrants to be mailed September 23, 1954, which will afford the holder the privilege of subscribing for one new share for each 15 shares held ("primary rights") and of subscribing, subject to allotment, for such additional number of shares as the warrant holder may elect ("additional rights"). No fractional shares will be issued. If a holder of record on September 22, 1954, receives a warrant which is for a number of shares not evenly divisible by 15, such holder will be entitled to purchase one full share with the primary rights which are either in excess of a multiple of 15 or which total less than 15. Should there be insufficient shares to fill all subscriptions under the primary rights, subscriptions will first be filled on the basis of 15 primary rights and exact multiples thereof, then on the basis of 14 primary rights, then on the basis of 13 primary rights, and then successively on the basis of 12, 11 and so on to one primary right, in that order. Should it be possible to fill some but not all subscriptions in any one of these groups, subscriptions will be filled in the order of their receipt.

Additional rights under a warrant may be exercised only if all full shares possible have been subscribed for pursuant to the primary rights represented by such warrant. In the event that the aggregate number of shares subscribed for by all warrant holders exceeds 475,000 shares, the number of shares remaining after providing for the issuance of shares subscribed for pursuant to the primary rights will be allotted pro rata as nearly as practicable among warrant holders exercising additional rights in accordance with the respective number of shares subscribed for by such holders pursuant to primary rights.

Warrants issued to common stockholders whose addresses are outside the continental United States or Canada will not be mailed but will be held by the agent for their accounts until 12:00 o'clock noon, New York Time, October 7, 1954, when, if no instructions are received, they will be sold to the extent practicable, together with warrants sent to other stockholders and returned unclaimed. The net proceeds from any such sales are to be held for the account of such stockholders.

The declaration states that the proceeds from the proposed sale of stock will be used by Middle South to repay \$12,000,000 which it has borrowed and which is outstanding under a credit agreement dated May 12, 1952 with five banks. If the proceeds should not be sufficient for this purpose, they will be applied toward the partial repayment of such \$12,000,000, or, to the extent that they are more than sufficient for this purpose, they will be used for other corporate purposes.

Subsequent to its original filing Middle South represented that none of the proceeds of the offering covered by the declaration will be used by it to make investments in Mississippi Valley Generating Company ("Mississippi Valley"), a corporation newly organized for the purpose of constructing, owning and operating a steam electric generating plant near

West Memphis, Arkansas, except as may be authorized in other and subsequent proceedings before the Commission, and Middle South also consented that any contentions which could be advanced in the instant proceeding against such investment or the financing thereof may be advanced in such other proceedings.

Fees and expenses in connection with the proposed transactions are as follows:

Filing fee—Securities and Exchange Commission-----	\$1,425
Federal stamp tax-----	1,500
Printing, including Registration Statement, Prospectus, financial schedules, Form U-1, etc.-----	140,000
Fee of Cahill, Gordon, Reindel & Ohl, counsel-----	6,500
Fee of Haskins & Sells, auditors---	4,000
Fee of Ebasco Services Inc.-----	3,000
The Hanover Bank, warrant agent:	
Fee-----	24,775
Expenses-----	9,000
Miscellaneous-----	5,800
Total-----	1100,000

<sup>1</sup> Estimated.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 and written requests for hearing having been filed by the City of Memphis, Tenn.; Memphis Light, Gas & Water Division of the City of Memphis; Electric Power Board of Chattanooga, Tenn.; Clarksville Electric Power Board, Clarksville, Tenn.; Warren Rural Electric Cooperative Corporation, Bowling Green, Ky.; Natchez Trace Electric Power Association, Houston, Miss.; North Electric Membership Corporation, Dalton, Ga.; Sand Mountain Electric Cooperative, Fort Payne, Ala.; National Rural Electric Cooperative Association; and American Public Power Association; said requests indicating that the issue which said persons seek to have considered is the propriety of Middle South's investing any of the proceeds of the financing in Mississippi Valley; and

The said persons so requesting hearings having subsequently advised the Commission that in view of the aforesaid representation by Middle South that none of the proceeds of the present offering would be used by it to make investments in Mississippi Valley except as might be authorized in other and subsequent proceedings before the Commission, and upon the understanding that the Commission's order would reserve all questions respecting the investment by Middle South in Mississippi Valley, including methods of financing such investment, until a proceeding involving such investment is before the Commission, they now consider that a hearing is unnecessary; and

The Commission having considered the foregoing, and finding that the issue so sought to be raised has been eliminated by an amendment to the said declaration containing the aforesaid representation by Middle South, and that such issue will come before the Commission in subsequent proceedings in the event that Middle South seeks to invest any of its funds in Mississippi Valley, and that accordingly it is not necessary in the public interest or for the protection of investors

or consumers that a hearing be held upon the present declaration as amended; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; that the fees and expenses set forth above are not unreasonable, and that the declaration as amended should be permitted to become effective as of September 22, 1954:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and the same hereby is, permitted to become effective as of September 22, 1954, subject to the terms and conditions prescribed in Rule U-24, all questions respecting the investment by Middle South in Mississippi Valley, including methods of financing such investment, being reserved for determination until a proceeding involving such investment in Mississippi Valley is before the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 54-7615; Filed, Sept. 28, 1954;  
8:49 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 27]

### MOTOR CARRIER APPLICATIONS

SEPTEMBER 24, 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 and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired

in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

### APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

NO. MC 954 SUB 46 (corrected), MID-STATES FREIGHT LINES, INC., 5200 South Pulaski Road, Chicago 32, Ill. Applicant's attorney: Lee Reeder, Reeder, Gisler & Griffin, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the United States-Canada International Boundary line at or near Detroit, Mich., (1) from Chicago over U. S. Highway 20 to South Bend, Ind., thence over Indiana Highway 23 to the Indiana-Michigan State line, thence over Michigan Highway 62 to junction U. S. Highway 112, near Adamsville, Mich., thence over U. S. Highway 112 to Detroit, thence over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, and (2) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over 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 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 over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, and return over the same route, serving no intermediate points, with service at Detroit, Mich., for the sole purpose of entering Canada, as alternate or connecting routes, to enable applicant to utilize Canadian Highways in connection with regular route operations, between Chicago, Ill., and Buffalo, N. Y., which is a portion of carrier's regular route operation between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. NOTE: The above corrects the authority as described in the FEDERAL REGISTER, on Pages 5613 and 5614 of Vol. 19, No. 171, dated September 2, 1954.

NO. MC 1150 SUB 12, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: R. A. Bielski, Bielski, Elliott & Lewis, Northwest Security National Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes,

transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Scottsbluff, Nebr., and points within five miles thereof, to points in South Dakota, on and north of U. S. Highway 14. Applicant is authorized to conduct operations in Wyoming and South Dakota.

NO. MC 2234 SUB 1, SEAVER'S EXPRESS, INC., 25 East Main Street, Milford, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by department stores and mail order houses*, between Boston and Somerville, Mass., on the one hand, and points in Windham County, Conn., on the other.

NO. MC 5212 SUB 5, Amended, JOHN TRIOLO, doing business as BELL & GRIFFIN, 320 South Monterey Street, Gilroy, Calif. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from the site of the Filice & Perrelli cannery located at Kadota, approximately two miles east of Merced, Calif., to Gilroy, San Francisco, Oakland, Richmond, Alameda, and Stockton, Calif., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified including pallets on return. Applicant is authorized to conduct operations in California.

NO. MC 5709 SUB 1, JOHN J. PEHLER, ADRIAN PEHLER AND AURELIUS PEHLER, doing business as PEHLER & SONS, Route No. 1, Dodge, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Repairs, supplies and equipment for creameries, hatcheries, poultry processing plants and feed and grain elevators, fertilizer, flour, feed, farm products, milk, cream, butter, dried-milk powder, grain and seeds, live and dressed poultry, and eggs*, between Arcadia, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, Hastings, Duluth and Red Wing, Minn., Dubuque, Iowa, and Chicago and Rockford, Ill. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

NO. MC 7408 SUB 2, LOUIS STEFFENSMEIER AND EDWARD STEFFENSMEIER, doing business as STEFFEY'S TRANSFER, Dodge, Nebr. Applicant's attorney: J. Max Harding, 901 South Thirteenth St., Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Raw salt and processed salt products*, from Kanopolis and Hutchinson, Kans., and points within five miles of each, on the one hand, and, on the other, points in Platte, Colfax, Dodge, Stanton, and Cuming Counties, Nebr. Applicant is authorized to conduct operations in Iowa and Nebraska.

NO. MC 8989 SUB 152, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th & K Sts., NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors, chassis, and vehicles* (except trailers), designed for the transportation of passengers and prop-

erty, with or without bodies and parts thereof, in initial movements, in truckway service, from Emeryville, Calif., to all points in the United States and damaged shipments on return movements.

NO. MC 18121 SUB 6, ADVANCE TRANSPORTATION COMPANY, a corporation, 2115 South First St., Milwaukee 7, Wis. Applicant's representative: Earl Girard, 6739 Beckwith Road, Morton Grove, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Class A, B, and C explosives*, as defined by the Commission (2) *ammunition not included within the classes specified in (1) above*, and (3) *component parts of ammunition and of Class A, B, and C explosives*, between Brown Deer, Wis., and the Joliet Arsenal (U. S. Government) Installations located at Wilmington and Elwood, Ill.

NO. MC 18436 SUB 8, HAINES CARRIERS, INC., 1050 Fuhrmann Blvd., Buffalo 3, N. Y. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, restricted to those manufactured or assembled by the Hudson Motor Division of American Motors, Inc., in initial movements, in truckway and driveaway service, from Kenosha, Wis., to all points in New Jersey, those in Providence County, R. I., those in Massachusetts bounded by a line beginning at the Massachusetts-Vermont State line and extending along U. S. Highway 5 to the Massachusetts-Connecticut State line, thence along the Massachusetts-Connecticut State line to the Massachusetts-Rhode Island State line, thence along the Massachusetts-Rhode Island State line to Fall River, Mass., thence along Massachusetts Highway 138 to Boston, Mass., thence along U. S. Highway 3 to the Massachusetts-New Hampshire State line, thence along the Massachusetts-New Hampshire State line to the Massachusetts-Vermont State line, and thence along the Massachusetts-Vermont State line to the point of beginning; those in Hartford County, Conn., north of a line beginning at the Hartford-Tolland County, Conn. line and extending along Connecticut Highway 83 to junction Connecticut Highway 194, thence along Connecticut Highway 194 to Wapping, Conn., thence southwest along unnumbered highway via Burnhams to junction U. S. Highway 5, thence along U. S. Highway 5 to East Hartford, Conn. (formerly old Connecticut Highway 15), thence along U. S. Highway 44 to Canton, Conn., thence along unnumbered highway to Collinsville, Conn., and thence along Connecticut Highway 4 to the Hartford-Litchfield County, Conn. line, including points on the indicated portions of the highways specified, and Philadelphia, Pa. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania and Rhode Island.

NO. MC 21958 SUB 3, STARCK VAN LINES, INC., 110 Avenue "B", Weirton, W. Va. Applicant's attorney: Nathan E. Zelby, 135 Broadway, New York, N. Y.

For authority to operate as a *common carrier*, over irregular routes transporting: *Household goods* as defined by the Commission, and *new furniture*, between points in Hancock and Brooke Counties, W. Va., and points within 200 miles of said counties, on the one hand, and, on the other, points in South Carolina, Georgia, Florida, Texas, and Oklahoma. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Virginia, Tennessee, Missouri, North Carolina, West Virginia, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

NO. MC 21958 SUB 4, STARCK VAN LINES, INC., 110 Avenue "B", Weirton, W. Va. Applicant's attorney: Nathan E. Zelby, 135 Broadway, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, between points in Brooke and Hancock Counties, W. Va., and points within 125 miles of said counties, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Virginia, Tennessee, Missouri, North Carolina, West Virginia, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and the District of Columbia.

NO. MC 29698 SUB 13, LESTER FELLOWS CO., a corporation, 315 Pine Street, Jersey City, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings*, from Phillipsburg, N. J., to points in Delaware and Maryland. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NO. MC 29886 SUB 75, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, Pieroni, Hynes & Dixon, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in driveaway and truckway service, from Kenosha, Wis., to points in California. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia, except Florida and Kentucky.

NO. MC 30837 SUB 173, KENOSHA AUTO TRANSPORT CORPORATION, 4519-76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors, chassis, and vehicles* (except trailers), designed for the transportation of passengers and property, with or without bodies, in initial movements, in truckway service, from Emeryville, Calif., to all points in the United States.

NO. MC 42487 SUB 288, CONSOLIDATED FREIGHTWAYS, INC., 2116 N. W. Savier Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, 2029 N. W. Quimby Street, P. O. Box

3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, (except petroleum products, in bulk, in tank trucks), and *commodities requiring special equipment*, between Ames, Iowa, and Rawlins, Wyo., from Ames over U. S. Highway 30 to Rawlins, and return over the same route, serving no intermediate points and serving Ames, Iowa and Rawlins, Wyo., for purposes of joinder only, as an alternate route in connection with carrier's regular route operations (1) between Chicago, Ill., and Blairsburg, Iowa, and (2) between Casper, Wyo., and Pocatello, Idaho. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, North Dakota, Oregon, Utah, Washington, Wisconsin and Wyoming.

NO. MC 43038 SUB 390, COMMERCIAL CARRIER, INC., 3399 East McNichols Road, Detroit, Mich. Applicant's attorney: James W. Wrape, Wrape and Hernly, 1624 "Eye" St., N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, and trucks* (except trailers), in initial movements, by truckway and driveaway service, from Jackson, Mich., to all points in the United States, including the District of Columbia, except those in the States of Kansas, Oklahoma, Texas, Arizona and New Mexico. Applicant is authorized to conduct operations throughout the United States.

NO. MC 43056 SUB 2, THE BROWN TRANSFER COMPANY, a corporation, 900-9th Street, S. W., Canton, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Groceries and such articles as are usually dealt in by grocery stores or chain stores*, from Canton, Ohio, to points in Ohio within 50 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement. Applicant is authorized to conduct operations in Ohio.

NO. MC 50069 SUB 156, REFINERS TRANSPORT & TERMINAL CORPORATION, a corporation, 2111 Woodward Ave., Detroit 1, Mich. 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: *Liquid chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., and Peoria, Ill., to points in Kansas. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NO. MC 50307 SUB 16, INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting *Gar-*

ments, and materials and supplies used in the manufacture of garments, between Mt. Carmel, Pa., on the one hand, and, on the other, Clinton and Oxford, N. J. Applicant is authorized to conduct operations in Maryland, New Jersey, New York and Pennsylvania.

NO. MC 52024 SUB 5, HARRY F. MARTIN AND ANTON J. MARTIN, doing business as MARTIN TRANSFER COMPANY, 1150 Commerce Ave., Longview, Wash. For authority to operate as a common carrier, over irregular routes, transporting: Carbon electrode with stub and cryolite, between points in Multnomah County, Oreg. and Cowlitz County, Wash.

NO. MC 52858 SUB 38, CONVOY COMPANY, a corporation, 3900 N. W. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a common carrier, over irregular routes, transporting: Motor vehicles not including trailers, in initial movement, in truckaway service from Kenosha, Wis., to points in Oregon, Washington, Idaho, Nevada, and California. Applicant is authorized to conduct operations in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NO. MC 54515 SUB 3, (amended) BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. For authority to operate as a common carrier, over a regular route, transporting: General commodities, except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in express service, between Oakfield, Maine and Fort Kent Maine, from Oakfield over unnumbered highway to Smyrna Mills, thence over Maine Highway 212 to junction Maine Highway 11, and thence over Maine Highway 11 to Fort Kent, and return over the same route, serving the intermediate points of Smyrna Mills, Knowles Corner, Oxbow Corner, Marsardis, Squa Pan, Ashland, Portage, Winterville, Eagle Lake, Wallagrass, Soldier Pond and Michaud, Maine. RESTRICTION: Authority applied for to be restricted to a weight, bulk, and volume which could be transported without disturbing the comfort and convenience of passengers or interfering with safety, speed, and other essential qualities of passenger operations. Applicant authorized to conduct operations in Maine.

NO. MC 59245 SUB 8, CHARLES T. LANDON, 111 Demarest Parkway, Elmira, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: Glass bottles, between Elmira, N. Y., on the one hand, and, on the other, points in Maryland and the District of Columbia. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Delaware and Ohio.

NO. MC 60024 SUB 9, HARRY B. ROSENBLUM AND SYDNEY ROSENBLUM, doing business as GEORGE E. DEWEY & COMPANY, 11-21 Donald Street, Hartford, Conn. For authority to operate as a common carrier, over irregular routes, transporting: New

furniture, uncrated, such as mattresses, bed springs, box springs, hollywood beds, dual purpose sleeping equipment, bunk beds, headboards, metal bed frames, and advertising matter, materials and equipment used in advertising displays, from Waterbury, Conn., to points in Hampden, Hampshire, Franklin and Worcester Counties, Mass., Dutchess, Putnam, Orange and Westchester Counties, N. Y., and points in Rhode Island, and advertising displays and equipment on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont.

NO. MC 60169, SUB 24, FREEDMAN MOTOR SERVICE, INC., 19 Pearl Street, Metuchen, N. J. Applicant's attorney: Kennet J. McAuliffe, Belnap & McAuliffe, 233 Broadway, New York 7, N. Y. For authority to operate as a contract carrier, over irregular routes, transporting: Hydrogen peroxide, in bulk, in tank vehicles, from Dresden, N. Y., to ports of entry located in New York on the United States-Canada International Boundary Line, and restricted to traffic destined to points in Canada. Applicant is authorized to conduct operations in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NO. MC 62537 SUB 54, GREAT LAKES FORWARDING CORPORATION, 1292 Fuhrmann Boulevard, Buffalo 5, N. Y. Applicant's representative: S. S. Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: New trucks, in secondary movements, in truckaway and driveaway service, from Boyertown, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, Rhode Island, New Jersey, Ohio, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Mississippi, Missouri, New Hampshire, North Carolina, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NO. MC 76032 SUB 85, NAVAJO FREIGHT LINES, INC., 381 So. Broadway, P. O. Box 5364, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a common carrier, over regular and irregular routes, transporting: (1) Compressed gases, in bulk, when moving in shipper-owned trailers, for the U. S. Government or its cost-type contractor, the University of California, from Los Alamos, N. Mex., to all points now being served under Certificate No. MC 76032, dated June 3, 1954, wherein carrier is authorized to operate over regular and irregular routes as follows: (A) Regular routes, between Los Angeles, Calif., and Albuquerque, N. Mex., serving all intermediate points, and off-route points of Huntington Beach, San Bernardino, Santa Ana, Sylamer, Orange, Redlands, Corona, Watson, and Ontario, Calif., points in Los Angeles

County, Calif., and the site of the U. S. Engineers' Project No. 76 (approximately seven miles southeast of Albuquerque, N. Mex.), as follows: From Los Angeles over U. S. Highway 66 to Albuquerque, and return over the same route, from Los Angeles over U. S. Highway 66 to junction New Mexico Highway 6, west of Correo, N. Mex., thence over Mexico Highway 6 to junction U. S. Highway 85, thence over U. S. Highway 85 to Albuquerque, and return over the same route, from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway 89 to junction U. S. Highway 66, thence over U. S. Highway 66 to Albuquerque, and return over the same route, and from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway 89 to junction U. S. Highway 66, thence over U. S. Highway 66 to Albuquerque, and return over the same route; between Agula, Ariz., and Congress Junction, Ariz., over Arizona Highway 71, for operating convenience only, serving no intermediate points; between Barstow, Calif., and San Francisco, Calif., serving all intermediate points, and off-route points within ten miles of Oakland and San Francisco, Calif., subject to the restriction that service at San Francisco and intermediate and off-route points shall be limited to shipments originating at or destined to Barstow, or points east of Barstow, operating over U. S. Highway 466 from Barstow to Bakersfield, Calif., thence over U. S. Highway 99 to Manteca, Calif., thence over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 via Oakland, Calif., to San Francisco, and return over the same route; between Amarillo, Tex., and Albuquerque, N. Mex., over U. S. Highway 66, serving the intermediate points of Moriarty, N. Mex., and those between Moriarty and Albuquerque, for westbound traffic only, and all other intermediate points and the off-route points of the sites of the English Airport Field near Amarillo, Tex., the Amarillo Army Air Field located approximately seven miles east of Amarillo, Tex., and the Pantex Ordnance Plant located approximately 12 miles east of Amarillo, Tex., without restriction; between Dalhart, Tex., and Tucumcari, N. Mex., over U. S. Highway 54, serving all intermediate points; between Roswell, N. Mex., and the site of the Roswell Army Air Field, approximately four miles south of Roswell, over New Mexico Highway 13, serving no intermediate points; between Newkirk, N. Mex., and Conchas Dam, N. Mex., over New Mexico Highway 129, serving all intermediate points; between Tucumcari, N. Mex., and Conchas Dam, N. Mex., over New Mexico Highway 104 (formerly unnumbered highway), serving all intermediate points; between San Jon, N. Mex., and Clovis, N. Mex., over New Mexico Highway 39 from San Jon to Grady, N. Mex., thence over New Mexico Highway 18 to Clovis, and return over the same route, serving all intermediate points, but with no service at Clovis; between Las Vegas, N. Mex., and Roswell, N. Mex., over U. S. Highway 85 from Las Vegas to Romero-

ville, N. Mex., thence over U. S. Highway 84 to Fort Sumner, N. Mex., thence over New Mexico Highway 20 to junction U. S. Highway 285, thence over U. S. Highway 285 to Roswell, and return over the same route, serving the intermediate points of Dilia, Dunlap, and Chaves, N. Mex., and the off-route point of Anton Chico, N. Mex., without restriction; the intermediate point of Santa Rose, N. Mex., restricted against the transportation of commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than refrigeration; and the intermediate point of Romeroville, N. Mex., except for traffic originating at or destined to Las Vegas; between junction U. S. Highways 66 and 285, at or near Clines Corners, N. Mex., and junction U. S. Highway 285 and combined U. S. Highways 84 and 85 near Canyoncito, N. Mex., over U. S. Highway 285, for operating convenience only, serving no intermediate points; between junction U. S. Highway 66 and New Mexico Highway 39 at San Jon, N. Mex., and junction New Mexico Highway 58 and U. S. Highway 85 at Springer, N. Mex., over New Mexico Highway 39 from junction U. S. Highway 66 to junction New Mexico Highway 58, thence over New Mexico Highway 58 to junction U. S. Highway 85, and return over the same route, for operating convenience only, serving no intermediate points; between Denver, Colo., and Albuquerque, N. Mex., over U. S. Highway 85 from Denver to Albuquerque; also from junction U. S. Highway 85 and Colorado Highway 393 (formerly U. S. Highway 85) near Larkspur, Colo., over Colorado Highway 393 to junction Colorado Highway 105 (formerly U. S. Highway 85) near Monument, Colo., thence over Colorado Highway 105 to junction U. S. Highway 85; also from junction old U. S. Highway 85 and relocated U. S. Highway 85, north of Crow, Colo., over old U. S. Highway 85 to junction relocated U. S. Highway 85 and return over the same routes, serving all intermediate points, and the off-route points of Greenland, Larkspur, Palmer Lake, Monument, Crow, and Greenhorn, Colo., without restriction; the off-route point of Zia Project (Los Alamos, N. Mex.), restricted to traffic moving to or from points beyond Santa Fe, N. Mex., and the off-route points of Manitou, Colo., the site of U. S. Engineers' Project No. 76, approximately seven miles out east of Albuquerque, and the site of the United States Atomic Energy Plant at or near Marshall, Colo., restricted against the transportation of Class A and B explosives; between Denver, Colo., and junction U. S. Highways 85 and 87, approximately three-fourths of a mile north of Castle Rock, Colo., over U. S. Highway 87, as an alternate route for operating convenience only, serving no intermediate points; between Pueblo, Colo., and Lamar, Colo., over U. S. Highway 50, serving no intermediate points; between Chicago, Ill., and Denver, Colo., serving the intermediate and off-route points of Omaha, Nebr., and Kansas City and St. Joseph, Mo., without restriction, and Clinton and Davenport, Iowa, restricted

to the transportation of wallpaper only, as follows: From Chicago over U. S. Highway Alternate 30 to junction U. S. Highway 30, west of Sterling, Ill., thence over U. S. Highway 30 to junction U. S. Highway 75, at Missouri Valley, Iowa, thence over U. S. Highway 75 to Omaha, Nebr., thence over U. S. Highway Alternate 30 to junction U. S. Highway 275, thence over U. S. Highway 275 via Waterloo, Nebr., to Fremont, Nebr., thence over U. S. Highway 30 to junction U. S. Highway 138, near Big Springs, Nebr., thence over U. S. Highway 138 to Sterling, Colo., thence over U. S. Highway 6 to Denver, and return over the same route, from Chicago over U. S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U. S. Highway 6 to Omaha, Nebr., and thence as specified above to Denver, and return over the same route, from Chicago over U. S. Highway 34 to Glenwood, Iowa, thence over U. S. Highway 275 to Council Bluffs, Iowa, thence over U. S. Highway 6 to Omaha, Nebr., and thence as specified above to Denver, and return over the same route, and from Chicago over U. S. Highway Alternate 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U. S. Highway 24, thence over U. S. Highway 24 to Monroe City, Mo., thence over U. S. Highway 36 to Cameron, Mo., thence over U. S. Highway 69 to Kansas City, Mo., thence over U. S. Highway 40 to Denver, and return over the same route; and between Amarillo, Tex., and Los Angeles, Calif., service being authorized to and from the intermediate and off-route points of Albuquerque and Gallup, N. Mex., the sites of the Wingate Ordnance Depot near Gallup, N. Mex., and the Walker Air Force Base near Roswell, N. Mex., Flagstaff, Ariz., the site of the Navajo Ordnance Depot, near Flagstaff, Ariz., and Kingman, Ariz.; and from and to all points in California which the carrier is presently authorized to serve, with the exception that service is not authorized to or from San Francisco and Oakland, Calif., and points within ten miles of San Francisco and Oakland, said service specified immediately above between Amarillo, Tex., and Los Angeles, Calif., and from and to all points in California presently authorized to serve being restricted to the transportation of Class A, B, and C explosives, ammunition not included in Class A, B, and C explosives, and component parts of explosives and ammunition, and subject to the condition that such service is to be performed, to the extent indicated, in connection with carrier's presently authorized regular route and irregular route operations in the transportation of general commodities other than explosives and ammunition, and (B) irregular routes, between Denver, Colo., and United States Military Reservation and Government Project within five miles of Denver, with said service at such Military Reservations and Government Projects being restricted to traffic moving to or from points carrier is presently authorized to serve, except Denver; from Rocky Ford, and Manzanola, Colo., to points in New Mexico, with no transportation for compensation on return

except as otherwise authorized; and between points within five miles of Albuquerque, N. Mex., including Albuquerque, and (2) *Empty gas cylinders, empty shipper-owned trailers, and other empty containers or other such incidental facilities* (not specified) used in transporting compressed gases, from all of said points now being served under Certificate No. MC 76032, to Los Alamos, N. Mex., subject to same restrictions as now applicable against service over above set forth regular and irregular routes, and also restricted under (1) above to transportation of traffic originating at Los Alamos, N. Mex., and under (2) above to transportation of traffic destined to Los Alamos, N. Mex.

NO. MC 76032 SUB 87, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over alternate or connecting routes, transporting: *Class A, B and C explosives, ammunition* not included in Class A, B, and C explosives, and *component parts* of explosives and ammunition, and *general commodities*, except livestock, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber in bulk, in truckloads, sand and gravel, coal in bulk, rock asphalt, petroleum products, or other liquids, in bulk, corrosive acids, new automobiles, and uncrated furniture, between (1) Junction U. S. Highways 66 and 285 at or near Clines Corners, N. Mex., and junction U. S. Highway 285 and New Mexico Highway 20 near Chaves, N. Mex., over U. S. Highway 285, and (2) Roswell, N. Mex., and Amarillo, Tex., over U. S. Highway 285 from Roswell to junction U. S. Highway 70, thence over U. S. Highway 70 to junction U. S. Highway 60 at Clovis, N. Mex., thence over U. S. Highway 60 to junction U. S. Highway 87 at or near Canyon, Tex., thence over U. S. Highway 87 to Amarillo, Tex., and return over the same route; serving no intermediate points, for operating convenience only, in connection with regular route operations between Amarillo, Tex., and Albuquerque, N. Mex.; Las Vegas, N. Mex., and Roswell, N. Mex.; and Amarillo, Tex., and Los Angeles, Calif. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Texas.

No. MC 78213 Sub 2, ALBERT C. POUNDER, doing business as POUNDER TRUCK SERVICE, Corbett, Oreg. Applicant's representative: R. C. Long, Willamette Tariff Bureau, Inc., 719 S. E. Morrison Street, Portland 14, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cryolite*, in bulk, in dump trucks, between Troutdale, Oreg. and points within three miles of Troutdale, on the one hand, and, on the other, Longview, Wash. and points within three miles of Longview.

No. MC 78787 Sub 31, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco



5, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New automobiles, new trucks, and new buses*, in initial movement, in truckaway and driveway service, from Oakland, Calif., to Carson City and Minden, Nev. Applicant is authorized to conduct operations in California and Nevada.

No. MC 89529 Sub 6, UNITED PARCEL SERVICE OF PENNSYLVANIA, INC., 2320 Walnut Street, Philadelphia, Pa. Applicant's attorney: Irving R. Segal, Schnader, Harrison, Segal and Lewis, 1719 Packard Building, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are sold by department stores, retail stores and retail specialty shops*, from department stores, retail stores and retail specialty shops, or warehouses thereof, in Trenton, N. J., to customers of such stores and shops at points in New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, and *returned shipments*, on return movement. The applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 90147 Sub 1, HELMER V. CARLSON, doing business as HOPKINS AND CARLSON, 97 Hale St., Haverhill, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Essex County, Mass., and points in Belknap, Cheshire, Hillsboro, Merrimack and Rockingham Counties, N. H., and *Household goods*, as defined by the Commission, between points in Essex County, Mass., and points in Rockingham County, N. H.

No. MC 92983 Sub 104, Amended, ELDON MILLER, INC., 1030 Riverside Drive, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, vegetable oil products, syrups, sugars, and molasses*, in bulk, in tank vehicles, between Kansas City, Mo., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, and Texas, except molasses from Kansas City, Mo., to Dubuque, Iowa. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 94542 Sub 16, JOHN G. MILLER, doing business as MILLER TRUCKING COMPANY, Route 5, Gettysburg, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereals and cereal preparations*, from points in Adams County, Pa., to points in New York, Ohio, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements.

No. 189—6

No. MC 94542 Sub 17, JOHN G. MILLER, doing business as MILLER TRUCKING COMPANY, Route 5, Gettysburg, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods, cereals and cereal preparations*, (1) from points in Adams and Franklin Counties, Pa., to points in Tennessee, and (2) from points in Franklin County, Pa., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements. Applicant is authorized to conduct operations in Massachusetts, New York, Virginia, and West Virginia.

No. MC 95473 Sub 3, HAROLD A. DAUB, Reinerton, Pa. Applicant's attorney: Rhoads, Simon & Reader, State Street Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anthracite rice coal*, from points in Northumberland and Schuylkill Counties, Pa., to Wango, Md. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 97146 Sub 1, MONROE SHOOK, doing business as SHOOK'S TRANSFER, Keysville, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Amelia, Va., and Richmond, Va., from Amelia, Va., over U. S. Highway 360 to Richmond, Va., and return over the same route, serving all intermediate points, and off-route points within 10 miles of U. S. Highway 360.

No. MC 103880 Sub 130, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana and the Lower Peninsula of Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 103880 Sub 131, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Mount Pleasant, Mich. and points within five miles of Mount Pleasant, to points in Ohio, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana,

Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 105207 Sub 6, JIM'S TRANSFER, INC., East 3232 Sprague, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in containers and in bulk, from points in Pend Oreille County, Wash., to ports of entry on the boundary between the United States and Canada on and east of U. S. Highway 97 north of Oroville, Wash., to the Washington-Idaho State line, and *rejected shipments*, on return movement. Applicant is authorized to conduct operations in Washington and Idaho.

No. MC 105498 Sub 5, F. S. MILLARD, 2307 East Euclid Street, Des Moines, Iowa. Applicant's attorney: Robert E. Dreher, Brunk & Janss, 212 Equitable Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electric household appliances and gas household appliances*, (illustrative of which are washing machines, laundry dryers, ironers, refrigerators, ranges, air condition units, etc.), from Newton, Iowa, to points in Illinois and Nebraska. Applicant is authorized to conduct operations in Illinois, Iowa, and Nebraska.

No. MC 105553 Sub 24, C. J. SIMPSON, doing business as C. J. SIMPSON TRUCKING CO., 4224 West Illinois St., P. O. Box 4096, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Looney, Clark & Moorhead, Brown Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products; and *machinery, equipment, materials, and supplies*, used in or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, (1) between points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; (2) between points in Mississippi, Alabama, Georgia, and Florida; and (3) between points in Mississippi, Alabama, Georgia, and Florida, on the one hand, and, on the other, points, in Oklahoma, Texas, Arkansas, and Louisiana.

No. MC 105632, CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad St., Savannah, Ga. Applicant's attorney: John B. Miller, Asst. General Counsel, Central of Georgia Railway Company, Law Department, P. O. Box 527, Savannah, Ga. Petition for re-opening, further hearing, and modification of Certificate dated December 6, 1950 which was cancelled and superseded by Certificate dated May 26, 1954, authorizing operations as a *common carrier* in the transportation of *general commodities* over regular routes in Alabama and Georgia, subject to certain restrictions, in service auxiliary to, or supplemental of, rail service of the Central of Georgia Railway and its rail subsidiaries, so as to eliminate certain portions of presently applicable

restrictions as described on page five (5) of Certificate No. MC 105632, dated May 26, 1954, thereby authorizing unrestricted service insofar as operations (1) to and from the key points of Rome, Newnan, Griffin, Americus, and Tennille, Ga., and Alexander City, and Andalusia, Ala., (2) between Albany, Ga. and Dothan, Ala., and (3) at Athens, Ga. are concerned in lieu of restrictive service as presently authorized, namely to remove the restriction (1) of "service shall be auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway and its rail subsidiaries, and no shipments shall be transported between any of the following points, or through or to or from more than one of said points" presently applicable against service to and from the key points of Rome, Newnan, Griffin, Americus, and Tennille, Ga., and Alexander City, and Andalusia, Ala., and (2) of "service shall be auxiliary to, or supplemental of, the rail service of the Central of Georgia Railway and its rail subsidiaries, and shipments transported between or to and from the following points shall be limited to those moving under a through bill of lading covering, in addition to movement by said carrier, an immediately prior or immediately subsequent movement by rail" presently applicable against (a) service in operations between Albany, Ga. and Dothan, Ala., and (b) service to and from Athens, Ga.

NO. MC 106089 Sub 1, JOHN G. LANE, doing business as JOHN G. LANE LINES, 1017 North McDuff Avenue, P. O. Box 6065, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bakery products, goods, wares, and merchandise distributed by baking companies*, and in connection therewith *bakery advertising matter, crates, racks and containers*, from Jacksonville, Fla. to points in Georgia on and south of U. S. Highway 80, and those in Alabama on and south of U. S. Highway 80 and on and east of U. S. Highway 31, and *empty containers or other such incidental facilities* used in transporting the commodities specified, and *stale bakery products*, on return movements. Applicant is authorized to conduct operations in Florida and Georgia.

NO. MC 107833 SUB 2, PAUL L. PETERSON, doing business as MODOC TRANSPORT, 12th and Maple Streets, P. O. Box 104, Alturas, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, and grain in bulk*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco, Calif., and Alturas, Calif., from San Francisco over U. S. Highway 40 via Davis, Calif., to Sacramento, Calif., thence return over U. S. Highway 40 to junction U. S. Highway 99-W at or near Davis, thence over U. S. Highway 99-W at or near Davis, thence over U. S. Highway 99-W to Red Bluff, Calif. (also from junction U. S. Highway 40 and unnumbered highway at or near Vacaville,

Calif., over unnumbered highway via Winters and Madison, Calif., to junction U. S. Highway 99-W south of Dunnigan, Calif.) (also from Sacramento over California Highway 16 to junction U. S. Highway 99-W at Woodland, Calif.), thence over U. S. Highway 99 via Redding, Calif., to junction U. S. Highway 299 at Alturas Junction, Calif., thence over U. S. Highway 299 to Alturas, and return over the same route, serving South San Francisco, Alameda, San Leandro, Oakland, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Pablo; Sacramento, North Sacramento, West Sacramento, Swanston Station, the Sacramento-Yolo Port District, and all points within two miles of Sacramento, North Sacramento, West Sacramento, Swanston Station, and the Sacramento-Yolo Port District; Red Bluff, Cottonwood, Anderson, Redding, Alturas Junction, all points within two miles of Red Bluff, Cottonwood, Anderson, Redding and Alturas Junction, and all points within two miles of U. S. Highway 99 between Red Bluff and Alturas Junction, as intermediate and off-route points for pick-up only of commodities moving to Alturas or San Francisco. No service is proposed between any of the above-named intermediate or off-route points, or any points on U. S. Highways 40, 99, 99-W, and 299. Applicant is authorized to conduct operations in California and Oregon.

NO. MC 109451 SUB 37, ECOFF TRUCKING, INC., 117 McCarty St., Fortville, Ind. Applicant's attorney: William J. Guenther, Boyce, Guenther, Harrison & Moberly, 1511-14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids, anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, between the site of the National Petro Chemical plant and U. S. Industrial Chemical Co. Division of National Distillers Products Corporation Plant, located approximately 5 miles west of Tuscola, Ill., and points in Michigan, Ohio, Indiana, Missouri, Kentucky, Wisconsin and Iowa. *Rejected shipments*, on return movement. Applicant is authorized to conduct operations in Indiana, Missouri, Illinois, Ohio, Kentucky, Wisconsin, and the lower peninsula of Michigan.

NO. MC 110077 SUB 2, JACK COOPER, JR. AND THOM COOPER, doing business as J-T TRANSPORT COMPANY, 6504 East 37th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, Wrape and Hernly, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway and driveaway service, from Kenosha, Wis., to Kansas City, Mo. and Wichita, Kans. RESTRICTION: Authority applied for to be restricted to transportation of Motor vehicles manufactured or assembled by the Hudson Motor Division of American Motors, Inc. Applicant is authorized to conduct operations in Kansas, Michigan and Missouri.

NO. MC 111147 SUB 5, AMERICAN TRANSPORT, INC., 1727 East Division St., Post Office Box 683, Springfield, Mo. Applicant's attorney: James F. Miller,

500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Augusta, Kans., to points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State Line and extending along U. S. Highway 36 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Kansas State Line, and thence along the Missouri-Kansas State Line to the point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Kansas and Missouri.

NO. MC 111717 SUB 10, TRACTOR TRANSPORT, INC., West Allis, Wis. Applicant's attorney: Frank M. Coyne, Union Trust Building, 1 West Main St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Self-propelled dirt movers, and accessories, pull type scrapers, and bulldozers*, from Cedar Rapids, Iowa, to points in Montana, Wyoming, Colorado, Texas, Louisiana, Mississippi, Alabama, Georgia, West Virginia, Pennsylvania, Ohio, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Missouri, Illinois, Indiana, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NO. MC 112497 SUB 29, HEARIN TANK LINES, INC., Istrouma Branch-Mason St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Rose, La., to the sites of U. S. Naval and Air Force Bases in Alabama, Florida and Georgia. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee.

NO. MC 112497 SUB 30, HEARIN TANK LINES, INC., 6440 Rawlins Street, P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, during the season extending from the first day of May to the thirtieth day of September, both inclusive, from Baton Rouge, La., to Pascagoula, Miss., and points within 25 miles thereof. Applicant is authorized to conduct operations in Alabama and Florida.

NO. MC 112520 SUB 2, SOUTH STATE OIL CO., 711 West Gaines St., Tallahassee, Florida. Applicant's attorney: Dan R. Schwartz, Kitchen & Schwartz, 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte MC-45, (a) from points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., to points in Alabama and Georgia, and (b) from Bainbridge, Ga., and points within 5 miles thereof,

to points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., (2) *liquid alum and caustic soda solution*, in bulk, in tank vehicles, from Mobile, Ala., and points in Alabama, within 50 miles thereof, to points in Florida, and (3) *naval stores and liquid paper products and by-products*, including but not limited to Pinene, pulp mill liquid, salt cake solution (spent acid), sulphate black liquor skimmings, turpentine, and waste liquor, in bulk in tank vehicles between points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., on the one hand, and, on the other, points in Alabama.

NO. MC 114012 SUB 4, B. D. ARMSTRONG AND C. EARL ARMSTRONG, doing business as ARMSTRONG BROTHERS, Corapeake, N. C. Applicant's attorney: James E. Wilson, Roberts & McInnis, Continental Building, Fourteenth at "K" N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tobacco and cotton harvesters*, from Lewiston, N. C., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Virginia, Tennessee, Kentucky, Maryland, and ports of entry between the United States and Canada at or near Buffalo, Niagara Falls and Rouses Point, N. Y., Detroit, Mich., and Pembina, N. Dak., and *materials and supplies used in the manufacture of tobacco and cotton harvesters* on return.

NO. MC 114106 SUB 5, MAYBELLE TRANSPORT COMPANY, A CORPORATION, Box 461, Lexington, N. C. Applicant's attorney: Dale C. Dillon, Todd, Dillon and Curtiss, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt and road oils*, in bulk, in tank vehicles, from Fayetteville and Salisbury, N. C., and points within three miles of each, to points in Virginia. Applicant is authorized to conduct operations in North Carolina and South Carolina.

NO. MC 114469 SUB 2 (amended) I. V. TRUCKING SERVICE, INC., 1655 S. Alameda St., Los Angeles, Calif. Applicant's attorney: James L. Giffin, 1304 East Seventh Street, Los Angeles 21, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, shakes, shingles, lath, veneer, and plywood*, from points in Curry, Coos, Jackson, Douglas, Lane, Linn, Marion and Josephine Counties, Oreg., to points in California, and *chromite ore* from points in California to the United States Stockpile, near Grants Pass, Oreg., on return.

Note: Republication of instant application covers the conversion of applicant from *contract* to *common carrier* status.

NO. MC 114703, FOREST O. BRYANT AND HERBERT FULLERTON, doing business as BRYANT & FULLERTON, 1201 South 3rd St., Ironton, Ohio. Applicant's attorney: H. A. McCown, 204 South 5th St., Ironton, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction material* such as *sand, gravel, cement, slag, cinders, asphalt,*

and any other materials of similar character used in road construction, between points in Boyd, Greenup, and Lawrence Counties, Ky., and Lawrence County, Ohio.

NO. MC 114813 SUB 1, WILLIAM B. CONLEY, doing business as CONLEY TRANSPORT, 4140 East 29th St., Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission in Ex Parte MC 45, in bulk, in tank vehicles, from Coralville and Des Moines, Iowa, to points in Iowa within 100 miles of Des Moines.

NO. MC 114923, (amended) CHARLES WALLACK, doing business as WALLACK BROS. MOTOR TRANSPORTATION, 88 Stephenson Blvd., New Rochelle, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Door frames*, wood and steel, uncrated, *doors*, steel and wood, and *parts and accessories used in connection with door frames and doors*, from Mt. Vernon, N. Y., to points in Ohio, Indiana, Illinois, Michigan, Georgia, and Florida.

NO. MC 114925, THOMAS I. SMITH, doing business as SMITH TRUCKING COMPANY, Pearson, Ga. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, dry or green, dressed or rough, from points in Coffee, Atkinson and Clinch Counties, Ga., to points in Florida.

NO. MC 114933, LEVISA OIL CORPORATION, Grundy, Va. Applicant's attorney: Chas. T. Dodrill, Dodrill Barrett & Dunbar, West Virginia Building, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A, B and C explosives, blasting materials, and blasting supplies, and empty containers or other such incidental facilities*, (not specified) used in transporting explosives, blasting materials and blasting supplies, (1) between Grundy, Va. and points within ten miles thereof on the one hand, and, on the other, points in Pike County, Ky., McDowell County, W. Va., Buchanan, Dickenson and Tazewell Counties, Va., and (2) between points in Pike County, Ky., McDowell County, W. Va., Buchanan, Dickenson and Tazewell Counties, Va., restricted to traffic having prior movement by rail to rail sidings, by truck to truck stops, construction jobs, or explosives magazines. Applicant is authorized to conduct operations in Virginia pursuant to Certificate of Exemption in Docket No. MC 108625 EX.

NO. MC 114938, WILLARD ODEGAARD, doing business as ODEGAARD TRANSPORT, Tioga, N. Dak. Applicant's attorney: Lawrence O'Connell, Burk, McIntee & O'Connell, Williston, N. Dak. For authority to operate as a *contract carrier*, over irregular routes,

transporting: *Natural gasoline and liquefied petroleum gas*, in bulk, in tank vehicles, between Tioga and Mandan, N. Dak., on the one hand, and, on the other, points in Montana, Minnesota and South Dakota.

NO. MC 114939, BULK CARRIERS LIMITED, Box 368, Sarnia, Ontario, Canada. Applicant's attorney: Archie C. Fraser, Jennings, Fraser, Parsons & Trebilcock, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products, liquid bituminous products, coal tar light oil, and liquid coal tar chemicals*, in bulk, in tank trucks and trailers, between the United States-Canada International Boundary line at Port Huron, Mich., and points in the lower peninsula of Michigan.

NO. MC 114944, ELAINE BURKHARDT AND GLADYS COZINE, doing business as AUDUBON OIL COMPANY, Broadway and Market, Audubon, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products* as described in Ex Parte No. MC-45, in bulk, in tank vehicles from Council Bluffs and Des Moines, Iowa, to points in Iowa on and south of U. S. Highway 20 and on and west of U. S. Highway 69.

NO. MC 114945, BILL HAINES, doing business as HAINES TRANSPORT, Greenfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described by the Commission in Ex Parte No. MC-45, from Council Bluffs, Des Moines, Fort Madison and Sioux City, Iowa to points in that part of Iowa on and west of U. S. Highway 69 and on and south of U. S. Highway 20.

NO. MC 114947, ALVIN D. BOUNDS, doing business as ALVIN D. BOUNDS TRUCKING, 708 Clay Street, Ashland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Coos, Curry, Josephine, Douglas, Jackson and Klamath Counties, Oreg., to points in California; and *produce, citrus products, and oil cake and meal*, from points in California, to points in Oregon.

NO. MC 114948, WILLIAM G. VAN GENDEREN, doing business as VAN DE KROL TRANSPORTS, Sully, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described by the Commission in Ex Parte No. MC-45, from Coralville, Des Moines and Council Bluffs, Iowa, to Otley, Monroe, Prairie City and Sully, Iowa.

NO. MC 114949, ROY D. WATSON, JR., Keysville, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For

authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Lumber*, from Drakes Branch, Phenix, and Saxe, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, and (2) *pallets*, from Drakes Branch, Keysville, Phenix, and Saxe, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

NO. MC 114950, JOSEPH H. CURTIS, MARVIN E. CURTIS, AND WILLIAM E. CURTIS, doing business as JOSEPH CURTIS & SONS, RFD #2, Troy, Ohio. Applicant's attorney: John P. McMahon, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, in mechanically refrigerated equipment, from Troy, Ohio, to Greenup, and Boyd Counties, Ky., and Wayne, Cabell, and Kanawha Counties, W. Va.; *green hides and animal casings* in brine, from Troy, Ohio, to Chicago, Ill. *Empty containers or other such incidental facilities* used in transporting the commodities specified and *damaged, contaminated, and defective shipments* on return.

NO. MC 114954, JAMES STEWARD, Route 4, Garner, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used agricultural machinery and implements*, from Garner, Iowa, and points within 15 miles thereof, to Fairbault, Minn.

#### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

NO. MC 29957 SUB 62, CONTINENTAL SOUTHERN LINES, INC., P. O. Box 4407, Alexandria, La. Applicant's attorney: Grove Stafford, Stafford & Pitts, Suite 710 Guaranty Bank Bldg., Alexandria, La. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between Elm Grove, La., and Ringgold, La., over Louisiana Highway 933, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

NO. MC 57662 SUB 2, BANGOR AND AROOSTOOK RAILROAD COMPANY, a corporation, 84 Harlow Street, Bangor, Maine. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between Oakfield, Maine, and Fort Kent, Maine. From Oakfield over unnumbered highway to Smyrna Mills, thence over Maine Highway 212 to junction Maine Highway 11, and thence over Maine Highway 11 to Fort Kent, and return over the same route, serving the intermediate points of Smyrna Hills, Knowles Corner, Oxbow Corner, Masardis, Squa Pan, Ashland, Portage, Winterville,

Eagle Lake, Wallagrass, Soldier Pond and Michaud. Applicant is authorized to conduct operations in Maine.

NO. MC 114271 SUB 2, CONTINENTAL CRESCENT LINES, INC., P. O. Box 4407, Alexandria, La. Applicant's attorney: Grove Stafford, Stafford & Pitts, Suite 710 Guaranty Bank Building, Alexandria, La. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between Alexander City, Ala., and junction Alabama Highways 9 and 22, over Alabama Highway 22, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

#### APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

NO. MC-F-5504 filed June 17, 1953. Authority sought for purchase by MURRAY SHAPIRO and ALEXANDER SHAPIRO, doing business as MURAL TRUCKING SERVICE, (now MURAL TRANSPORT, INC.), 2900 Review Ave., Long Island City, N. Y., of the operating rights of TRANSPORTATION & WAREHOUSE CORPORATION, 31-15 Vernon Blvd., Long Island City, N. Y. Applicants' attorney: S. S. Eisen, 140 Cedar St., New York, N. Y. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier*, over irregular routes, between New York and Long Island City, N. Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia; between New York, N. Y., and points in Georgia, Indiana, Maine, and Wisconsin; and between Chicago, Ill., and points in Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Vermont, and Virginia; *Such new furniture and new household furnishings*, uncrated, as are dealt in by retail furniture and department stores and dealers, between New York, N. Y., on the one hand, and, on the other, points in Alabama, Kentucky, Mississippi, Tennessee, and West Virginia. By petition filed September 21, 1954, the applicants seek to amend the application by eliminating from the authority sought to be transferred, that portion which authorizes the transportation of *new furniture*, uncrated, from points in Michigan to New York and Long Island City, N. Y. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5696. Authority sought for purchase by OWENTON MOTOR EXPRESS, Bryant St., Owenton, Ky., of a portion of the operating rights of ESTELLE W. DOYLE, doing business as DOYLE TRANSFER LINE (DOROTHY WOOD, EXECUTRIX), 5th and Hawkins Sts., Carrollton, Ky., and for acquisition by VERNON SMALL, ARTHUR HENSON and WILLIAM EARL HORN, Owenton, Ky., of control of the operating rights through the purchase. Applicants' attorney: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville, Ky.

Operating rights sought to be transferred: *General commodities*, as a *common carrier*, over regular routes, between Louisville, Ky., and Owenton, Ky., serving all intermediate points, and the off-route points of Campbellsburg and New Castle, Ky.; *Livestock and agricultural commodities*, over regular routes, from Glencoe, Ky., to Cincinnati, Ohio, serving the intermediate and off-route points within ten miles of Glencoe; *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 regular routes, from Cincinnati, Ohio, to Glencoe, Ky., serving the intermediate and off-route points within ten miles of Glencoe. Vendeo is authorized to operate in Kentucky, Indiana and Ohio. Application for temporary authority under section 210a (b) was granted May 14, 1954.

NO. MC-F-5731. DEXTER M. GOULD, Union Street, Millis, Mass., seeks to control PECKHAM TRANS, INC., Wrentham, Mass. Applicants' attorney: Dale C. Dillon, 944 Washington Bldg., Washington, D. C. Operating rights sought to be controlled: *Waste paper*, as a *contract carrier*, over irregular routes, from South Boston, Mass., to Versailles, Conn.; *Paper board*, from Versailles, Conn., to Boston, Mass., and points in Massachusetts within 50 miles of Boston; *Iron and wooden skids*, between Boston, Mass., and points in Massachusetts within 50 miles of Boston, on the one hand, and, on the other, Versailles, Conn. Applicant is not a carrier, but manages Millis Transportation Company, Inc., which operates in Massachusetts, New Hampshire, Vermont, Rhode Island and Connecticut. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5752. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen St., Watertown, N. Y., of the operating rights and property of WEST SIDE MOTOR EXPRESS, INC., 36 Roanoke Ave., West Springfield, Mass., and for acquisition by LAWRENCE E. SMITH, Watertown, N. Y., of control of the operating rights and property through the purchase. Applicants' attorney: Arthur M. Marshall, 1340 Main St., Springfield, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, (a) over regular routes, between Boston and Pittsfield, Mass., via U. S. Highway 20 and via Massachusetts Highways 9, 19, 67 and U. S. Highway 20, serving all intermediate and numerous off-route points; and between Springfield, Mass., and Hartford, Conn., via U. S. Highway 5 and Alternate U. S. Highway 5, serving all intermediate points, and three off-route points; and (b) over irregular routes, between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and, on the other, Putnam and Jewett City, Conn., and points in Connecticut east of Connecticut Highway 8 and west of Connecticut Highway 93 from the Massa-

chusetts-Connecticut State line to Norwich and west of Connecticut Highway 12 from Norwich to New London, including points on the indicated portions of the highways specified. Vendee is authorized to operate in Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Application for temporary authority under section 210a (b) was denied August 18, 1954.

NO. MC-F-5754. Authority is sought by DUNCAN McRAE, JOHN COX AND B. D. DENTON, doing business as UNION TRANSPORTATION COMPANY, 824 South Yorktown St., Tulsa, Okla., to control KANSAS TRAILS, INC., 1202 West 8th St., Coffeyville, Kans. Person to whom correspondence should be addressed: Duncan McRae, 824 South Yorktown St., Tulsa, Okla. Operating rights sought to be controlled: *Passengers and their baggage*, and *express* in the same vehicle with passengers, as a *common carrier*, over regular routes, between Topeka, Kans., and Parsons, Kans., serving all intermediate points and the off-route points of Melvern and Waverly, Kans.; between Parsons, Kans., and the Kansas-Ordinance Plant, serving all intermediate points; between Yates Center, Kans., and Altoona, Kans., serving all intermediate points; *passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Altoona, Kans., and Independence, Kans., serving the intermediate points of Neodesha and Sycamore, Kans., between Topeka, Kans., and Junction City, Kans., serving the intermediate points of Paxico, McFarland, Alta Vista and Dwight, Kans.; between Claremore, Okla., and Pittsburg, Kans., serving all intermediate points between Osawatimie, Kans., and Kansas City, Mo., serving all intermediate points between Osawatimie and Olathe, Kans., including Olathe, except that no traffic shall be transported between Olathe and Kansas City. *Passengers and their baggage*, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Paola and Olathe, Kans., to points in Missouri, Oklahoma, Colorado, and Nebraska, and return. Applicant is authorized to operate in Oklahoma. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5758. Authority sought for control and merger by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and property of F & S TRANSIT COMPANY, INC., 1717 East Wayne St., South Bend, Ind., and for acquisition by LAURENCE COHEN, Denver, Colo., of control of the operating rights and property through the transaction. Applicants' attorney: Paul M. Hupp, 738 Majestic Bldg., Denver 2, Colo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Chicago, Ill., and Fort Wayne, Ind., between Gary, Ind., and Merrillville, Ind., and between Michigan City, Ind., and La Porte, Ind., serving all intermediate points and the off-route points of Dyer,

Michigan City, Roseland, Bristol, New Haven, Besancon, Zulu, Townley, Notre Dame, St. Marys, Otis, Lydick, Porter, and Chesterton, Ind., and those within five miles of Fort Wayne, Ind., and Baer Field, Ind. Applicant is authorized to operate in California, Texas, Illinois, Missouri, Kansas, New Mexico, Colorado, Iowa, Nebraska, and Arizona. Application has been filed for temporary authority under Section 210a (b).

NO. MC-F-5760. CONTINENTAL SOUTHERN LINES, INC., Alexandria, La., Seek to control BAYSHORE BUS LINES, INC., 100 West Defee St., Baytown, Tex.; and TRANSCONTINENTAL BUS SYSTEM, INC., Dallas, Tex., seeks to control said carrier through the transaction. Applicants' attorney: Carl B. Callaway, 305 Empire Bank Bldg., Dallas, Tex. Operating rights sought to be controlled: *Passengers and their baggage*, as a *common carrier*, over regular routes, between Mt. Belvieu, Tex., and Liberty, Tex., and between Houston, Tex., and Baytown, Tex., serving all intermediate points; between La Porte, Tex., and Barbour, Hill, Tex., serving all intermediate points. Applicant is authorized to operate in Texas, Louisiana, Arkansas, Mississippi, Tennessee, Alabama, Missouri, Illinois, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5765. Authority sought for purchase by McCORMICK DRAYLINE, INC., Avis, Pa., of the operating rights and property of A. M. FRANTZ, Muncy, Pa., and for acquisition by G. H. McCORMICK, Avis, Pa., of control of the operating rights and property through the purchase. Applicants' attorney: Robert H. Shertz, 226 South 15th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over irregular routes, between Muncy, Pa., on the one hand, and, on the other, points within 15 miles of Muncy, Pa.; *household goods*, between Muncy, Pa., and points within eight miles of Muncy, on the one hand, and, on the other, points in New York, New Jersey, Maryland, and Ohio. Vendee is authorized to operate in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, Ohio, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5767. Authority sought for purchase by HAROLD W. STEWART, INC., 2136 Burroughs Drive, Toledo, Ohio, of a portion of the operating rights and certain property of THE BILLY BAKER COMPANY, 1301 Elm St., Toledo, Ohio, and for acquisition by HAROLD W. STEWART and J. E. STEWART, Toledo, Ohio, of control of said operating rights and property through the purchase. Applicants' attorney: William R. Hefferan, 1419 Majestic Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Spent Catalyst* (clay) in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Lucas County, Ohio, to the boundary of the United States and Canada, at Port Huron, Mich. Vendee is authorized to operate

in Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5773. Authority sought for control by ROGERS CARTAGE COMPANY OF INDIANA, INC., 1932 S. Wentworth Ave., Chicago, Ill., of the operating rights and property of TEXAS-ARIZONA MOTOR FREIGHT, INC., P. O. Box 1025, El Paso, Tex., and for acquisition by WALTER MULLADY and JOHN B. O'CONNOR, Chicago, Ill., of control of said carrier through the transaction. Applicants' attorney: Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Los Angeles Harbor, Calif., and Nogales, Ariz., between Indio, Calif., and Phoenix, Ariz., between Wickenburg, Ariz., and Prescott, Ariz., serving all intermediate points and certain off-route points. *General commodities*, with certain exceptions, including household goods, between El Paso, Tex., and Tucson, Ariz., serving the intermediate points of Deming, Gage, and Separ, N. Mex., those between Lordsburg and Tucson, including Lordsburg, and those between Deming and El Paso, Tex. *General commodities*, with certain exceptions not including household goods, over irregular routes, from, to and between certain points in Arizona, California and New Mexico. Applicant is not an interstate motor carrier but is affiliated with Decatur Cartage Co., Rogers Cartage Co., Arrow Transportation Company of Delaware, and Rutherford Freight Lines, Inc., who are authorized to operate in Illinois, Kentucky, Michigan, Ohio, Indiana, Iowa, Minnesota, Missouri, Wisconsin, Tennessee, Nebraska, Kansas, New Jersey, New York, Pennsylvania, Arkansas, Louisiana, Texas, Virginia, North Carolina, and Georgia. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5774. Authority sought for purchase by WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr., of the operating rights and property of CENTRAL THRU PACIFIC TRUNK LINES, INC., 610 Leavenworth St., Omaha, Nebr., and for acquisition by FAY V. WATSON, RAY E. WATSON, and THOMAS W. WATSON, Omaha, Nebr., of control of the operating rights through the purchase. Applicants' attorney: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. Operating rights sought to be transferred: *Meats, meat products, meat byproducts, butter, eggs, dressed poultry, canned and frozen fruit juices, fresh fruits and vegetables*, as a *common carrier*, over irregular routes, from, to and between points in Kansas, California, Missouri, and Oklahoma. Vendee is authorized to operate in Nebraska, Missouri, Minnesota, Iowa, Illinois, Kansas, Colorado, Indiana, Arizona, California, New Mexico, Wyoming, Utah, Texas, Arkansas, Oklahoma, Montana, Washington, Oregon, and Idaho. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5775. Authority sought for purchase by ROBERT B. HOOVER, doing business as GENERAL CARTAGE COMPANY, Post Office Box 298, Sterling, Ill., of the operating rights and property of STEVE UMTHUN and A. A. WESTERMAN, doing business as UMTHUN TRUCKING COMPANY, 910 South Jackson St., Eagle Grove, Iowa. Applicants' attorney: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. Operating rights sought to be transferred: *General commodities*, except those 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 *contract carrier*, over irregular routes, between Davenport, Iowa, and Rock Island and Moline, Ill., on the one hand, and, on the other, points in Illinois and Iowa within 75 miles of Moline, Ill.; *pulpboard*, and *pulpboard boxes*, from Rock Island, Ill., to points in Missouri, points in La Crosse, Monroe, Vernon, Crawford, Richland, Grant, Iowa, and Lafayette Counties, Wis., and all points in Iowa except those within 75 miles of Moline, Ill. Vendee is authorized to operate in Illinois, Indiana, Missouri, Minnesota, Iowa, Wisconsin, Ohio, South Dakota, Nebraska, and Michigan. Application has been filed for temporary authority under section 210a(b).

NO. MC-F-5776. Authority sought for the merger into THE KAPLAN TRUCKING COMPANY, 1607 Woodland Ave., Cleveland, Ohio, of the operating rights and property of BROWN DE CAMP EXPRESS CO., INC., Carlton Hill, N. J., and for acquisition by EDWARD H. KAPLAN, Cleveland, Ohio, of control of the operating rights and property through the transaction. Applicants' attorney: Noel F. George, 44 East Broad St., Columbus 15, Ohio. Operating rights sought to be merged: *General commodities*, except those 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 irregular routes, between New York, N. Y., on the one hand, and, on the other, points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N. J. The Kaplan Trucking Company is authorized to operate in Michigan, Ohio, Pennsylvania, New York, West Virginia, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

NO. MC-F-5780. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, P. O. Box 1216, Richmond, Va., of a portion of the operating rights and certain property of SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl St., Louisville, Ky., and for acquisition by J. H. COCHRANE, Richmond, Va., of control of said operating rights through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. Operating rights sought to be transferred: *General commodities*, except

those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Charlotte, N. C., and Asheville, N. C., between Charlotte, N. C., and Morganton, N. C., serving certain intermediate points and the off-route points of Brookford and Rhodhiss, N. C.; *general commodities*, with certain exceptions, including household goods, between Greenville, S. C., and Asheville, N. C., serving all intermediate points, and certain off-route points; routes for operating convenience only, between junction U. S. Highway 70 and alternate U. S. Highway 70 (at or near Hildebran, N. C.), and junction U. S. Highways 70 and alternate U. S. Highway 70 (at or near Conover, N. C.), and between Hickory, N. C., and Lincolnton, N. C. Vendee is authorized to operate in Virginia, North Carolina, South Carolina, Tennessee, and Georgia. Application has not been filed for temporary authority under section 210a(b).

NO. MC-F-5782. Authority sought for purchase by THE CINCINNATI, NEWPORT & COVINGTON RAILWAY COMPANY, Third and Court Sts., Covington, Ky., of a portion of the operating rights of THE DIXIE TRACTION COMPANY, Third and Court Sts., Covington, Ky., and for acquisition by CHARLES ALLEN, JR., HERBERT ALLEN and RITA ALLEN, 30 Broad St., New York, N. Y., of control of said operating rights through the purchase. Person to whom correspondence is to be addressed: D. L. Ringo, Third and Court Sts., Covington, Ky. *Passengers and their baggage*, as a *common carrier*, over regular routes, (a) between Florence, Ky., and Cincinnati, Ohio, between Newport, Ky., and Cincinnati, Ohio, between Fort Thomas, Ky., and Woodlawn, Ky., between Alexandria, Ky., and Cincinnati, Ohio, between Cold Spring, Ky., and Vet Village, Campbell County, Ky., between the site of the Villa Madonna Academy, Kenton County, Ky., and junction U. S. Highways 25-42 and unnumbered county highway, serving all intermediate points, and (b) between Covert Run Pike and Waterworks Avenue, in Fort Thomas, Ky., between Wilson Road and Washington Ave., in Newport, Ky., serving no intermediate points; *passengers and their baggage*, in special operations, over irregular routes, beginning and ending at authorized points on the regular routes located in Kenton, Campbell and Boone Counties, Ky., and extending to the sites of Coney Island Amusement Park, Crosley Field, Cincinnati Gardens, Cincinnati Zoological Gardens, Nippert Stadium and Xavier University Stadium in the City of Cincinnati, Ohio. Vendee is authorized to operate in Ohio and Kentucky. Application has not been filed for temporary authority under section 210a(b).

NO. MC-F-5784. Authority sought for purchase by CONSOLIDATED FREIGHT COMPANY, 100 Carroll St., Saginaw, Mich., of the operating rights and certain property of CALDWELL MOTOR FREIGHT, INC., 800-23rd St., Detroit, Mich., and for acquisition by A. F. MATHEWS and D. B. SMITH, Saginaw, Mich., of control of said operating

rights through the purchase. Applicants' attorney: H. J. Waples, 2850 Penobscot Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *General commodities*, except those 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 Detroit, Mich., and Trenton, serving all intermediate points, and off-route points within five miles of Detroit; Mich., between Detroit, Mich., and the Ford Willow Run Plant, located approximately four miles east of Ypsilanti, Mich., serving no intermediate points; also routes for operating convenience only, between Toledo, Ohio, and junction U. S. Highways 23 and 16, and between Trenton, Mich., and junction Wayne County Highway 356 and U. S. Highways 24 and 25; *general commodities*, with exceptions as specified above, over regular and irregular routes, between Lansing, Mich., and Akron and Kent, Ohio, serving the intermediate and off-route points of Flat Rock, Monroe, Royal Oak, Birmingham, Pontiac, Flint, Owosso, Detroit, Plymouth, and Wayne, Mich., and those in Wayne, Oakland, and Macomb Counties, Mich., within eight miles of Detroit. Vendee is authorized to operate in Illinois and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-5785. Authority sought for control and merger by SHIRKS MOTOR EXPRESS CORPORATION, 1091 Mannheim Pike, Lancaster, Pa., of the operating rights and property of BOYCE MOTOR LINES, INC., 800 So. Main St., Canandaigua, N. Y., and LESTER BOYCE, doing business as P. M. T. LINES, 1 Phoenix St., Canandaigua, N. Y., and for acquisition by HARRY T. WATERS, Lancaster, Pa., of control of the operating rights and property through the transaction. Applicants' attorney: John R. Norris, 1513 Fidelity Bldg., Baltimore, Md. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in New York, Pennsylvania, New Jersey, including routes between Elmira, N. Y., and Hammondsport, N. Y., between Buffalo, N. Y., and New York, N. Y., between Scranton Pa., and Philadelphia, Pa., between Rochester, N. Y., and Niagara Falls, N. Y., between Rochester, N. Y., and Oswego, N. Y., between Rochester, N. Y., and Syracuse, N. Y., between Syracuse, N. Y., and Binghamton, N. Y., between Trenton, N. J., and junction New Jersey Highway 69 and U. S. Highway 22 near Clinton, N. J.; between Canandaigua, N. Y., and Palmyra, N. Y., and between Palmyra, N. Y., and Williamson, N. Y., serving certain intermediate and off-route points; and *wine and grape juice*, over irregular routes, between points in the Towns of Urbana and Pulteney, Steuben County, N. Y., on the one hand, and, on the other, Boston, Mass., New Haven, Conn., New York, N. Y., Philadelphia, Scranton, Erie, and Pittsburgh, Pa., and Baltimore, Md.

Vendee is authorized to operate in Pennsylvania, Delaware, Ohio, New York, Maryland, New Jersey, Virginia, and Michigan. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5786. Authority sought for purchase by ERNEST BROWNING and ROBERT L. BROWNING, doing business as BROWNING TRUCK LINE, 6th and Allen St., Clinton, Mo., of a portion of the operating rights of SCHIEN TRUCK LINES, INC., 416 West Main St., Sedalia, Mo., Applicant's attorney: D. D. McDonald, Room 1, Ott Bldg., Jefferson City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over regular routes, from junction Missouri Highways 2 and 13, over Missouri Highway 2 to Windsor, Mo., and thence over Missouri Highway 52 to Clinton, Mo., and return, serving the intermediate point of Windsor, Mo. Vendee is authorized to operate in Illinois, Iowa, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5787. SAMUEL RAITZIN, 2310 South Main St., South Bend, Ind., seeks to control BRODBECK TRUCKING CO., INC., 2310 South Main St., South Bend, Ind. Person to whom correspondence is to be addressed: Samuel Raitzin, 2310 South Main St., South Bend, Ind. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between points in Indiana, Michigan, and Ohio, including routes between South Bend, Ind., on the one hand, and, on the other, Flint, Mich., Detroit, Mich., Pontiac, Mich., and Toledo, Ohio; between Lansing, Mich., and Detroit, Mich., and between Toledo, Ohio, and Rossford, Ohio, serving certain intermediate and off-route points; and *lining*, and *shoddy*, between Elkhart, Ind., and Detroit, Mich., serving certain intermediate and off-route points. Vendee is not a motor carrier but is affiliated with C & E Trucking Corporation, which is authorized to operate in Illinois, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F 5788. Authority sought for purchase by HYMAN TRANSPORTATION COMPANY, 8 North State St., Aberdeen, S. Dak., of the operating rights of CLARK BRELSFORD, doing business as BRELSFORD TRUCK LINE, Watertown, S. Dak., and for acquisition by EUGENE PIKOVSKY, 704 No. 5th St., Minneapolis, Minn., of control of the operating rights through the purchase. Applicants' attorney: Donald A. Morken, 1100 First National-Soo Line Bldg., Minneapolis, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Watertown, S. Dak., and Sisseton, S. Dak., serving the intermediate and off-route points of Summit, Marvin, Wilmot, Peever, and Ortle, S. Dak. Vendee is authorized to operate in South Dakota and Minnesota.

Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5789. Authority sought for purchase by ASSOCIATED TRANSPORTS, INC., 6110 Natural Bridge Ave., St. Louis, Mo., of the operating rights of TRANSPORT TRUCKING COMPANY, 13th and Winchester Ave., Kansas City, Mo., and for acquisition by SAYRE J. CENTO, St. Louis, Mo., of control of the operating rights through the purchase. Applicants' attorney: T. D. Drury, 506 Olive St., St. Louis, Mo. Operating rights sought to be transferred: *Automobiles and trucks*, in truckaway service, in initial movements, as a *common carrier*, over irregular routes, from Kansas City, Mo.-Kans., and points within five miles thereof to points in New Mexico; and *automobiles and trucks*, in truckaway service, in secondary movements, between Kansas City and points within five miles thereof, on the one hand, and on the other, points in New Mexico. Vendee is authorized to operate in Tennessee, Missouri, Illinois, Arkansas, Iowa, Indiana, Oklahoma, Kansas, Alabama, Kentucky, Mississippi, Nebraska, Michigan, Wisconsin, Colorado, Utah, Wyoming, Idaho, Minnesota, Louisiana, Montana, Nevada, North Dakota, Oregon, Texas, Georgia, Florida, North Carolina, South Carolina, Virginia, and New Mexico. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5790. Authority sought for control and merger by WERNER TRANSPORTATION COMPANY, 2601-32 Ave., South, Minneapolis, Minn., of the operating rights and property of COORDINATED TRANSPORT, INC. OF ILLINOIS, 1141 West Polk St., Chicago, Ill., and for acquisition by HARRY B. WERNER AND BERTHA WERNER, Minneapolis, Minn., of control of the operating rights and property through the transaction. Applicants' attorney: David Axelrod, 39 South LaSalle St., Chicago, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including *household goods*, as a *common carrier*, over regular routes, between points in Wisconsin, Indiana, Illinois, between Milwaukee, Wis., on the one hand, and, on the other, South Bend, Ind., Peru, Ind., and Chicago, Ill., between Joliet, Ill., and Wilmington, Ill., between Plymouth, Ind., and Fort Wayne, Ind., between South Bend, Ind., and Plymouth, Ind., between Logansport, Ind., and Fort Wayne, Ind., between Wanatah, Ind., and Rochester, Ind., and between Winamac, Ind., and Logansport, Ind., serving certain intermediate and off-route points; *general commodities*, with certain exceptions not including household goods, between Fort Wayne, Ind., on the one hand, and, Toledo, Ohio on the other, serving all intermediate points and the off-route points of Columbus, Ohio; *general commodities*, with certain exceptions including *household goods*, over irregular routes, between points in portions of Illinois and Indiana. Vendee is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5791. Authority sought for the merger into THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of the operating rights and property of NEW ENGLAND GREYHOUND LINES, INCORPORATED, 6 St. James Ave., Boston, Mass. Applicants' attorney: John R. Turney, 2001 Massachusetts Ave., N. W., Washington, D. C. Operating rights sought to be merged: *Passengers and their baggage*, as a *common carrier*, over regular routes, from, to, and between points in Massachusetts, Maine, New York, Connecticut, Rhode Island, New Hampshire and Vermont, serving specified intermediate and off-route points. If a more detailed description of the service is desired, copies of the application may be viewed at the office of the regulatory Commission of any state involved. The Greyhound Corporation is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, and Montana. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5792. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth St., Rapid City, S. Dak., of a portion of the operating rights of BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., and for acquisition by Milo H. Barber, Rapid City, S. Dak., of control of said operating rights through the purchase. Applicants' attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Operating rights sought to be transferred: *General commodities*, except Class A and B explosives, as a *common carrier*, over regular routes, between Omaha, Nebr., and Sioux City, Iowa, serving no intermediate points; *general commodities*, except catalogs, and except Class A and B explosives, over specified routes including those between Sioux Falls, S. Dak., and Sioux City, Iowa, and between Sioux Falls, S. Dak., and Yankton, S. Dak., serving no intermediate points, and between Sioux Falls, S. Dak., and Philip Junction, S. Dak., serving certain intermediate and off-route points; *general commodities*, except Class A and B explosives, and except household goods as defined by the Commission, commodities in bulk, articles requiring special equipment, and livestock, between Omaha, Nebr., and Sioux City, Iowa, serving no intermediate points; *general commodities*, except Class A and B explosives and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over an alternate route for operating convenience only, between Sioux City, Iowa, and junction U. S. Highways 275 and 20; *general commodities*, except Class A and B explosives, over numerous alternate routes for operating convenience only, including those between Presho, S. Dak.,

and junction U. S. Highways 183 and 18, and between Martin, S. Dak., and Merri-man, Nebr. Vendee is authorized to operate in South Dakota by virtue of a filing under section 206 (a) of the act. Application has been filed for temporary authority under section 210a (b).

NO. MC-F-5793. Authority sought for control by SCHWERMAN TRUCKING CO. (WIS.), 620 South 29th St., Milwaukee, Wis., of the operating rights and property of SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th St., Milwaukee, Wis., and for acquisition by FRED SCHWERMAN, SR., F. J. SCHWERMAN, R. D. SCHWERMAN and RUTH SCHWERMAN, Milwaukee, Wis., of control of said carrier through the transaction. Applicants' attorney: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. Operating rights sought to be controlled: *Cement and mortar*, as a *contract carrier*, over irregular routes, from points in Greencastle Township, Putnam County, Ind., to points in Illinois, Ohio, and Kentucky within 150 miles of Greencastle, Ind., and to points in the Chicago, Ill., commercial zone. Applicant is not an interstate motor carrier, but controls Schwerman Trucking Co. of Pa., and Schwerman Trucking Co. of Ohio, who are authorized to operate in Ohio, Indiana, Kentucky, Pennsylvania, Maryland, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5794. Authority sought for purchase by HIGHWAY MOTOR FREIGHT, INC., 1022 Davenport St., Omaha, Nebr., of the operating rights of YUMA COUNTY TRANSPORTATION CO., Yuma, Colo., and for acquisition by DONALD W. CLARKE, Hastings, Nebr., of control of the operating rights through the purchase. Applicants' attorney: Marion F. Jones, 526 Denham Bldg., Denver, Colo. Operating rights sought to be transferred: *General commodities*, with varying exceptions, including household goods, as a *common carrier*, over regular routes, between Akron, Colo., and Sterling, Colo., serving all intermediate points, between Akron, Colo., and McCook, Nebr., serving all intermediate points, between Akron, Colo., and Denver, Colo., serving the intermediate points of Brush and Fort Morgan, Colo.; *salt, live-stock feed, and seed, livestock, farm machinery, used farm equipment, emigrant movables, farm products, building and fencing materials, machinery and used household goods*, over irregular routes, from, to and between points in Kansas, Colorado, Iowa, and Missouri. Vendee is authorized to operate in Nebraska and Iowa. Application has not been filed for temporary authority under section 210a (b).

NO. MC-F-5795. Authority sought for purchase by E. O. MAHAFFAY, doing business as OILFIELD BUS LINES, 15 West Avenue "A," San Angelo, Tex., of a portion of the operating rights of KERRVILLE BUS COMPANY, INC., 213 Sidney Baker St., Kerrville, Tex. Applicants' attorney: Charles D. Mathews, Brown Building, Austin, Tex. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier*, over regular routes, between

Sheffield, Tex., and Fort Stockton, Tex., over Texas Highway 51 to McCamey, Tex., and thence over U. S. Highway 67 to Fort Stockton, serving all intermediate points. Vendee is authorized to operate in Texas. Vendor seeks authority to continue to operate between the junction of U. S. Highway 290 with U. S. Highway 67 and Fort Stockton, over U. S. Highway 290, approximately 14 miles, which segment is also embraced in the operating rights proposed to be sold. Application has not been filed for temporary authority under section 210a (b).

## CORRECTION

The Notice of filing of MC-F-5737, appearing on page 4656 of the July 28, 1954, issue of the FEDERAL REGISTER is incorrect in that it reads "Newark, N. Y." The notice should read, "from Newark, N. J.," also the notice should show that the authority is subject to a "Keystone" restriction requiring contracts with persons who operate retail stores, the business of which is the sale of food.

Application of CHARLES G. CHILBERG, 33 Reed St., Rockville, Conn., and CLIFFORD J. O. NELSON, 5 Old Farm Rd., Dover, Mass., to control R. A. BYRNES, INCORPORATED, 11 South Main St., Mullica Hill, N. J., Docket No. MC-F-5749, published on page 5427, issue of August 25, 1954. The following general commodity authority was inadvertently omitted: "Between New York, N. Y., on the one hand, and, on the other, Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, and points in New Jersey."

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7610; Filed, Sept. 28, 1954;  
8:48 a. m.]

[No. 25566]

INTRASTATE RATES ON BITUMINOUS COAL  
WITHIN THE STATE OF OHIO

## NOTICE OF REOPENING OF HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of September, A. D., 1954.

Upon consideration of (1) the record in the above-entitled proceeding, (2) petition, dated September 7, 1954, of certain railroad respondents to enforce the order entered herein on May 2, 1933, and (3) the replies to said petition filed by (a) Ohio Coal Association, (b) Clarksburg Coal Freight Association, (c) North American Coal Corporation, (d) Cleveland Electric Illuminating Company, and (e) New York, Chicago and St. Louis Railroad Company; and for good cause appearing:

It is ordered, That responsive to said petition, this proceeding be, and it is hereby, reopened for further hearing, at a time and place later to be determined, for the purpose of determining whether the intrastate rates on bituminous coal from origins in Ohio to Cleveland, Lorain, Avon Lake, Willoughby, and intermediate points, affect interstate rates on

coal traffic in such manner as to contravene (a) the requirements of the said order of May 2, 1933, and (b) the provisions of section 13 (3) (4) of the Interstate Commerce Act.

It is further ordered, That copy of this order shall be served upon all parties to this proceeding; that the State of Ohio shall be notified hereof by sending copies of this order and of the said petition by registered mail to the Governor of the said State at Columbus, Ohio; and that notice be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7611; Filed, Sept. 28, 1954;  
8:48 a. m.]

[4th Sec. Application 29717]

NEWSPRINT PAPER FROM CHILDERSBURG AND  
COOSA PINES, ALA., AND CALHOUN, TENN.,  
TO POINTS IN TEXAS

## APPLICATION FOR RELIEF

SEPTEMBER 24, 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 schedule listed below. Commodities involved: Newsprint paper, carloads.

From: Childersburg and Coosa Pines, Ala., and Calhoun, Tenn.

To: Specified points in Texas.

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

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 59.

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.

GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-7608; Filed, Sept. 28, 1954;  
8:47 a. m.]