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Washington, Friday, January 28, 1955

### TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10593

AMENDING EXECUTIVE ORDER No. 10296,<sup>1</sup> AS AMENDED, TO AUTHORIZE THE DIRECTOR OF THE OFFICE OF DEFENSE MOBILIZATION TO PERFORM ADDITIONAL FUNCTIONS OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713) and as President of the United States, it is ordered that section 2 of Executive Order No. 10296 of October 2, 1951 (16 F. R. 10103) as amended, entitled "Providing for the Performance of Certain Defense Housing and Community Facilities and Services Functions" be, and it is hereby, amended to read as follows:

2. The Director of the Office of Defense Mobilization is hereby designated and empowered to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 104 of the Defense Housing and Community Facilities and Services Act of 1951, as amended (which Act, as amended, is hereinafter referred to as the Act) relative to the designation of periods during which, and relative to the designation of projects for which.

(1) Mortgages may be insured under Title IX of the National Housing Act, as amended.

(2) Agreements may be made to extend assistance for the provision of community facilities or services under Title III of the Act.

(3) The construction of temporary housing or community facilities may be begun by the United States under Title III of the Act.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
January 27 1955.

[F. R. Doc. 55-899; Filed, Jan. 27, 1955; 10:56 a. m.]

<sup>1</sup> 16 F. R. 10103; 3 CFR, 1951 Supp., p. 508.

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APPEALS FROM EMPLOYEES ENTITLED TO BUT DENIED PROTECTION OF LLOYD-LAFOLLETTE ACT

Effective January 23, 1955, new §§ 9.109 and 20.10 are added as set out below.

§ 9.109 *Appeals from employees entitled to but denied protection of Lloyd-LaFollette Act, as amended, in removals after June 25, 1953, from positions listed in Schedules A, B, or C.* Any person who was an employee in the competitive service at the time his position was listed in Schedules A, B, or C and who was removed therefrom subsequent to June 25, 1953, and prior to January 23, 1955, without compliance with the procedures prescribed by Public Law 623, 80th Congress (Lloyd-LaFollette Act, as amended) and § 9.102 (a) (1) may within ninety (90) days from the effective date of this section, appeal such removal to the appropriate office of the Commission or directly to the agency in which he was employed. Any appeal to the Commission under this section shall be referred to the agency concerned for consideration and appropriate action. The agency shall notify the Commission and the appellant of its action on such appeal within ninety (90) days of receipt thereof and shall also notify the appellant of his right to further appeal to the Commission as provided in this section. No action on such appeal will be taken by the Commission unless the appellant further appeals an adverse decision by the agency within ten (10) days after receipt of such notice. If the agency fails to notify the appellant of its final action on an appeal within ninety (90) days of its receipt, the Commission, upon request of the appellant, will adjudicate the appeal. The Commission will not adjudicate an appeal under this section

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unless the request for adjudication is received within ten (10) days after the date established for final action by the agency. This section shall also apply to persons serving with competitive status in attorney positions on May 1, 1947, and who served continuously in attorney positions in the same or a different agency until removal from the competitive service.

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

§ 20.10 *Appeals from employees entitled to but denied protection of Lloyd-LaFollette Act, as amended, in connection with reduction-in-force notices on or after March 3, 1954.* Any person who was an employee in the competitive service at the time his position was listed in Schedules A, B, or C and who was adversely affected as the result of a reduction-in-force notice dated on or after March 3, 1954, and prior to January 23, 1955, because he was placed on a retention register representing positions excepted from the competitive service may within ninety (90) days from the effective date of this section, appeal such adverse action to the appropriate office of the Commission or directly to the agency in which he was employed. Any appeal to the Commission under this section shall be referred to the agency concerned for consideration and appropriate action. The agency shall notify the Commission and the appellant of its action on such appeal within ninety (90) days of receipt thereof and shall also notify the appellant of his right to further appeal to the Commission as provided in this section. No action on such appeal will be taken by the Commission unless the appellant further appeals an adverse decision by the agency within ten (10) days after receipt of such notice. If the agency fails to notify the appellant of its final action on an appeal within ninety (90) days of its receipt, the Commission, upon request of the appellant, will adjudicate the appeal. The Commission will not adjudicate an appeal under this section unless the request for adjudication is received within ten (10) days after the date established for final action by the agency. This section shall also apply to persons serving with competitive status in attorney positions on May 1, 1947, and who served continuously in attorney positions in the same or a different agency until adversely affected as the result of a reduction-in-force notice dated on or after March 3, 1954.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

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

[F R. Doc. 55-848; Filed, Jan. 27, 1955; 8:53 a. m.]

**TITLE 6—AGRICULTURAL CREDIT**

**Chapter III—Farmers Home Administration, Department of Agriculture**

Subchapter A—General Regulations

[FHA Instruction 410.1]

**PART 301—APPLICATIONS**

SUBPART A—FILING AND PROCESSING

Chapter III of Title 6 of the Code of Federal Regulations is amended by the designation of Subchapter A as "General Regulations," by the designation of Part 301 as "Applications," and by the addition, under said Part 301, of a new Subpart A entitled "Filing and Processing" and reading as follows:

- Sec.  
301.1 General.  
301.2 Filing applications.  
301.3 Processing applications.

**AUTHORITY** §§ 301.1 to 301.3 issued under R. S. 161, 5 U. S. C. 22; sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1) sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3).

§ 301.1 *General.* Sections 301.1 to 301.3 prescribe the policies and procedures for receiving and processing loan applications and for informing applicants and prospective applicants relative to the services available through the Farmers Home Administration. County Supervisors are responsible for seeing that all persons making inquiry about FHA services are given information relative to such services.

§ 301.2 *Filing applications.* Applications for Farmers Home Administration assistance will be filed in the County Office serving the area in which the farm to be operated or improved is located, however, if an applicant for an Emergency or Special Livestock loan will operate two or more farm units in different counties, his application ordinarily will be filed in the County Office serving the county in which he resides. Form FHA-197, "Application for FHA Services," will be used by all applicants for initial and subsequent Farm Ownership loans. Form FHA-197 will be used by all applicants for initial Operating loans except where a Form FHA-197 is on file and provided there is sufficient current information available to permit the County Committee to determine the qualifications of the applicant. Form FHA-197 also will be used by all applicants for initial and subsequent Soil and Water Conservation loans except in the case of Soil and Water Conservation loans to associations. Each group applying for a Soil and Water Conservation loan to an association will make a preliminary request for assistance in accordance with Soil and Water Conservation Association loan regulations. Applications for subsequent Production and Subsistence, Emergency and Special Livestock loans

will be handled in accordance with Part 342, Subpart A of Part 381, and Subpart B of Part 384 of this chapter, respectively.

§ 301.3 *Processing applications.* (a) Applications will be investigated and submitted to the County Committee for consideration and otherwise processed in the order received except as modified by veterans' preference policies. Each applicant will be given an opportunity to appear before the County Committee to discuss any question relating to his loan application or the Farmers Home Administration program.

(b) The County Supervisor will take the following action immediately after the Committee's decision regarding the applicant's qualifications:

(1) If the Committee action is favorable, the County Supervisor will proceed in accordance with the applicable loan processing instructions. In the case of a Farm Ownership applicant who has not selected a farm, but who in the opinion of the County Committee is otherwise eligible, the County Supervisor will notify the applicant that preliminary action has been taken on his application but final action will be delayed until he has located and optioned a satisfactory farm. In such case further loan processing actions will not be taken until the applicant has located a farm.

(2) If the Committee's action is unfavorable, the County Supervisor will notify the applicant in writing.

(c) Applications will remain in effect until withdrawn, rejected, expired, or the loan is made.

Issued this 24th day of January 1955.

[SEAL] R. B. McLEAISH,  
Administrator  
Farmers Home Administration.

[F R. Doc. 55-852; Filed, Jan. 27, 1955;  
8:54 a. m.]

## TITLE 7—AGRICULTURE

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

#### PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

##### MODIFICATION OF RESERVE AND SURPLUS PERCENTAGES FOR 1954-55 CROP YEAR

Pursuant to the Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and upon the basis of information supplied by the Raisin Administrative Committee established under the order, and other available information, it is hereby found that to modify further the reserve and surplus percentages for the 1954-55 crop year as hereinafter provided will tend to effectuate the declared policy of the act.

The change which will be effected by this document will be to decrease the existing reserve percentage designation of 18 percent for Natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1954-55 crop year to 12 percent and to increase the existing surplus percentage designation of zero percent for that same varietal type for the same crop year to six percent.

It is now estimated that at least six percent of the total acquisitions of Natural (sun-dried) Thompson Seedless raisins during the 1954-55 crop year will not be needed by handlers to augment their supplies of free tonnage raisins used for supplying domestic and foreign markets of the Western Hemisphere during such crop year and for carryout.

On August 12, 1954, it was found and determined (19 F R. 5125) pursuant to § 989.68 of the order that the disposition of surplus raisins in foreign countries outside of the Western Hemisphere will not interfere with the normal marketing of raisins or raisin variety grapes during the 1954-55 marketing season. In order to effect the disposition of the Natural (sun-dried) Thompson Seedless raisins in the reserve pool and so as to maximize returns to producers therefrom, it is necessary at this time that a portion of such raisins be transferred to the surplus pool so that they can be sold for export to foreign countries outside of the Western Hemisphere at prices obtainable in those countries. While any reserve tonnage unpurchased as of June 1, 1955 by handlers to augment their free tonnage automatically becomes surplus tonnage on that date, the proposed action to transfer reserve tonnage of Natural (sun-dried) Thompson Seedless raisins to surplus will permit disposition of the surplus supply of raisins to commence earlier, reduce holding costs on pool raisins, enable the industry to take advantage of current export sales opportunities, and lessen the possibility of an excessive carryout.

Therefore, § 989.208 (19 F R. 7338; 20 F R. 27) which fixes the free, reserve and surplus percentages for the several varietal types of raisins for the 1954-55 crop year, is hereby further amended, by changing paragraph (a) thereof, which fixes such percentages for Natural (sun-dried) Thompson Seedless raisins, to read as follows:

§ 989.208 *Free, reserve, and surplus tonnage regulation for the 1954-55 crop year* \* \* \*

(a) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 82 percent; reserve tonnage percentage, 12 percent; and surplus tonnage percentage, six percent;

Notice of proposed rule making, public procedure thereon, and the delaying of the making of this document effective later than the first day after the date of publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary and contrary to the public interest. Handlers already have acquired a large proportion of the Natural (sun-dried) Thompson Seedless raisins produced in 1954 and the modification of the reserve and surplus per-

centages merely would entail the appropriate changes in the records with respect to the reserve and surplus tonnages held for the account of the Raisin Administrative Committee, the administrative agency for program operations. Insofar as subsequent acquisitions are concerned, handlers will set aside and hold for the account of the committee the same total percentage of their acquisitions as heretofore, merely the proportions as between reserve and surplus being changed. In order to maximize returns to producers, it is necessary to make Natural (sun-dried) Thompson Seedless raisins immediately available for disposition in foreign outlets outside of the Western Hemisphere. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 25th day of January 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,  
Acting Director  
Fruit and Vegetable Division.

[F R. Doc. 55-851; Filed, Jan. 27, 1955;  
8:54 a. m.]

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

#### PART 1103—AGRICULTURAL CONSERVATION VIRGIN ISLANDS

##### SUBPART—1955

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AUTHORITY: §§ 1103.400 to 1103.451 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; Pub. Law 437, 83d Cong., 16 U. S. C. 590g-590q.

## INTRODUCTION

§ 1103.400 *Introduction.* (a) Through the 1955 Agricultural Conservation Program for the Virgin Islands (referred to in this subpart as the 1955 program) administered by the Department of Agriculture, the Federal Government will share with farmers of the Virgin Islands the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof, as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared, when carried out on a particular farm, and the exact specifications and rates of cost-sharing are set forth in this subpart and any additional information may be obtained at the respective local offices of the Soil Conservation Service, located at St. Croix and St. Thomas.

(c) The 1955 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Service official having jurisdiction of farm forestry in the Virgin Islands, representatives of the Virgin Islands Corporation, the Directors of the U. S. Experiment Station at St. Croix, and representatives of the Government of the Virgin Islands.

## GENERAL PROGRAM PRINCIPLES

§ 1103.401 *General program principles.* The 1955 Agricultural Conservation Program for the Virgin Islands has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1955 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

(f) The purpose of the program is to help achieve additional conservation practices on land now in agricultural production rather than to bring more land into agricultural production. Such of the available funds as cannot be wisely utilized for this purpose will be returned to the public treasury

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

## ALLOCATION OF FUNDS

§ 1103.402 *Allocation of funds.* The amount of funds available for conservation practices under this program is \$12,000. This amount does not include the amount set aside for administrative expenses and the amount required for increase in small Federal cost-shares in § 1103.417.

## SELECTION OF PRACTICES, RESPONSIBILITY FOR TECHNICAL PHASES, AND BULLETINS, INSTRUCTIONS, AND FORMS

§ 1103.403 *Selection of practices.* The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1103.404 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1103.448, 1103.450, and 1103.451 (practices 8, 10, and 11) This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1103.444 to 1103.446 (practices 4, 5, and 6) This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practices, and (3) working through the ASC State Office, determining performance in meeting these specifications.

§ 1103.405 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1955 program as it applies to the Virgin Islands, and forms will be made available at the ASC State Office at San Juan, Puerto Rico, and at the offices of the Soil Conservation Service at St. Thomas and St. Croix. Producers wishing to participate in this program should obtain all information needed from the offices mentioned in this subpart.

## APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS

§ 1103.406 *Opportunity for requesting cost-sharing.* Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm.

§ 1103.407 *Prior request for cost-sharing.* Costs will be shared only for those practices for which cost-sharing is requested by the farm operator before performance thereof is started. Any farm operator who wishes to participate in the 1955 program must file a Cert. Form No. 39-55-V I, Declaration of Intention, Request for Inspection, Certification of Conservation Needs, and Notice of Approval, on or before September 15, 1955. In cases of hardship such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the offices of the Soil Conservation Service (SCS) offices of the Extension Service, and Farmers Home Administration, at St. Croix or St. Thomas.

§ 1103.408 *Method and extent of approval.* The ASC State Office will determine the extent to which Federal funds will be available to share the cost of each approved practice on each farm, taking into consideration the available funds, the conservation problems of the individual farm and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1955. Prior approval of the ASC State Office is required for all practices. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

## PRACTICE COMPLETION REQUIREMENTS

§ 1103.411 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in § 1103.412, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1103.412 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1955 program year, if the ASC State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with the applicable specifications and program provisions.

## FEDERAL COST-SHARES

§ 1103.415 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1103.416 *Division of Federal cost-shares—(a) Federal cost-shares.* The Federal cost-share shall be credited to the person who carried out the practices by which such Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter)

§ 1103.417 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.00.

(b) Any Federal cost-share amounting to more than \$0.71, but less than \$1.00, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
\$1 to \$1.99.....	\$0.40
\$2 to \$2.99.....	.80

Amount of cost-share computed—Continued	Increase in cost-share
\$3 to \$3.99.....	\$1.20
\$4 to \$4.99.....	1.60
\$5 to \$5.99.....	2.00
\$6 to \$6.99.....	2.40
\$7 to \$7.99.....	2.80
\$8 to \$8.99.....	3.20
\$9 to \$9.99.....	3.60
\$10 to \$10.99.....	4.00
\$11 to \$11.99.....	4.40
\$12 to \$12.99.....	4.80
\$13 to \$13.99.....	5.20
\$14 to \$14.99.....	5.60
\$15 to \$15.99.....	6.00
\$16 to \$16.99.....	6.40
\$17 to \$17.99.....	6.80
\$18 to \$18.99.....	7.20
\$19 to \$19.99.....	7.60
\$20 to \$20.99.....	8.00
\$21 to \$21.99.....	8.20
\$22 to \$22.99.....	8.40
\$23 to \$23.99.....	8.60
\$24 to \$24.99.....	8.80
\$25 to \$25.99.....	9.00
\$26 to \$26.99.....	9.20
\$27 to \$27.99.....	9.40
\$28 to \$28.99.....	9.60
\$29 to \$29.99.....	9.80
\$30 to \$30.99.....	10.00
\$31 to \$31.99.....	10.20
\$32 to \$32.99.....	10.40
\$33 to \$33.99.....	10.60
\$34 to \$34.99.....	10.80
\$35 to \$35.99.....	11.00
\$36 to \$36.99.....	11.20
\$37 to \$37.99.....	11.40
\$38 to \$38.99.....	11.60
\$39 to \$39.99.....	11.80
\$40 to \$40.99.....	12.00
\$41 to \$41.99.....	12.10
\$42 to \$42.99.....	12.20
\$43 to \$43.99.....	12.30
\$44 to \$44.99.....	12.40
\$45 to \$45.99.....	12.50
\$46 to \$46.99.....	12.60
\$47 to \$47.99.....	12.70
\$48 to \$48.99.....	12.80
\$49 to \$49.99.....	12.90
\$50 to \$50.99.....	13.00
\$51 to \$51.99.....	13.10
\$52 to \$52.99.....	13.20
\$53 to \$53.99.....	13.30
\$54 to \$54.99.....	13.40
\$55 to \$55.99.....	13.50
\$56 to \$56.99.....	13.60
\$57 to \$57.99.....	13.70
\$58 to \$58.99.....	13.80
\$59 to \$59.99.....	13.90
\$60 to \$185.99.....	14.00
\$186 to \$199.99.....	( <sup>1</sup> )
\$200 and over.....	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

§ 1103.418 *Federal cost-shares limited to \$1,500.* (a) The total of all Federal cost-shares under the 1955 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1955 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1103.419 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1103.420 *Time and manner of filing application and required information.* Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the SCS Work Unit offices on the islands not later than February 28, 1956, except that the ASC State Office may accept an application filed after February 28, 1956, but not later than December 31, 1956, in any case where the failure to timely file was not the fault of the applicant. If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1956. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the respective SCS Work Unit office within the time fixed by the Administrator, ACPS, which time shall be not later than December 31, 1956. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the SCS Work Unit offices in the islands and making copies available to the press.

#### APPEALS

§ 1103.421 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or share-cropper on the farm who may be adversely affected by the decision.

#### GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1103.423 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1955 program shall be responsible for obtaining the authorities, rights, easements, or

other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

§ 1103.424 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1955 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1103.425 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1955 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1955 program.

§ 1103.426 *Depriving others of Federal cost-share.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1955 program.

§ 1103.427 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the 1955 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1103.428 *Federal cost-shares not subject to claims.* Any Federal cost-share or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law without deduction of claims for advances (except as provided in § 1103.429, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)) and without regard to any claim or lien against any

crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1103.429 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1955 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1955. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70—Insular Region.

§ 1103.430 *Excess acreage of basic agricultural commodities.* 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. Any person who makes application for payment of 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.

#### DEFINITIONS

§ 1103.433 *Definitions.* For the purposes of the 1955 Agricultural Conservation Program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS" means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Virgin Islands.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one

person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm shall be regarded as located in the municipality in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(g) "Cropland" means farmland which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein) and (2) plowable noncrop open pasture.

(h) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means nonirrigated land growing, without cultivation, native perennial grasses and forage plants primarily and used for grazing by domestic livestock.

(k) "Program year" means the period from January 1, 1955, through December 31, 1955.

#### AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1103.435 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q) and the Department of Agriculture Appropriation Act, 1955.

§ 1103.436 *Availability of funds.* (a) The provisions of the 1955 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1955 program will not be available for paying Federal cost-shares for which applications are filed in the SCS Work Unit offices after December 31, 1956.

§ 1103.437 *Applicability.* (a) The provisions of the 1955 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior, and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS, and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

#### CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

##### PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1103.441 *Practice 1. Initial establishment of permanent pasture for erosion control by seeding, sodding, or sprigging perennial grasses, or other approved forage plants.* Federal cost-sharing will be allowed for planting any of the following grasses, or similar approved grasses or forage plants: Guinea grass, molasses grass, Para grass, Barbados sour grass, Bermuda grass, St. Augustine grass, Sour Paspalum grass, Merker grass, and Pangola grass. The varieties of grasses must be well adapted to conditions of the particular area to be planted. The land must be properly prepared by plowing, and harrowing if necessary and furrowing along contour lines, and sufficient quantities of slips, cuttings, or seeds used to assure a good ground cover at maturity. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope the plantings and cultivating must be as nearly as practicable along contour lines.

*Maximum Federal cost-share.* \$4.50 per acre.

§ 1103.442 *Practice 2. Initial eradication of shrubs or trees for establishing*

*new permanent pasture for erosion control.* (a) Federal cost-sharing will be allowed for eradicating any of the following shrubs or trees: Acacia, Soap Brush, Kanapp (Kenep) Sage, Guava, Logwood, Marigold, Tan Tan, Wild Cedar, Ginger Thomas, all varieties of Cactus, and Thibet (Tebit). All shrubs or trees, except such as can be used for timber or shade, must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees and roots must be removed from the land or may be burned thereon. Permanent pasture of the varieties specified in § 1103.441 (practice 1) must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the ASC State Office determines this is essential to establishing the grasses. Farmers must obtain prior approval from the ASC State Office of the area and acreage to be cleared before starting the practice.

(b) Federal cost-sharing will not be allowed for this practice on any area on which cost-sharing for this practice has been allowed under a previous program. Federal cost-sharing for carrying out this practice is limited to not more than 20 acres on any farm, as defined in § 1103.433. This practice is applicable only to St. Thomas and St. John Islands. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

*Maximum Federal cost-share.* (1) \$4.00 per acre on land with light growth where the shrubs or trees cover up to 30 percent of the area.

(2) \$7.00 per acre on land with medium growth where the shrubs or trees cover more than 30 percent and up to 60 percent of the area.

(3) \$10.00 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 1103.443 *Practice 3. Initial eradication of hurricane grass for establishing permanent pasture for erosion control.* The eradication must be carried out by plowing or disking the whole area along contour lines, where practicable, to a depth of at least 6 inches and double cutting with a heavy disk harrow at least twice at 30-day intervals. Permanent pasture of the varieties specified in § 1103.441 (practice 1) must be established as soon as practicable after the hurricane grass has been eradicated. No Federal cost-sharing will be allowed for carrying out this practice on any acreage for which Federal cost-sharing for eradicating hurricane grass was allowed under a previous program.

*Maximum Federal cost-share.* \$3.00 per acre.

§ 1103.444 *Practice 4. Planting adapted trees on farmland for farm woodlots, erosion control, or for forestry purposes.* The trees must be planted, regardless of the slope of the land, in rows not less than 10 feet apart, with a distance of not less than 10 feet within the row. Only those trees which are living at least one year after planting will be counted. All plantings must be protected from fire and grazing. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Cor-

poration shares in the cost under any other program.

*Maximum Federal cost-share.* \$0.05 per tree.

§ 1103.445 *Practice 5. Planting adapted trees on strips which have been cleared in areas of heavy brush, for erosion control and forestry purposes.* All brush on the strips must be uprooted and the brush removed from the spaces where trees are to be planted. The trees must be planted on the strips cleared in this manner, and spaced not more than 10 feet apart. All plantings must be protected from fire and grazing. Federal cost-sharing will be allowed only for well established trees, approximately 1 foot high and living at the time of inspection, and for not more than 200 trees per acre. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

*Maximum Federal cost-share.* (1) \$3.00 per acre for clearing strips 3 feet wide at intervals of 20 feet.

(2) \$0.05 per tree for planting trees such as mahogany or varieties suitable for timber, recommended by the Forest Service.

§ 1103.446 *Practice 6. Planting fruit trees for erosion control in bare or unprotected gullies.* Trees must be planted on the contour and protected from fire and grazing. A permanent cover of grass, legumes, or mulch must be maintained under the trees. Federal cost-sharing will be allowed for not more than 200 trees on a farm. No Federal cost-sharing will be allowed for this practice if the Virgin Islands Corporation shares in the cost under any other program.

*Maximum Federal cost-share.* \$0.10 per tree.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1103.447 *Practice 7 Construction of permanent cross fences to obtain better distribution and control of livestock grazing and to promote proper grassland management for protection of established forage resources.* Federal cost-sharing will be allowed for new fences constructed entirely of new materials. Federal cost-sharing will not be allowed for boundary fences, fences between pastures and other land, and the repair, replacement, or maintenance of existing fences.

*Maximum Federal cost-share.* (1) \$2.20 per 100 linear feet if fences are established with barbed wire. Hardwood or living tree posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of No. 12½ standard gage or heavier barbed wire must be used and tightly stretched.

(2) \$12.00 per 100 linear feet if fences are established with woven wire. Hardwood or living tree posts shall be used. The posts must be spaced not more than 10 feet apart with corner posts adequately braced. The woven wire must be not less than 4 feet high with a maximum mesh of 4" x 6" of No. 12 standard gage wire, and with a top and bottom strand of No. 11 standard gage wire. The woven wire must be tightly stretched.

§ 1103.448 *Practice 8: Constructing wells for livestock water to obtain proper*

*distribution of livestock, and encourage rotation grazing and better grassland management, as a means of protecting established vegetative cover* The wells should be constructed or drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No Federal cost-sharing will be allowed for wells constructed or drilled at or for use at farm headquarters nor unless water is obtained.

*Maximum Federal cost-share.* (1) Constructing dug wells lined with stone—\$3.25 per cubic yard of well dug. The wells must have a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches.

(2) Drilling wells:

(a) \$1.00 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) \$2.00 per linear foot of well for wells having a bore taking a casing of 4 inches or more but less than 6 inches in diameter, excluding artesian wells.

(c) \$3.00 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1103.449 *Practice 9 Installing pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover* Federal cost-sharing will be allowed when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for livestock have been provided. No Federal cost-sharing will be allowed for this practice if the cost is shared by the Virgin Islands Corporation under any other program.

*Maximum Federal cost-share.* (1) \$0.10 per linear foot when pipes of from ¾ to 1 inch diameter are used.

(2) \$0.15 per linear foot when pipes of from 1¼ to 1½ inches diameter are used.

(3) \$0.25 per linear foot when pipes of 2 inches or more diameter are used.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1103.450 *Practice 10: Constructing concrete or rubble masonry storage tanks for accumulating water from artesian wells or springs for livestock.* Storage tanks must be constructed in places where the accumulated water may be piped to areas of the farm where the provision of water will contribute to a better distribution of grazing livestock and to the improvement of the pasture management. Wherever needed, adequate pumping equipment and drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for maintaining an existing structure.

*Maximum Federal cost-share.* (1) \$12.00 per cubic yard of concrete structure.

(2) \$7.00 per cubic yard of rubble masonry structure.

§ 1103.451 *Practice 11. Constructing rock barriers to form bench terraces or to obtain or control the flow of water and check erosion on sloping land.* The

height of the barrier must not exceed 5 feet, with an average width of approximately 30 inches at the base of the barrier, tapering off to approximately 12 inches at the top. The location and distances between the barriers shall be in accordance with the recommendations of the Soil Conservation Service.

*Maximum Federal cost-share.* \$1.50 per cubic yard of rock used.

Done at Washington, D. C., this 24th day of January 1955.

[SEAL] E. L. PETERSON,  
Assistant Secretary of Agriculture.

[F. R. Doc. 55-812; Filed, Jan. 27, 1955; 8:47 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

#### PART 600—DESIGNATION OF CIVIL AIRWAYS ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.102 is amended by changing the caption to read: "Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)" and by changing last portion to read: "Bethel, Alaska, radio range station; Umat, Alaska, non-directional radio beacon to the Point Barrow, Alaska, nondirectional radio beacon."

2. Section 600.113 is added to read:

§ 600.113 *Amber civil airway No. 13 (Washington, D. C. to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Newark, N. J., radio range station.

3. Section 600.114 is added to read.

§ 600.114 *Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon; the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range; the intersection of the south course of the Harrisburg, Pa., radio range and the northeast course of the Arcola, Va., radio range; Lancaster, Pa., nondirectional radio beacon; Willow Grove, Pa. (Navy) radio range

station; the intersection of the northeast course of the Willow Grove, Pa. (Navy) radio range and the east course of the Allentown, Pa., radio range to the Chatham, N. J., nondirectional radio beacon.

4. Section 600.115 is added to read:

§ 600.115 *Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station; the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range to the Idlewild, N. Y., radio range station.

5. Section 600.119 is added to read:

§ 600.119 *Amber civil airway No. 19 (Washington, D. C. to New York, N. Y.)* From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station, the intersection of the north course of the Baltimore, Md., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station, the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the LaGuardia, N. Y., radio range to the LaGuardia, N. Y., radio range station.

6. Section 600.202 is amended by changing the caption to read: "*Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.)*" and by deleting the portion which reads: "From the Whitehall, Mont., radio range station to the Bozeman, Mont., radio range station."

7. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing all after the Lansing, Mich., omnirange station to read: "Lansing, Mich., omnirange station, including a south alternate; to the Salem, Mich., omnirange station. From the Buffalo, N. Y., omnirange station via the Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany N. Y., omnirange station; Gardner, Mass., omnirange station; to the Boston, Mass., omnirange station."

8. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor Maine)* is amended by changing the portion between the Florence, S. C., omnirange station and the Lawrenceville, Va., omnirange station to read: "Florence, S. C., including an east alternate; Lumberton, N. C., omnirange station, Raleigh, N. C., omnirange station, including a west

alternate from the Florence omnirange station to the Raleigh omnirange station via the intersection of the Florence omnirange 008° True and the Raleigh omnirange 232° True radials; Lawrenceville, Va., omnirange station;"

9. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing all after the Naperville, Ill., omnirange station to read: "Naperville, Ill., omnirange station; Chicago, Ill., Midway Airport terminal omnirange station; South Bend, Ind., omnirange station, intersection of the South Bend omnirange 092° True and the Waterville omnirange 288° True radials; Waterville, Ohio, omnirange station, Cleveland, Ohio, omnirange station, Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station, Selinsgrove, Pa., omnirange station, Allentown, Pa., omnirange station; to the Colts Neck, N. J., omnirange station."

10. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion between the Moline, Ill., omnirange station and the Findlay, Ohio, omnirange station, including a south alternate and also a north alternate from the Des Moines omnirange station to the Moline omnirange station via the intersection of the Des Moines omnirange 071° True and the Moline omnirange 279° True radials; Naperville, Ill., omnirange station, Chicago, Ill., Midway Airport terminal omnirange station, Chicago Heights, Ill., omnirange station, Goshen, Ind., omnirange station, Findlay Ohio, omnirange station;" and by changing all after the Martinsburg, W. Va., omnirange station to read: "Martinsburg, W. Va., omnirange station, intersection of the Martinsburg, omnirange 123° True and the Washington terminal omnirange 319° True radials; to the Washington, D. C., terminal omnirange station."

11. Section 600.6011 is amended to read:

§ 600.6011 *VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.)* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station; to the Shreveport, La., omnirange station. From the Pine Bluff, Ark., omnirange station via the Memphis, Tenn., omnirange station, including an east alternate; intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Dyersburg, Tenn., omnirange station, including a west alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Paducah, Ky., omnirange station; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 232° True radials; intersection of the Indianapolis omnirange 021° True and

the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station, including a west alternate from the Fort Wayne omnirange station to the Salem omnirange station via the Litchfield, Mich., omnirange station.

12. Section 600.6012 is amended by changing the caption to read "*VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)*" by changing all before the Prescott, Ariz., omnirange station to read: "From the Santa Barbara, Calif., omnirange station via the intersection of the Santa Barbara omnirange 091° True and the Fillmore omnirange 284° True radials; Fillmore, Calif., omnirange station; Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 082° True and the Daggett omnirange 257° True radials; Daggett, Calif., omnirange station; Needles, Calif., omnirange station; Prescott, Ariz., omnirange station;" and by changing all after the St. Louis, Mo., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; Terre Haute, Ind., omnirange station; Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials; Dayton, Ohio, omnirange station, including a north alternate; Columbus, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° and the Columbus omnirange 281° True radials; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station, including a north Pittsburgh omnirange 067° True and the alternate via the intersection of the Johnstown omnirange 290° True radials; Harrisburg, Pa., omnirange station; to the West Chester, Pa., omnirange station."

13. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion between the Vichy Mo., omnirange station and the Findlay Ohio, omnirange station to read: "Vichy Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north alternate and also a south alternate via the intersection of the Vichy omnirange 069° True and the St. Louis omnirange 219° True radials; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 032° True and the Vandalia omnirange 273° True radials; Terre Haute, Ind., omnirange station, Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials; intersection of the Indianapolis omnirange 054° True and the Findlay omnirange 250° True

radials; Findlay Ohio, omnirange station;"

14. Section 600.6025 is amended to read:

§ 600.6025 *VOR civil airway No. 25 (Santa Barbara, Calif., to Ellensburg, Wash.)* From the Santa Barbara, Calif., omnirange station via the Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station, intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 162° True radials; Point Reyes, Calif., omnirange station, Ukiah, Calif., omnirange station, Red Bluff, Calif., omnirange station, intersection of the Red Bluff omnirange 018° True and the Klamath Falls omnirange 181° True radials; Klamath Falls, Oreg., omnirange station; Redmond, Oreg., omnirange station; The Dalles, Oreg., omnirange station; Yakima, Wash., omnirange station, intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials; to the Ellensburg, Wash., omnirange station, excluding those portions which overlap the Yakima Restricted Area (R-247)

15. Section 600.6027 *VOR civil airway No. 27 (Santa Barbara, Calif., to Seattle, Wash.)* is amended by changing the portion between the Salinas, Calif., omnirange station and the Ukiah, Calif., omnirange station to read: "Salinas, Calif., omnirange station, intersection of the Salinas 319° True and the Point Reyes omnirange 162° True radials; Point Reyes, Calif., omnirange station, including an east alternate from the Salinas omnirange station to the Point Reyes omnirange station via the San Francisco, Calif., omnirange station and the Oakland, Calif., omnirange station, Ukiah, Calif., omnirange station;"

16. Section 600.6028 is amended to read:

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Reno, Nev.)* From the Oakland, Calif., omnirange station via the Modesto, Calif., omnirange station, to the Reno, Nev., omnirange station.

17. Section 600.6030 is amended to read:

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.)* From the Milwaukee, Wis., omnirange station via the intersection of the Milwaukee omnirange 102° True and the Pullman omnirange 291° True radials; Pullman, Mich., omnirange station, including a south alternate; Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station, intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station, intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station, Philipsburg, Pa., omnirange station, Selinsgrove, Pa., omnirange station, Allentown, Pa., omnirange station; to the point of intersection of the Allen-

town omnirange 088° True and the Caldwell, N. J., omnirange 217° True radials. From the Idlewild, N. Y., omnirange station to the point of intersection of the Idlewild omnirange 082° True and the Riverhead, N. Y., omnirange 180° True radials.

18. Section 600.6035 is amended to read:

§ 600.6035 *VOR civil airway No. 35 (Tallahassee, Fla., to Syracuse, N. Y.)* From the Tallahassee, Fla., omnirange station via the Albany Ga., omnirange station; to the Macon, Ga., omnirange station, excluding that portion above 19,000 feet above mean sea level, which lies within the Tyndall AFB Restricted Area (R-336) between sunset and sunrise. From the Anderson, S. C., omnirange station via the Asheville, S. C., omnirange station; Tri-City Tenn., omnirange station; intersection of the Tri-City omnirange 012° True and the Charleston omnirange 185° True radials; Charleston, W Va., omnirange station; Parkersburg, W Va., omnirange station, intersection of Parkersburg omnirange 060° True and the Pittsburgh omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station.

19. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Chicago, Ill., to Richmond, Va.)* From the Peotone, Ill., omnirange station via the Fort Wayne, Ind., omnirange station; Findlay Ohio, omnirange station; Columbus, Ohio, omnirange station, including a south alternate; Parkersburg, W Va., omnirange station; Elkins, W Va., omnirange station; Montebello, Va., omnirange station; to the Flat Rock, Va., omnirange station.

20. Section 600.6040 is amended to read:

§ 600.6040 *VOR civil airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.)* From the point of intersection of the Mansfield, Ohio, omnirange 345° True radial and the Wellington VAR west course via the Wellington, Ohio, VAR station, intersection of the Wellington VAR east course and the Cleveland omnirange 132° True radial; intersection of the Cleveland omnirange 132° True and the Pittsburgh omnirange 291° True radials; to the Pittsburgh, Pa., omnirange station.

21. Section 600.6045 *VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.)* is amended by adding the following: "The portions of this airway which conflict with the Wilmington Restricted Area (R-109) are excluded."

22. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit Mich.)* is amended by changing all after the Waterville, Ohio, omnirange station to read: "Waterville, Ohio, omnirange station; intersection of the Waterville omnirange 351° True radial and the Detroit Willow Run Airport ILS localizer 227° True course; to the Detroit, Mich., Willow Run Airport ILS localizer."

23. Section 600.6048 is amended to read:

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Pontiac, Ill.)* From the Burlington, Iowa, omnirange station via the Peoria, Ill., radio range station; to the Pontiac, Ill., omnirange station.

24. Section 600.6053 is amended to read:

§ 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Milwaukee, Wis.)* From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station, Spartanburg, S. C., omnirange station, Asheville, N. C., omnirange station, Tri-City Tenn., omnirange station, Lexington, Ky., omnirange station, Louisville, Ky., omnirange station, intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station, including a west alternate from the Louisville omnirange station to the Indianapolis omnirange station via the Louisville omnirange 309° True and the Indianapolis omnirange 185° True radials; Lafayette, Ind., omnirange station, including a west alternate; intersection of the Lafayette omnirange 321° True and the Peotone omnirange 147° True radials; Peotone, Ill., omnirange station, Chicago, Ill., Midway Airport terminal omnirange station; intersection of the Chicago Midway Airport terminal omnirange 325° True and the Naperville, Ill., omnirange 358° True radials; intersection of the Naperville omnirange 358° True and the Milwaukee omnirange 215° True radials; to the Milwaukee, Wis., omnirange station, including an east alternate from the Chicago Midway Airport terminal omnirange station to the Milwaukee omnirange station via the intersection of the Chicago Midway Airport terminal omnirange 039° True and the Chicago Heights omnirange 009° True radials, and the intersection of the Chicago Heights 009° True and the Milwaukee omnirange 117° True radials.

25. Section 600.6059 is amended to read:

§ 600.6059 *VOR civil airway No. 59 (Evansville, Ind., to Moline, Ill.)* From the Evansville, Ind., omnirange station to the Vandalia, Ill., omnirange station, including an east alternate. From the Springfield, Ill., omnirange station via the Peoria, Ill., radio range station, Bradford, Ill., omnirange station, to the Moline, Ill., omnirange station.

26. Section 600.6070 is amended to read:

§ 600.6070 *VOR civil airway No. 70 (Corpus Christi, Tex., to Baton Rouge, La.)* From the Corpus Christi, Tex., omnirange station via the Palacios, Tex., omnirange station, Galveston, Tex., omnirange station, Lake Charles, La., omnirange station, Lafayette, La., omnirange station, to the Baton Rouge, La., omnirange station.

27. Section 600.6088 is amended to read:

§ 600.6088 *VOR civil airway No. 88 (Vichy, Mo., to Mansfield, Ohio)* From the Vichy Mo., omnirange station via the intersection of the Vichy omnirange 084° True and the Centralia omnirange 261 True radials; Centralia, Ill., omnirange station; intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; Scotland, Ind., omnirange station; intersection of the Scotland omnirange 077° True and the Dayton omnirange 235° True radials; Dayton, Ohio, omnirange station, to the Mansfield, Ohio, omnirange station.

28. Section 600.6090 *VOR civil airway No. 90 (Lansing, Mich., to Milford, Mich.)* is revoked.

29. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Pittsburgh, Pa.)* From the Chicago Heights, Ill., omnirange station via the Goshen, Ind., omnirange station, Waterville, Ohio., omnirange station, Mansfield, Ohio, omnirange station, Wheeling, W Va., omnirange station; to the Pittsburgh, Pa., omnirange station.

30. Section 600.6099 *VOR civil airway No. 99 (Lafayette, La., to Baton Rouge, La.)* is revoked.

31. Section 600.6103 *VOR civil airway No. 103 (Pendleton, Oreg., to Spokane, Wash.)* is revoked.

32. Section 600.6107 is amended to read:

§ 600.6107 *VOR civil airway No. 107 (Fillmore, Calif., to Red Bluff Calif.)* From the Fillmore, Calif., omnirange station via the Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; intersection of the Oakland omnirange 330° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

33. Section 600.6112 is amended to read:

§ 600.6112 *VOR civil airway No. 112 (Portland, Oreg., to Spokane, Wash.)* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials; Pendleton, Oreg., omnirange station; to the Spokane, Wash., omnirange station.

34. Section 600.6126 *VOR civil airway No. 126 (Bradford, Ill., to Chicago Heights, Ill.)* is revoked.

35. Section 600.6126 is added to read:

§ 600.6126 *VOR civil airway No. 126 (Chicago, Ill., to New York, N. Y.)* From the Chicago, Ill., Midway Airport terminal omnirange station via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station; Waterville, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station; Bradford, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

36. Section 600.6128 is amended to read:

§ 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to Raleigh, N. C.)* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; intersection of the Peotone omnirange 147° True and the Lafayette omnirange 321 True radials; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 118° True and the Cincinnati omnirange 318° True radials; Cincinnati, Ohio, omnirange station; York, Ky., omnirange station; Charleston, W Va., omnirange station; Pulaski, Va., omnirange station; Greensboro, N. C., omnirange station; to the Raleigh, N. C., omnirange station, including a north alternate via the Greensboro omnirange 051 True and the Raleigh omnirange 309° True radials and a south alternate via the intersection of the Greensboro omnirange 122° True and the Raleigh omnirange 250° True radials.

37. Section 600.6129 is amended to read:

§ 600.6129 *VOR civil airway No. 129 (Dixon, Ill., to Eau Claire, Wis.)* From the Polo, Ill., omnirange station via the Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; to the Eau Claire, Wis., omnirange station.

38. Section 600.6137 is amended to read:

§ 600.6137 *VOR civil airway No. 137 (San Bernardino, Calif., to Salinas, Calif.)* From the point of intersection of the Palmdale, Calif., omnirange 124° True and the Ontario, Calif., omnirange 038° True radials via the Palmdale, Calif., omnirange station; intersection of the Palmdale omnirange 292° True and the Bakersfield omnirange 159° True radials; Bakersfield, Calif., omnirange station; Coalinga, Calif., omnirange station; to the Salinas, Calif., omnirange station.

39. Section 600.6138 *VOR civil airway No. 138 (Salinas, Calif., to Coalinga, Calif.)* is revoked.

40. Section 600.6140 *VOR civil airway No. 140 (Tulsa, Okla., to New York, N. Y.)* is amended by changing all between the Dyersburg, Tenn., omnirange station and the Corbin, Ky., VAR station to read: "Dyersburg, Tenn., omnirange station; Nashville, Tenn., omnirange station, including a south alternate from the Dyersburg omnirange station to the Nashville omnirange station via the intersection of the Dyersburg omnirange 104° True and the Graham omnirange 269° True radials, and the Graham, Tenn., omnirange station; intersection of the Nashville omnirange 059° True radial and the Corbin VAR west aural course; Corbin, Ky., VAR station;"

41. Section 600.6144 is amended to read:

§ 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; Fort

Wayne, Ind., omnirange station, Findlay Ohio, omnirange station, Mansfield, Ohio, omnirange station; Wheeling, W Va., omnirange station, Morgantown, W Va., omnirange station; Front Royal, Va., omnirange station, intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C. terminal omnirange station.

42. Section 600.6152 is amended to read:

§ 600.6152 *VOR civil airway No. 152 (Tampa, Fla., to Daytona Beach, Fla.)* From the Tampa, Fla., omnirange station via the Orlando, Fla., omnirange station, including a north alternate and also a south alternate via the Lakeland, Fla., omnirange station; to the Daytona Beach, Fla., omnirange station.

43. Section 600.6176 is added to read:

§ 600.6176 *VOR civil airway No. 176 (Farmington, Mo., to Scotland, Ind.)* From the Farmington, Mo., omnirange station via the Centralia, Ill., omnirange station, intersection of the Centralia omnirange 075° True and the Scotland omnirange 250° True radials; to the Scotland, Ind., omnirange station.

44. Section 600.6178 is added to read:

§ 600.6178 *VOR civil airway No. 178 (Farmington, Mo., to Paducah, Ky.)* From the Farmington, Mo., omnirange station to the Paducah, Ky., omnirange station, including a south alternate.

45. Section 600.6179 is added to read:

§ 600.6179 *VOR civil airway No. 179 (Paducah, Ky., to Centralia, Ill.)* From the Paducah, Ky., omnirange station to the Centralia, Ill., omnirange station.

46. Section 600.6180 is added to read:

§ 600.6180 *VOR civil airway No. 180 (Moline, Ill., to Dixon, Ill.)* From the Moline, Ill., omnirange station to the Dixon, Ill., omnirange station.

47. Section 600.6181 is added to read:

§ 600.6181 *VOR civil airway No. 181 (Sioux Falls, S. Dak., to Watertown, S. Dak.)* From the Sioux Falls, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station.

48. Section 600.6182 is added to read:

§ 600.6182 *VOR civil airway No. 182.* [Unassigned.]

49. Section 600.6184 is added to read:

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.)* From the Erie, Pa., omnirange station to the Philipsburg, Pa., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. February 1, 1955, except items 7 through 13, 17, 19, 20, 22 through 25, 27 through 29, 34 through 37, 40, 41, 43 through 46, 48, and 49, which shall become effective 0001 e. s. t. March 15, 1955.

[SEAL]

F B. LEE,

Administrator of Civil Aeronautics.

[F R. Doc. 55-801; Filed, Jan. 27, 1955; 8:45 a. m.]

[Amdt. 48]

## PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

## ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.102 is amended by changing caption to read: "*Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska)*"
2. Section 601.113 is added to read:
 

§ 601.113 *Amber civil airway No. 13 control areas (Washington, D. C., to New York, N. Y.)* All of Amber civil airway No. 13.
3. Section 601.114 is added to read:
 

§ 601.114 *Amber civil airway No. 14 control areas (Washington, D. C., to New York, N. Y.)* All of Amber civil airway No. 14.
4. Section 601.115 is added to read:
 

§ 601.115 *Amber civil airway No. 15 control areas (Washington, D. C., to New York, N. Y.)* All of Amber civil airway No. 15.
5. Section 601.119 is added to read:
 

§ 601.119 *Amber civil airway No. 19 control areas (Washington, D. C., to New York, N. Y.)* All of Amber civil airway No. 19.
6. Section 601.202 is amended by changing caption to read: "*Red civil airway No. 2 control areas (Sheridan, Wyo., to Rapid City, S. Dak.)*"
7. Section 601.1019 is amended to read:
 

§ 601.1019 *Control area extension (Nashville, Tenn.)* That airspace within a 50-mile radius of the Nashville, Tenn., radio range station bounded on the northwest by a direct line extending from the Graham, Tenn., omnirange station to the Bowling Green, Ky., omnirange station.
8. Section 601.1086 is amended to read:
 

§ 601.1086 *Control area extension (Memphis, Tenn.)* That airspace within a 50-mile radius of the Memphis, Tenn., radio range station lying in the southeast, southwest and northwest quadrants of the radio range; the airspace within a 25-mile radius of the Memphis radio range station lying in the northeast quadrant of the radio range and the airspace within a 10-mile radius of the Memphis Naval Air Station.
9. Section 601.1331 is amended to read:
 

§ 601.1331 *Control area extension (Tacoma, Wash.)* That airspace with-

in a 40-nautical-mile radius of McChord Air Force Base and within 5 miles either side of the east course of the Toledo, Wash., radio range extending from the radio range station to a point 20 miles east, excluding the portions which overlap Hood Canal Caution Area (C-243) and the Fort Lewis Restricted Area (R-244) excluding the portion which conflicts with Olympic Peninsula Restricted Area (R-241) and excluding the portion which overlaps VOR civil airway No. 27.

10. Section 601.1371 is added to read:

§ 601.1371 *Control area extension (Umat, Alaska)* That airspace within a 50-mile radius of the Umat, Alaska, nondirectional radio beacon.

11. Section 601.1372 is added to read:

§ 601.1372 *Control area extension (Point Barrow, Alaska)* That airspace within a 50-mile radius of the Point Barrow, Alaska, nondirectional radio beacon.

12. Section 601.1984 *Five-mile radius zones* is amended by adding the following airports:

Umat, Alaska: Umat Airport.  
Point Barrow, Alaska: Point Barrow Airport.

13. Section 601.2158 is amended to read.

§ 601.2158 *Grandview, Mo., control zone.* Within a 5-mile radius of Grandview Air Force Base excluding the portion lying north of Lat. 38°52'30" and west of Long. 94°35'50" and including the airspace within 2 miles either side of a line bearing 188° True extending from the Air Force Base to a point 10 miles south of the Cleveland, Mo., nondirectional radio beacon.

14. Section 601.4102 is amended by changing caption to read. "*Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)*"

15. Section 601.4202 is amended by changing caption to read. "*Red civil airway No. 2 (Sheridan, Wyo., to Rapid City, S. Dak.)*"

16. Section 601.4302 is amended to read:

§ 601.4302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.)* Lexington, Ky., nondirectional radio beacon.

17. Section 601.6003 is amended to read:

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Bangor Maine)* All of VOR civil airway No. 3 including north and south alternates, but excluding all the airspace between the main airway and its west alternate extending from the Miami, Fla., omnirange station to the Vero Beach, Fla., omnirange station, and excluding all the airspace between the main airway and its west alternate extending from the Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

18. Section 601.6011 is amended to read:

§ 601.6011 *VOR civil airway No. 11 control areas (Houston, Tex., to Detroit,*

*Mich.)* All of VOR civil airway No. 11 including east alternates and west alternates.

19. Section 601.6012 is amended to read:

§ 601.6012 *VOR civil airway No. 12 control areas (Santa Barbara, Calif., to Philadelphia, Pa.)* All of VOR civil airway No. 12 including north and south alternates.

20. Section 601.6025 is amended to read:

§ 601.6025 *VOR civil airway No. 25 control areas (Santa Barbara, Calif., to Ellensburg, Wash.)* All of VOR civil airway No. 25.

21. Section 601.6028 is amended to read:

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Reno, Nev.)* All of VOR civil airway No. 28.

22. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Tallahassee, Fla., to Syracuse, N. Y.)* All of VOR civil airway No. 35.

23. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago, Ill., to Richmond, Va.)* All of VOR civil airway No. 38, including a south alternate.

24. Section 601.6040 is amended to read:

§ 601.6040 *VOR civil airway No. 40 control areas (Cleveland, Ohio, to Pittsburgh, Pa.)* All of VOR civil airway No. 40.

25. Section 601.6048 is amended to read.

§ 601.6048 *VOR civil airway No. 48 control areas (Burlington, Iowa, to Pontiac, Ill.)* All of VOR civil airway No. 48.

26. Section 601.6053 is amended to read:

§ 601.6053 *VOR civil airway No. 53 control areas (Charleston, S. C., to Milwaukee, Wis.)* All of VOR civil airway No. 53 including an east alternate and west alternates.

27. Section 601.6059 is amended to read.

§ 601.6059 *VOR civil airway No. 59 control areas (Evansville, Ind., to Moline, Ill.)* All of VOR civil airway No. 59 including an east alternate.

28. Section 601.6070 is amended to read.

§ 601.6070 *VOR civil airway No. 70 control areas (Corpus Christi, Tex., to Baton Rouge, La.)* All of VOR civil airway No. 70.

29. Section 601.6088 is amended to read:

§ 601.6088 *VOR civil airway No. 88 control areas (Vichy, Mo., to Mansfield, Ohio)* All of VOR civil airway No. 88.

30. Section 601.6090 *VOR civil airway No. 90 control areas (Lansing, Mich., to Milford, Mich.)* is revoked.

31. Section 601.6092 is amended to read:

§ 601.6092 *VOR civil airway No. 92 control areas (Chicago, Ill., to Pittsburgh, Pa.)* All of VOR civil airway No. 92.

32. Section 601.6099 *VOR civil airway No. 99 control areas (Lafayette, La., to Baton Rouge, La.)* is revoked.

33. Section 601.6103 is amended to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Pendleton, Oreg., to Spokane, Wash.)* [Revoked.]

34. Section 601.6107 is amended to read:

§ 601.6107 *VOR civil airway No. 107 (Fillmore, Calif., to Red Bluff, Calif.)* All of VOR civil airway No. 107.

35. Section 601.6112 is amended to read:

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Spokane, Wash.)* All of VOR civil airway No. 112.

36. Section 601.6126 *VOR civil airway No. 126 control areas (Bradford, Ill., to Chicago Heights, Ill.)* is revoked.

37. Section 601.6126 is added to read:

§ 601.6126 *VOR civil airway No. 126 control areas (Chicago, Ill., to New York, N. Y.)* All of VOR civil airway No. 126.

38. Section 601.6128 is amended to read:

§ 601.6128 *VOR civil airway No. 128 control areas (Chicago, Ill., to Raleigh, N. C.)* All of VOR civil airway No. 128 including a north and a south alternate.

39. Section 601.6129 is amended to read:

§ 601.6129 *VOR civil airway No. 129 control areas (Dixon, Ill., to Eau Claire, Wis.)* All of VOR civil airway No. 129.

40. Section 601.6137 is amended to read:

§ 601.6137 *VOR civil airway No. 137 control areas (San Bernardino, Calif., to Salinas, Calif.)* All of VOR civil airway No. 137.

41. Section 601.6138 *VOR civil airway No. 138 control areas (Salinas, Calif., to Coalinga, Calif.)* is revoked.

42. Section 601.6140 is amended to read:

§ 601.6140 *VOR civil airway No. 140 control areas (Tulsa, Okla., to New York, N. Y.)* All of VOR civil airway No. 140 including a south alternate.

43. Section 601.6144 is amended to read:

§ 601.6144 *VOR civil airway No. 144 control areas (Chicago, Ill., to Washington, D. C.)* All of VOR civil airway No. 144.

44. Section 601.6152 is amended to read:

§ 601.6152 *VOR civil airway No. 152 control areas (Tampa, Fla., to Daytona*

*Beach, Fla.)* All of VOR civil airway No. 152 including a north and a south alternate.

45. Section 601.6176 is added to read:

§ 601.6176 *VOR civil airway No. 176 control areas (Farmington, Mo., to Scotland, Ind.)* All of VOR civil airway No. 176.

46. Section 601.6178 is added to read:

§ 601.6178 *VOR civil airway No. 178 control areas (Farmington, Mo., to Paducah, Ky.)* All of VOR civil airway No. 178 including a south alternate.

47. Section 601.6179 is added to read:

§ 601.6179 *VOR civil airway No. 179 control areas (Paducah, Ky., to Centralia, Ill.)* All of VOR civil airway No. 179.

48. Section 601.6180 is added to read:

§ 601.6180 *VOR civil airway No. 180 control areas (Moline, Ill., to Dixon, Ill.)* All of VOR civil airway No. 180.

49. Section 601.6181 is added to read:

§ 601.6181 *VOR civil airway No. 181 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.)* All of VOR civil airway No. 181.

50. Section 601.6182 is added to read:

§ 601.6182 *VOR civil airway No. 182 control areas.* [Unassigned.]

51. Section 601.6184 is added to read:

§ 601.6184 *VOR civil airway No. 184 control areas (Erie, Pa., to Philipsburg, Pa.)* All of VOR civil airway No. 184.

52. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Palestine Intersection: The intersection of the Pittsburgh, Pa., omnirange 326° True and the Wheeling, W. Va., omnirange 003° True radials.

Losoya Intersection: The intersection of the San Antonio, Tex., omnirange 167° True and the Cotulla, Tex., omnirange 040° True radials.

Power Point Intersection: The intersection of the Pittsburgh, Pa., omnirange 311° True and the Youngstown, Ohio, omnirange 186° True radials.

Wilmington, N. C., omnirange station.

by revoking the following reporting point:

Gooding Idaho, omnirange station.

and by changing the following reporting points to read:

Malden, Mo., omnirange station.

Hope Intersection. The intersection of the Rochester, Minn., omnirange 275° True and the Minneapolis, Minn., omnirange 179° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., February 1, 1955, except items 17 through 19, 23 through 27, 29 through 31, 36 through 39, 42, 43, 45 through 48, 50, and 51, which shall become effective 0001 e. s. t. March 15, 1955.

[SEAL]

F B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-802; Filed, Jan. 27, 1955; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### Subchapter A—Policies, Procedures, and Orders

[Docket 5811]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW AMERICAN LIBRARY OF WORLD LITERATURE, INC., ET AL.

Subpart—*Misbranding or mislabeling*: § 3.1230 *Identity*; § 3.1265 *Old, second-hand, reclaimed or reconstructed product as new*. Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1605 *Content*; § 3.1655 *Identity*; § 3.1695 *Old, second-hand, reclaimed or reconstructed as new*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 3.1850 *Content*; § 3.1855 *Identity*; § 3.1880 *Old, used, reclaimed or reused as unused or new*. Subpart—*Using misleading name*—Goods: § 3.2300 *Identity*; § 3.2320 *Old, secondhand, reconstructed or reused, as new*. In connection with the offering for sale, sale or distribution of books in commerce: (1) Offering for sale or selling any abridged copy of a book unless one of the following words, namely: "abridged" "abridgement" "condensed" or "condensation" or any other word or phrase stating with equal clarity that said book is abridged, appears in clear, conspicuous type upon the front cover and upon the title page of the book either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser and (2) using or substituting a new title for, or in place of, the original title of a reprinted book unless a statement which reveals the original title of the book and that it has been published previously thereunder appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the new title or in another position adapted readily to attract the attention of a prospective purchaser prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Modified cease and desist order, The New American Library of World Literature, Inc. (New York, N. Y.) et al., Docket 5811, January 13, 1955]

*In the Matter of The New American Library of World Literature, Inc., a Corporation, Kurt Enoch, and Victor Weybright, Individually and as Officers of The New American Library of World Literature, Inc., a Corporation*

This proceeding followed a final decree entered on July 6, 1954, by the United States Court of Appeals for the Second Circuit, which reversed the Commission's order, as modified on January 6, 1953, requiring respondents, in connection with the offer, etc., of their books in commerce, to cease and desist from offering or selling any abridged copy of a book, and from using or substituting a new title for or in the place of the original title of a reprinted book, without complying with certain requirements, as in said order in detail set forth, and

remanded the cause to the Commission for further proceedings consistent with the Court's opinion rendered on May 10, 1954, in *The New American Library of World Literature, Inc., et al. v. Federal Trade Commission*, 213 F. 2d 143.

Thereafter, the Commission, after setting forth the aforesaid and other pertinent matters incident to the history of the proceeding before it, and after re-considering the matter, on October 11, 1954, issued and subsequently served upon the parties an order granting leave to respondents and to counsel supporting the complaint to present their views with respect to whether the tentative modified decision of the Commission, attached to and served with said order, was in conformity with the said final decree and opinion of the United States Court of Appeals for the Second Circuit, and the Commission, having received and considered the views of the respondents and of counsel supporting the complaint and, for the reasons appearing in the accompanying opinion, having rejected the views expressed by the respondents to the effect that the said tentative modified decision is not in conformity with said final decree and opinion, made its modified decision in lieu of that issued on January 6, 1953.

Having concluded (a) that the acts and practices found by it in said modified decision were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act, but that (b) the charge that respondents falsely stated upon the covers of certain books that such books were "complete and unabridged" was not sufficiently supported by the record, which showed only a single instance, due to accident or inadvertence, and (c) that as respects the further charge that respondents had represented all their books to be complete and unabridged by statements on book covers and on display stands, representations concerned were voluntarily abandoned by respondents under circumstances of such a nature that there was no present public interest in further considering them, the Commission issued its modified order as follows:

*It is ordered*, That the respondent, The New American Library of World Literature, Inc., a corporation, and its officers, and the respondents, Kurt Enoch and Victor Weybright, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from.

1. Offering for sale or selling any abridged copy of a book unless one of the following words, namely: "abridged," "abridgement," "condensed" or "condensation," or any other word or phrase stating with equal clarity that said book is abridged, appears in clear, conspicuous type upon the front cover and upon

the title page of the book either in immediate connection with the title or in another position adapted readily to attract the attention of a prospective purchaser.

2. Using or substituting a new title for, or in place of, the original title of a reprinted book unless a statement which reveals the original title of the book and that it has been published previously thereunder appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the new title or in another position adapted readily to attract the attention of a prospective purchaser.

*It is further ordered*, That the charges of the complaint hereinbefore referred to and considered in paragraphs (b) and (c) of the Conclusion be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further or other action in the future as may be warranted by the then existing circumstances.

*It is further ordered*, That the respondents, The New American Library of World Literature, Inc., Kurt Enoch and Victor Weybright, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 55-810; Filed, Jan. 27, 1955;  
8:47 a. m.]

#### Subchapter B—Trade Practice Conference Rules

##### PART 184—FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

CROSS REFERENCE: For supersedure of the trade practice rules for this industry contained in Part 184, see Part 226 of this subchapter, *infra*.

[File No. 21-405]

##### PART 226—FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

###### PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of January 28, 1955.

*Statement by the Commission.* Trade practice rules for the Fountain Pen and Mechanical Pencil Industry consisting of 16 Group I rules, were originally promulgated by the Federal Trade Commission on October 11, 1949. Thereafter, pursuant to industry request, proceedings were instituted by the Commission

for consideration of proposed amendments.

Members of the industry are the persons, firms, and corporations engaged in the business of manufacturing (or assembling) and selling or placing on the market fountain pens, ball point pens, dip pens, or mechanical pencils, of any type and in any combination, or of any parts or accessories for such pens and pencils. Annual sales of such products at retail aggregate approximately \$250,000,000.

The rules are directed to the prevention of unfair competitive methods and trade abuses in the interest of protecting the industry the trade, and the public. They define and proscribe various practices deemed to be unfair, harmful, and violative of laws administered by the Commission, thus affording guidance and assistance to members of the industry in maintaining the conduct of their business on a high plane of ethical standards.

The proceedings for consideration of amendment of the trade practice rules promulgated October 11, 1949, were instituted by the Commission upon application of an industry association representing approximately 90 percent by volume of the sales of products of the industry and included a public hearing, pursuant to notice published in the FEDERAL REGISTER, on amendments proposed by the applicant, at which hearing opportunity was afforded to industry members and other interested parties to express their views and suggestions. Following the hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved Rules 4, 9, and 17 in the form in which they are hereinafter set forth. The Commission also approved editorial changes in the title of Rule 6 and in the note to Rule 13.

The 17 Group I rules as set forth below constitute the complete set of trade practice rules for this industry. Rules 4, 9, and 17 thereof become operative thirty (30) days after promulgation, and the other rules, including Rules 6 and 13, continue in effect.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls prices through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.	Definition.
226.0	Definition.
GROUP I	
226.1	Misrepresentation and misbranding.
226.2	False and deceptive selling methods.
226.3	Misrepresentation as to character of business.
226.4	Use of the word "free."
226.5	Guarantees, warranties, etc.
226.6	Defamation of competitors or false disparagement of their products.
226.7	Commercial bribery.
226.8	Imitation or simulation of trademarks, trade names, etc.
226.9	Fictitious prices, price lists, etc.

Sec.	
226.10	Combination or coercion to fix prices, suppress competition, or restrain trade.
226.11	Prohibited discrimination.
226.12	Aiding or abetting use of unfair trade practices.
226.13	Enticing away employees of competitors.
226.14	Marketing of products through lottery or game of chance.
226.15	False use of the terms "Iridium tipped" and "osmiridium tipped."
226.16	Deception as to gold or purported gold content.
226.17	Push money.

AUTHORITY: §§ 226.0 to 226.17, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 226.0 *Definition.* Industry products, as referred to in §§ 226.1 to 226.17, include fountain pens, ball point pens, dip pens, and mechanical pencils, of all types and combinations, as well as parts and accessories for such pens and pencils.

#### GROUP I

*General statement.* The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 226.1 *Misrepresentation and misbranding.* (a) It is an unfair trade practice to use, or cause or promote the use of, any representation of an industry product which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public:

(1) With respect to the brand, grade, origin, quality durability serviceability, content, construction, size, use, value, performance, or expected life of such product; or

(2) With respect to the amount of writing which any fountain pen, ball point pen, and mechanical pencil is capable of supplying to the user thereof without a refill of ink or lead, or with respect to the writing capacity of any ink or lead refills for any such products; or

(3) With respect to the price, value, or terms or conditions of sale, of any industry product; or

(4) With respect to the manufacture, distribution, or marketing of any such product; or

(5) With respect to the uniqueness or originality of such product, or the relative size of the business of a manufacturer of an industry product; or

(6) In any other material respect.

(b) This section applies to any and all advertisements, however disseminated or published, and includes representations or designations appearing in any label, brand, mark, or imprint affixed to the industry product, or on or attached to the box or package containing such product, or which are made through news-

papers, magazines, radio, or other media. [Rule 1]

§ 226.2 *False and deceptive selling methods.* To use or promote the use of any selling method which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 2]

§ 226.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any concern in the course of, or in connection with, the distribution of industry products, to represent, directly or indirectly that it is a manufacturer of industry products, or that it owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of its business. [Rule 3]

§ 226.4 *Use of the word "free"* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure.

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

(NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.)

[Rule 4]

§ 226.5 *Guarantees, warranties, etc.*

(a) It is an unfair trade practice to use or cause to be used a guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used.

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply or represent that the guarantee is broader than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency ap-

plied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantees which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the serviceability durability or lasting qualities of the product, such as, for example, a guarantee extending for a certain number of years or other long period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations, or other form which are represented or held out to be guarantees when such is not the fact, or when they involve any deceptive or misleading use of the word "guarantee" or terms of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 5]

§ 226.6 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade or quality of the products of competitors or of the source or origin of raw materials or component parts used in their products, or the false disparagement of the nature or form of

business conducted by competitors, their credit terms, values, policies, or services, or other false disparagement, is an unfair trade practice. [Rule 6]

§ 226.7 *Commercial bribery.* It is an unfair trade practice for any member of the industry directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors. [Rule 7]

§ 226.8 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 8]

§ 226.9 *Fictitious prices, price lists, etc.* (a) The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice.

(b) It is an unfair trade practice, in connection with the sale, offering for sale, or distribution of industry products at prices that are in any manner represented as reduced from or lower than current, former, or regular prices, to use, or to furnish or supply for such use, price tags, labels, or advertising material that set forth a false, fictitious, or exaggerated current, former, or regular price, or a false, fictitious, or exaggerated manufacturer's or distributor's suggested retail selling price, or that contain what purport to be bona fide price quotations which are in fact higher than the prices at which such products are regularly and customarily sold in bona fide retail transactions. It is likewise an unfair trade practice to distribute, sell, or offer for sale to the consuming public in such manner products bearing such false, fictitious, or exaggerated price tags or labels. [Rule 9]

§ 226.10 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry or any other person:

(a) To use, directly or indirectly any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 10]

§ 226.11 *Prohibited discrimination—*  
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce<sup>1</sup> of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subparagraph (1) (i) (ii) and (iii) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, or rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything contained in this paragraph prevent persons engaged in selling products in commerce<sup>1</sup> from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything contained in this paragraph prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the products concerned, or (b) the marketability of the products, such as, but not limited to,

<sup>1</sup> As used throughout this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,<sup>1</sup> it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce<sup>1</sup> by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionately equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry in the course of commerce<sup>1</sup> in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the provisions in paragraphs (a) to (d) of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

[Rule 11]

§ 226.12 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly to use or promote the use of any unfair trade practice specified in § 226.1 to § 226.17, inclusive. [Rule 12]

§ 226.13 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the purpose and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition.

[Rule 13]

§ 226.14 *Marketing of products through lottery or game of chance.* (a) It is an unfair trade practice for any member of the industry to sell or promote the sale of any industry product by means of a game of chance, gift enterprise, or lottery scheme.

(b) The inhibitions of this section shall be understood as extending to the marketing of an industry product which is specially packaged or assembled so as to facilitate its resale or distribution by a customer of an industry member to the public by means of a game of chance or lottery scheme, and to the marketing or supplying of any lottery device by an industry member to his customer either separately or in conjunction with an industry product. [Rule 14]

§ 226.15 *False use of the terms "Iridium Tipped" and "Osmiridium Tipped."* (a) It is an unfair trade practice to use the term "Iridium Tipped" as descriptive of a pen point when such point has not in fact been tipped with iridium, such iridium being either in its pure state or in an alloy in which iridium is present in not less than 950 parts per 1,000 by weight.

(b) It is an unfair trade practice to use the term "Osmiridium Tipped" as descriptive of a pen point when such point has not in fact been tipped with osmium and iridium alloy which alloy is either the natural or man-made alloy consisting of not less than 950 parts per 1,000 by weight of platinum group metals with osmium and iridium each present in substantial proportions and the two combined forming the predominating part of the alloy.

(c) Nothing in this section shall be construed as prohibiting use of the word "osmium" or "iridium" as descriptive of metal contained in an alloy provided the metal so named is present in the alloy in substantial proportions and either the respective percentage thereof is shown or the other metals contained in such alloy are also stated in such manner as to involve no deception in respect to the alloy or metal. [Rule 15]

§ 226.16 *Deception as to gold or purported gold content—(a) Misrepresentation and deceptive concealment.* (1) It is an unfair trade practice to cause any fountain pens or mechanical pencils to be marketed under circumstances or conditions which have the capacity and tendency or effect, directly or indirectly, of misleading or deceiving the purchasing or consuming public in respect to the gold or purported gold content of such products or any parts thereof; the karat fineness of any gold alloy therein; the thickness, quantity or character of the coating or plating of gold or gold alloy used thereon; or in any respect as to the true metal or material content of any parts of such products which are manufactured, coated, plated, dyed, or finished in simulation of gold or gold alloy.

(2) Such inhibition in subparagraph (1) of this paragraph shall apply to all forms and types of misrepresentation, misbranding, and deceptive concealment or nondisclosure which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any of the respects mentioned.

(b) *Use of the word "Gold" or its abbreviation.* Use of the word "Gold," or abbreviation of such word, as descriptive of fountain pens or mechanical pencils, or parts thereof, under circumstances or conditions which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. Under this paragraph the word "Gold," or abbreviation thereof, should not be used as descriptive of any such product or part:

(1) Unless such part is composed throughout of gold of 24 karat fineness; or

(2) Unless the part is composed throughout of gold alloy of not less than 10 karat fineness and the karat fineness thereof is shown in immediate conjunction with the word "Gold," as for example, "14K Gold;" or

(3) Unless the part is mechanically plated with gold, or gold alloy of not less than 10 karat fineness, and the fact that the part is plated and the proportional weight and karat fineness of the plate are shown in a clear and nondeceptive manner in immediate conjunction with such word "Gold" or its abbreviation, set forth in conformity with the provisions of Commercial Standard CS47-34 relative to the marking of gold filled and rolled gold plate articles other than watch cases, as for example, "1/20 14K Gold Filled," "1/20 14K G. F.," or "1/40 14K Rolled Gold Plate," or "1/40 14K R. G. P.;" or

(4) Unless where the part has a covering of gold or of gold alloy of not less than 10 karat fineness which has been applied by an electrolytic process or method and is of a minimum thickness throughout equivalent to seven-millionth (0.000007) of an inch thickness of pure gold and the fact that the part is electroplated is shown in a clear and nondeceptive manner in immediate conjunction with the word "Gold," or its abbreviation, as for example "Gold Elec-

troplated." (Nothing in this section shall be construed as prohibiting use of the word "Gold" in the designation "Gold Washed" or "Gold Flashed" as descriptive of the products or parts which are electroplated with gold to a lesser thickness than the above-mentioned seven-millionth (0.000007) of an inch)

(c) *Deceptive use of other terms implying gold content.* It is an unfair trade practice to use the terms "Duragold," "Dirigold," "Noble gold," "Goldine," "Gold-Appearing," "Gold Effect," "Miragold," or any term or designation of similar import, or any phrase or representation indicating the substance, charm, quality, or beauty of gold or natural gold, as descriptive of any part or parts of a fountain pen or mechanical pencil, when the part or parts so described are not composed throughout of pure gold or of an alloy of gold of at least 10 karat fineness; or when, although composed of such an alloy the karat fineness thereof is not clearly and conspicuously shown in immediate conjunction with the terms or representations, or when such terms or representations are otherwise used in a manner or form having the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 16]

§ 226.17 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with section 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the

requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 17]

Issued: January 25, 1955.

Promulgated by the Federal Trade Commission January 28, 1955.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F. R. Doc. 55-853; Filed, Jan. 27, 1955;  
8:54 a. m.]

## TITLE 25—INDIANS

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

#### Subchapter I—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

#### PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

##### MISCELLANEOUS AMENDMENTS

1. The citation of authority immediately following the table of contents to Part 241 is amended to read as follows: "R. S. 161, 5 U. S. C. 22. Interpret or apply sec. 7, 32 Stat. 275, 34 Stat. 1018; sec. 1, 35 Stat. 444, sec. 1, 2, 36 Stat. 855, 856, as amended, sec. 17, 40 Stat. 579, 62 Stat. 236, 25 U. S. C. 379, 405, 404, 372, 373, 483. Other statutory provisions interpreted or applied are cited to text in parentheses."

2. Sections 241.11, 241.12, 241.18, 241.19, 241.20, 241.32, 241.33, 241.50, and 241.51 are revoked.

3. The center head immediately following § 241.8 is amended to read as follows: "Sales and Exchanges of Individually-Owned Trust or Restricted Land, Exclusive of Five Civilized Tribes Land"

4. Sections 241.9, 241.10, 241.17, 241.24, 241.27, and 241.31 are amended to read as follows:

§ 241.9 *Sales and exchanges by Indians.* Pursuant to the acts of May 27, 1902 (32 Stat. 275, 25 U. S. C. 379) March 1, 1907 (34 Stat. 1018; 25 U. S. C. 405) May 29, 1908 (35 Stat. 444, 25 U. S. C. 404) and May 14, 1948 (62 Stat. 236; 25 U. S. C. 483) and pursuant to other authorizing acts, the following classes of land may be sold or exchanged with the approval of the Secretary of the Interior:

(a) Allotted land, and devised and inherited interests therein,

(b) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior.

§ 241.10 *Sales by the Secretary.* The Secretary of the Interior may pursuant to the act of June 25, 1910, as amended (36 Stat. 855, as amended, 25 U. S. C. 372) and the act of February 14, 1913

(37 Stat. 678; 25 U. S. C. 373) sell interests in trust allotments acquired by Indians through inheritance or devise.

§ 241.17 *Petitions for the sale of land.* Petitions for the sale of trust or restricted land shall be filed, on forms approved by the Commissioner of Indian Affairs, with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land.

§ 241.24 *Appraisal, advertisement, consideration.* (a) No advertised sale of trust or restricted land shall be made or approved unless an appraisal of such land shall have been made within 6 months prior to the date the bids thereon are opened. No negotiated sale or exchange of trust or restricted land shall be approved unless an appraisal of such land shall have been made within 6 months prior to the date of approval of such sale or exchange, unless otherwise authorized by the Secretary of the Interior. The Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land shall designate a qualified appraiser to appraise the land at its fair market value and the Superintendent or other officer in charge shall, on a form approved by the Commissioner of Indian Affairs, certify to the qualifications of the appraiser and certify that in his opinion the appraisal represents the fair market value of the land.

(b) Except as provided in paragraph (c) of this section, proposed sales of land shall be advertised for at least 30 days prior to the proposed date for opening bids on such land, unless otherwise authorized by the Secretary of the Interior. At the request of the owner the advertisement may afford to Indians generally to Indians of a particular tribe, or to any other reasonably defined class of Indians a right to meet the high bid.

(c) The following types of conveyances need not be advertised and may be negotiated: (1) A sale to another Indian, an Indian tribe, the United States or an agency thereof, or a state or local government or agency thereof; (2) a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (d) of this section; and (3) an exchange. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 276.5 of this chapter.

(d) The consideration for any sale shall be not less than the appraised value of the land. The consideration for any exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land. An Indian owner of trust or restricted land may however, with the approval of the Secretary of the Interior, convey land to a member of his or her immediate family for a consideration less than that prescribed in the foregoing provisions of this paragraph or for no consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers

and sisters, lineal ancestors of Indian blood, and lineal descendants.

§ 241.27 *Bidding not open to employees.* Except as authorized by the provisions of § 276.5 of this chapter, no employee of the Bureau of Indian Affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid.

§ 241.31 *Deferred payment sales.* When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes for the balance payable in three equal payments on or before 1, 2, and 3 years after date, on Form 5-110g. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

5. The center head immediately following § 241.48 is amended to read as follows: "Removal of Restrictions Against Alienation, Exclusive of Five Civilized Tribes Land"

6. Section 241.49 is amended to read as follows:

§ 241.49 *Procedure for removing restrictions.* An Indian may apply for the removal of restrictions from land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior. An application for the removal of restrictions from such land shall be filed with the Superintendent or other officer in charge of the Indian agency or other local facility having administrative jurisdiction over the land. The application shall set forth the experience the applicant has had in the transaction of his business affairs and the reasons why a removal of restrictions is desired. If it appears that the applicant is competent and capable of managing his affairs or that the removal of restrictions is otherwise in the best interests of the applicant, an order removing restrictions against alienation of the land may be issued. Prior to the issuance of such an order the land shall be appraised in accordance with the provisions of § 241.24.

DOUGLAS MCKAY,  
Secretary of the Interior

JANUARY 18, 1955.

[F. R. Doc. 55-895; Filed, Jan. 27, 1955;  
8:45 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

#### PART 1—GENERAL RULES AND REGULATIONS

#### PART 20—SPECIAL RULES AND REGULATIONS

#### MISCELLANEOUS AMENDMENTS

1. Section 1.4 *Fishing* is amended to read as follows:

§ 1.4 *Fishing*. (a) Any person fishing in the waters of the Yosemite, Sequoia-Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, Everglades, and Zion National Parks, and the monuments under the jurisdiction of the National Park Service, must secure a sporting fishing license, as required by the laws of the State in which such park or monument, or portion thereof, is situated. Fishing in all parks and monuments shall be done in conformity with the laws of the State in which such park or monument, or portion thereof, is situated, regarding open seasons, size of fish, and the limit of catch, except as otherwise provided in the following paragraphs of this section.

(b) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand, is prohibited: *Provided*, That fishing with trot and throw lines in the Green and Nolin Rivers in Mammoth Cave National Park is permitted: *Provided further* That commercial fishing in the waters of Everglades National Park, and Fort Jefferson, Glacier Bay and Channel Islands National Monuments, and the use of seines for procuring bait in Mammoth Cave National Park, are permitted under special regulations.

(c) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, or the placing or depositing of fish eggs, fish roe, food, or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited except in Acadia National Park, Everglades National Park, Hawaii National Park, Fort Jefferson and Channel Islands National Monuments, the Green and Nolin Rivers in Mammoth Cave National Park, and the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with regulations approved by the Secretary of the Interior on February 28, 1941 (50 CFR 117.8 (d))

(d) The digging of worms for bait is prohibited in all parks and monuments.

(e) The canning or curing of fish for the purpose of transporting them out of a park or monument is prohibited.

(f) The possession of fishing tackle or fish upon or along any waters closed to

fishing shall be prima facie evidence that the person or persons having such fishing tackle or fish are guilty of unlawful fishing in such closed waters.

(g) State fishing licenses and all fish taken must be exhibited upon demand to any person authorized to enforce the provisions of the regulations in this chapter.

2. The first sentence of paragraph (a) of § 1.42 *Limitations on speed* is amended to read as follows:

(a) Speed of vehicles is limited to 45 miles an hour, unless a different limit is prescribed for a particular road or roads by special regulations.

3. Section 20.6 *Muir Woods National Monument* is amended by adding a new paragraph (c) reading as follows:

(c) *Fishing*. Fishing is prohibited within the Monument.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of January 1955.

DOUGLAS MCKAY,  
Secretary of the Interior

[F. R. Doc. 55-806; Filed, Jan. 27, 1955; 8:45 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix C—Public Land Orders

[Public Land Order 1059]

#### ALASKA

#### WITHDRAWING PUBLIC LANDS FOR USE OF THE TERRITORIAL DEPARTMENT OF EDUCATION FOR SCHOOL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved and set apart under the jurisdiction of the Department of the Interior for use by the Territorial Department of Education for school purposes:

Beginning at a point on the north right-of-way line of the Alaska Highway, from which corner No. 1 of U. S. Survey No. 3123 bears N. 40° 33' W., 300 feet, thence N. 49° 27' E., 750 feet; S. 40° 33' E., 500 feet; S. 49° 27' W., 750 feet; N. 40° 33' W., 500 feet along the said north right-of-way line to point of beginning.

The tract described contains 8.61 acres.

ORME LEWIS,  
Assistant Secretary of the Interior

JANUARY 21, 1955.

[F. R. Doc. 55-805; Filed, Jan. 27, 1955; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicle

#### PART 211—SCOPE OF OPERATING AUTHORITY—ROUTES

#### USE OF OHIO TURNPIKE BY MOTOR CARRIERS AUTHORIZED TO OPERATE OVER SPECIFIED PARALLEL HIGHWAYS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of January A. D. 1955.

The above-entitled matter being under consideration.

It appearing, that this Commission has received inquiries from the Ohio Turnpike Commission and certain motor carriers regarding the entry of a general order authorizing the use of the Ohio Turnpike between the Ohio-Pennsylvania State line, near Petersburg, Ohio, and the Niles-Youngstown interchange (15) near North Jackson, Ohio, by motor carriers holding authority to operate over other State and Federal highways between those points:

It further appearing, that the Ohio Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers holding authority to operate over other highways which parallel the said Turnpike between the points specified would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier operating over such parallel highways permission to use the segment of the Turnpike indicated as an auxiliary highway.

And it further appearing, that in general the use of the said segment of the Turnpike as an alternate route as above indicated is and will be required by public convenience and necessity in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, in the case of contract carriers, and the Commission so finding; therefore: It is ordered, That:

§ 211.12 *Use of the Ohio Turnpike by motor carriers authorized to operate over specified parallel highways*—(a) *Conditions*. The segment of the Ohio Turnpike extending between the Ohio-Pennsylvania State line near Petersburg, Ohio, and the Niles-Youngstown interchange (15) near North Jackson, Ohio, and such additional highways as may be required in traveling by the shortest practicable route between authorized highways and the segment of the Turnpike indicated in performing their au-

thorized operations, may be used as an alternate route, without obtaining prior authority therefor, by motor carriers subject to the Interstate Commerce Act who are authorized to operate in or through Ohio over U. S. Highways 30, 62, 224, and 422, and/or Ohio Highways 5, 7, 14, 18, 45, 46, 82, 88, 90, 170, and 341, subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and the point where it proposes to return to such route, (ii) a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route, and (iii) a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuitry of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions specified in this section are observed.

(b) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the conditions specified in paragraph (a) of this section, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(c) *When applications required.* Motor carriers holding authority to operate over specified regular routes in Ohio which do not include any of the highways designated in paragraph (a) of this section and who desire to use the segment of the Turnpike specified above as an alternate route in performing their authorized service, must apply for and obtain such authority using Form BMC 78, before operating over the Turnpike.

If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuitry of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) *Irregular-route operations.* If a motor carrier is authorized to operate within or through Ohio over irregular routes, no specific authority is required from this Commission to use the Turnpike in performing its authorized service.

It is further ordered, That this order shall become effective February 25, 1955, and shall remain in effect until it is otherwise ordered by this Commission.

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

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended; 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W LAIRD,  
Secretary.

[F R. Doc. 55-826; Filed, Jan. 27, 1955; 8:48 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### [ 26 CFR (1954) Part 1 ]

#### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### TAX ON TRANSFERS TO AVOID INCOME TAX

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917-26 U. S. C. 7805)

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

The following regulations are hereby prescribed under Chapter 5 of the Internal Revenue Code of 1954, Public Law 591 (83d Congress) approved August 16, 1954, relating to tax on transfers to avoid income tax:

#### § 1.1491 Statutory provisions; imposition of tax.

Sec. 1491. *Imposition of tax.* There is hereby imposed on the transfer of stock or securities by a citizen or resident of the United States, or by a domestic corporation or partnership, or by a trust which is not a foreign trust, to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign trust, or to a foreign partnership, an excise tax equal to 27½ percent of the excess of—

(1) The value of the stock or securities so transferred, over

(2) Its adjusted basis (for determining gain) in the hands of the transferor.

§ 1.1491-1 *Imposition of tax.* Section 1491 imposes an excise tax upon transfers of stock or securities by a citizen or resident of the United States, or by a domestic corporation or partnership, or by a trust which is not a foreign trust, to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign trust, or to a foreign partnership. The tax is in an amount equal to

27½ percent of the excess of (a) the value of the stock or securities so transferred over (b) its adjusted basis, as provided in section 1011, for determining gain in the hands of the transferor.

#### § 1.1492 Statutory provisions; non-taxable transfers.

Sec. 1492. *Nontaxable transfers.* The tax imposed by section 1491 shall not apply—

(1) If the transferee is an organization exempt from income tax under part I of Subchapter F of Chapter I (other than an organization described in section 401 (a)) or

(2) If before the transfer it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

§ 1.1492-1 *Nontaxable transfers.* (a) The tax imposed by section 1491 does not apply.

(1) If the transferee is an organization (other than an organization described in section 401 (a)) exempt from income tax under the provisions of sections 501 to 504, inclusive; or

(2) If before the transfer it has been established to the satisfaction of the Commissioner of Internal Revenue that the transfer is not in pursuance of a plan

having as one of its principal purposes the avoidance of Federal income taxes.

(b) Whether a transfer of stock or securities is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes is a question to be determined from the facts and circumstances of each particular case. In any such case where a transferor desires to establish that the transfer is not in pursuance of such a plan, a statement of the facts relating to the plan under which the transfer is to be made or was made, together with a copy of the plan if in writing, shall be forwarded to the Commissioner of Internal Revenue, Washington 25, D. C., for a ruling. This statement shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. A letter notifying the transferor of the Commissioner's determination will be mailed to the transferor.

**§ 1.1493 Statutory provisions; definition of foreign trust.**

Sec. 1493. *Definition of foreign trust.* A trust shall be considered a foreign trust within the meaning of this chapter if, assuming a subsequent sale by the trustee, outside the United States and for cash, of the property so transferred, the profit, if any, from such sale would not be included in the gross income of the trust under this subtitle.

**§ 1.1493-1 Definition of foreign trust.**

(a) A trust is to be considered a "foreign trust" within the meaning of chapter 5 if, assuming a subsequent sale by the trustee, outside the United States and for cash, of the property transferred to the trust, the profit, if any from such sale (being income from sources without the United States under the provisions of sections 861 to 864, inclusive) would not be included in the gross income of the trust under subtitle A.

(b) A domestic corporation or partnership is one organized or created in the United States, including only the States, the Territories of Alaska and Hawaii, and the District of Columbia, or under the law of the United States or of any State or Territory and a foreign corporation or partnership is one which is not domestic.

**§ 1.1494 Statutory provisions; payment and collection.**

Sec. 1494. *Payment and collection—(a) Time for payment.* The tax imposed by section 1491 shall, without assessment or notice and demand, be due and payable by the transferor at the time of the transfer, and shall be assessed, collected, and paid under regulations prescribed by the Secretary or his delegate.

(b) *Abatement or refund.* Under regulations prescribed by the Secretary or his delegate, the tax may be abated, remitted, or refunded if after the transfer it has been established to the satisfaction of the Secretary or his delegate that such transfer was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

**§ 1.1494-1 Returns; payment and collection of tax—(a) Returns and payment.** Every person making a transfer described in section 1491 shall make a return to the district director on the day on which the transfer is made and, unless the transfer is nontaxable under

section 1492, pay the tax due on such transfer. This return, which shall contain, or be verified by a written declaration that it is made under the penalties of perjury, shall be made on Form 926 and shall be filed with the district director to whom the transferor's return of income is required to be made. The return shall set forth in detail the following information:

(1) Name and address of transferor, and place of organization or creation, if a corporation, partnership, or trust.

(2) Name and address of transferee, place of organization or creation, and whether the transferee is a foreign corporation, a foreign trust, or a foreign partnership. If the transferee is a foreign trust or a foreign partnership, the name and address of the fiduciary and each beneficiary in the case of a trust, or of each partner, in the case of a partnership, must be shown.

(3) Description and amount of stock or securities transferred, the date of transfer, and a complete statement showing all the facts relating to the transfer, accompanied by a copy of the plan under which the transfer was made.

(4) The fair market value of the stock or securities transferred as of the date of transfer, and the adjusted basis provided in section 1011 for determining gain in the hands of the transferor.

(5) Whether the transfer was made in pursuance of a plan submitted to and approved by the Commissioner of Internal Revenue as not having as one of its principal purposes the avoidance of Federal income taxes. If the plan has been so approved, a copy of the Commissioner's letter approving the plan shall accompany the return.

(6) Such other information as may be required by the return form.

(b) *Certificate.* (1) If the transferee of the stock or securities, the transfer of which is reported in the return, is a foreign organization meeting the tests of exemption from income tax provided in sections 501 to 504, inclusive, and the transferor on that account claims that no liability for tax is imposed by section 1491, such transferor must file with Form 926 a certificate establishing the exemption of the transferee under sections 501 to 504, inclusive. This certificate, which shall contain, or be verified by a written declaration that it is made under the penalties of perjury shall contain complete information showing the character of the transferee, the purpose for which it was organized, its actual activities, the source of its income and the disposition of such income, whether or not any of its income is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which affect its right to exemption. To such certificate shall be attached a copy of the charter or articles of incorporation, the by-laws of the organization, and the latest financial statement showing the assets, liabilities, receipts, and disbursements of the organization.

(2) If the transferee is a foreign organization which has been held to be exempt from income tax under sections

501 to 504, inclusive (or corresponding provisions of prior law) a copy of the Commissioner's letter so holding shall be filed with Form 926 in lieu of the above certificate and attachments.

(c) *Assessment and collection.* The determination, assessment, and collection of the tax and the examination of returns and claims filed pursuant to chapter 5 will be made under such procedure as may be prescribed from time to time by the Commissioner.

**§ 1.1494-2 Effective date.** Chapter 5 of the Internal Revenue Code of 1954 (sections 1491 through 1494) and the regulations prescribed thereunder apply with respect to transfers occurring after December 31, 1954. (See section 7851 (a) (1) (B).) Chapter 7 of the Internal Revenue Code of 1939 (sections 1250 through 1254) and the regulations applicable thereto apply with respect to transfers occurring prior to January 1, 1955.

[F. R. Doc. 55-836; Filed, Jan. 27, 1955; 8:50 a. m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### [ 50 CFR Parts 46, 161-164 ]

#### ALASKA WILDLIFE PROTECTION

#### NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239) notice is hereby given:

(a) That under authority contained in section 9 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301) the Secretary of the Interior proposes to adopt amendments to the regulations under the statute which will specify open seasons, means of taking, bag and possession limits, the closing or reopening of areas, and possession and sale of certain species of fish and game artificially propagated in Alaska or transported into the Territory. In addition, some amendments may be adopted for the purpose of clarifying the application of the regulations and to facilitate administration of the Act.

(b) That under authority of section 8 and subdivisions D and M of section 10 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301) the Alaska Game Commission intends to consider the advisability of amending the regulations of the Alaska Game Commission respecting poisons, licenses, the qualification of guides, and the establishment of fur management areas.

The regulations referred to in paragraphs (a) and (b) above are to be effective beginning July 1, 1955.

Interested persons are hereby notified that at a hearing before the Alaska Game Commission to be held in Juneau, Alaska, on February 15, 1955, the said proposed regulations will be considered, and any such person may present his views, data or arguments with respect thereto. Such interested persons are also hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their

views, data, or arguments in writing to John L. Farley Director, Fish and Wildlife Service, Washington 25, D. C. To assure full consideration of such communications, they must be received in the Fish and Wildlife Service not later than February 25, 1955.

Dated, January 24, 1955.

DOUGLAS MCKAY,  
Secretary of the Interior

[F R. Doc. 55-804; Filed, Jan. 27, 1955;  
8:45 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### [ 29 CFR Part 522 ]

#### EMPLOYMENT OF LEARNERS IN KNITTED WEAR INDUSTRY

##### NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068, as amended, 29 U. S. C. 214) the Administrator has heretofore issued regulations (§§ 522.68 through 522.79) providing for the employment of learners in the knitted wear industry at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary to amend the learner regulations for this industry by increasing the minimum learner wage rate from 65 cents per hour to 70 cents per hour.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237 5 U. S. C. 1001) that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend § 522.72 to read as follows:

§ 522.72 *Learner wage rate.* The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 70 cents per hour. In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rate authorized in the certificate.

Prior to final adoption of the proposed amendment, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of January 1955.

WM. R. McCOMB,  
Administrator Wage and Hour  
and Public Contracts Division.

[F R. Doc. 55-849; Filed, Jan. 27, 1955;  
8:53 a. m.]

#### [ 29 CFR Part 522 ]

#### EMPLOYMENT OF LEARNERS IN CERTAIN DIVISIONS OF THE APPAREL INDUSTRY

##### NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) the Administrator has heretofore issued regulations (§§ 522.160 through 522.168) providing for the employment of learners in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes, and leather and sheeplined garments divisions of the apparel industry, at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary to amend the learner regulations insofar as they apply to the women's apparel division, by increasing the minimum learner wage from 65 cents per hour to 70 cents per hour for the first 320 hours of the learning period and from 70 cents per hour to 72½ cents for the next 160 hours; by making the same increases for workers undergoing retraining; and by reclassifying the occupations and duration of the learning periods. These changes are consistent with amendments recently made for all other divisions of the apparel industry covered by these regulations.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237 5 U. S. C. 1001) that under authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068; 29 U. S. C. 214) the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to revise § 522.162 as hereinafter set forth.

§ 522.162 *Terms of special certificates.* Special learner certificates may be issued authorizing the employment of learners in the divisions of the apparel industry specified in § 522.161 (a) subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number or proportion:

(a) *Occupations for which certificates may be issued and duration of learning periods.* (1) Sewing machine operating, final pressing, hand-sewing, finishing operations involving hand-sewing, maximum learning period of 480 hours

for any of these occupations;<sup>1</sup> all other pressing and all other machine operating (except cutting) a maximum learning period of 160 hours;<sup>1</sup> but not more than a 320-hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous two years, the worker has had 160 hours or more of experience in another of these occupations in any division of the industry.

(2) Final inspection of assembled garments—maximum learning period of 160 hours.<sup>1</sup>

(b) *Minimum rates of pay.* (1) A learner employed in occupations for which a 480-hour learning period is authorized, shall be paid.

(i) Not less than 70 cents per hour for the first 320 hours and not less than 72½ cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry as defined in § 522.161 (a) (1)

(ii) Not less than 63 cents per hour for the first 320 hours, and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the apparel industry, as defined in § 522.161 (a) (2) (3) (4) (5) and (6)

(iii) An experienced worker in any one of the occupations shown in paragraph (a) (1) of this section who is being retrained in any other of the occupations shown in that paragraph shall be paid at wage rates not less than 70 cents per hour for the first 160 hours and not less than 72½ cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry as defined in § 522.161 (a) (1) and at wage rates not less than 63 cents per hour for the first 160 hours and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the apparel industry as defined in § 522.161 (a) (2) (3) (4) (5) and (6)

(2) A learner employed in the occupation of final inspection of assembled garments, shall be paid not less than 70 cents per hour during the 160-hour authorized learning period.

(3) A learner employed in any occupation for which a 160-hour learning period is authorized in paragraph (a) (1) of this section shall be paid not less than 70 cents per hour if employed in the women's apparel division, as defined in § 522.161 (a) (1) and not less than 63 cents per hour if employed in any of the divisions of the apparel industry, as defined in § 522.161 (a) (2) (3) (4) (5) and (6)

(4) No experienced worker shall be employed under the terms of special learner certificate, except as provided in subparagraph (1) (iii) of this paragraph.

(5) In establishments where experienced workers are paid on a piece rate

<sup>1</sup>If, within the previous two years, the worker has been employed in any division of the industry in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment should be deducted from the applicable learning period.

basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates authorized in the certificates.

(c) *Number or proportion of learners.*

(1) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers a maximum of 10 learners may be authorized.

(2) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

Consideration will be given to any data, views, or arguments pertaining to the amendment of 29 CFR, Part 522, § 522.162, as proposed, which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of January 1955.

WM. R. McCOMB,  
*Administrator Wage and Hour  
and Public Contracts Divisions.*

[F R. Doc. 55-850; Filed, Jan. 27, 1955;  
8:53 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 135 ]

[Docket No. FDC-60]

#### COLOR CERTIFICATION

##### ORDER EXTENDING TIME FOR FILING EXCEPTIONS TO PROPOSED ORDER

On December 30, 1954, there was published in the FEDERAL REGISTER (19 F R. 9352) a notice of proposed rule making issued by the Acting Secretary of Health, Education, and Welfare in the matter of amending §§ 135.3, 135.5, and 135.11 of the Color Certification Regulations. The notice provides that any person whose appearance was filed at the hearing may within 30 days from the date of publication file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C., written exceptions to the proposed order, which exceptions may be accompanied by a memorandum or brief.

The Secretary of Health, Education, and Welfare having been petitioned by interested persons whose appearances were filed at the hearing to extend the time within which such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered*, That the time for filing exceptions and briefs be hereby extended to and including March 7, 1955, and that

said extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: January 21, 1955.

[SEAL] OVETA CULP HOBBY,  
*Secretary.*

[F. R. Doc. 55-847; Filed, Jan. 27, 1955;  
8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 12, 13 ]

[Docket Nos. 11060, 11061; FCC 55-83.]

#### AMATEUR RADIO SERVICE; COMMERCIAL RADIO OPERATORS

##### PROPOSED REPORT AND ORDER

In the matter of amendment of Part 12 of the Commission's rules concerning eligibility to hold amateur operator licenses, Docket No. 11060; amendment of Part 13 of the Commission's rules concerning eligibility to hold commercial operator licenses or permits, Docket No. 11061.

The Commission, on June 11, 1954, issued notices of proposed rule making in each of the two above-entitled dockets (Docket 11060, 19 F R. 3588; Docket 11061, 19 F R. 3589) These notices proposed to amend the Commission's rules to:

(a) Make ineligible to hold a commercial or amateur radio operator license any person who is a member of the Communist Party or any organization which has been required to register as a communist-action or communist organization, or any organization which advocates or teaches the violent overthrow of the government of the United States or of any political subdivision thereof;

(b) Make ineligible to hold a commercial or amateur radio operator license any person who is not of good moral character. In determining character qualifications, factors to be considered would include (1) whether or not the person has been a member of any of the above-mentioned organizations and (2) whether or not the person has been convicted of any crime which is a felony under the laws of the jurisdiction in which the conviction was secured, and

(c) Amend the forms used for applying for radio operator licenses to include questions with respect to the above matters; require operators to answer questions asked by the Commission during the terms of their licenses concerning the eligibility factors, and provide for the submission of fingerprints.

The time for filing written comments in both dockets expired on July 19, 1954. The following organizations filed comments in both dockets: American Communications Association; American Civil Liberties Union, Friends Committee on National Legislation; and National Association of Broadcast Employees and Technicians.

Approximately 28 individuals and the following organizations filed comments in Docket 11060 only: CQ Magazine—Oliver P Farrell, Managing Editor;

Rogue Valley Radio Club (Medford, Oreg.) Central Texas Amateur Radio Club; and South Jersey Radio Association.

Approximately 27 individuals and the following organizations filed comments in Docket 11061 only: Conference of American Maritime Unions; Lake Carriers' Association; RCA Communications, Inc., American Merchant Marine Institute, Inc., Pacifica Foundation, American Cable and Radio Corp., and Aware, Inc..

The Commission has carefully considered all of the comments filed in these dockets, and these comments are discussed below. However, in view of the importance of these proposals, and the legal questions which have been raised, the Commission believes that the parties who have filed comments should be afforded the opportunity to present their legal arguments to the Commission in an oral argument before a final Report and Order is issued: Accordingly the Commission is issuing this Proposed Report and Order and the proposed rules as set forth below, and scheduling an oral argument.

The various comments filed on these Dockets indicate that some parties have misconstrued the intent and scope of the Commission's proposals. Section 303 (1) of the Communications Act vests the Commission with authority "to prescribe the qualifications of station operators" and to issue operator licenses "to such citizens of the United States as the Commission finds qualified" It has been suggested that this authority is limited to prescribing the purely technical qualifications of radio operators, and that the Commission lacks authority to inquire into or prescribe other qualifications for such operators. The Commission is of the opinion that there is no sound basis for such a narrow construction of the section, and that the Communications Act imposes upon it the affirmative duty of insuring that the public interest will be served by issuing radio operator licenses only to those who are fully qualified.

The proposals included in these Dockets do not mark a departure from previous Commission policies. The Commission has consistently considered both matters of national security and of moral character in passing on the qualifications of applicants for radio operator licenses and permits.<sup>1</sup> However, this considera-

<sup>1</sup>In this connection, it should be noted that at the present time applicants for commercial radio operator licenses and permits are required to indicate whether they have been (a) convicted of a crime which resulted in a sentence of at least one year in prison or a fine of more than \$500.00; or (b) convicted of any one or more of the following: (1) Treason, (2) attempting by force or other means to overthrow the Government of the United States, (3) bearing arms against the United States, (4) desertion from the military or naval forces of the United States in time of war, (5) leaving the United States in time of war or national emergency in order to evade or avoid military duty.

A conviction under (b) may result in loss of U. S. citizenship and therefore the applicant would be ineligible under the Communications Act for a license irrespective of his character qualifications.

tion has previously been on a case-by-case basis and has not been reflected in the Commission's rules. The instant proposals are designed to incorporate in the rules those factors which the Commission intends to consider in passing on the qualifications of applicants for radio operator licenses. See *Securities & Exchange Commission v. Chenery Corp.*, 332 U. S. 194.

Insofar as the proposals relate to past or present membership in the Communist Party, any organization required to register as a communist-action or communist-front organization, pursuant to the provisions of 50 U. S. C. 786, or any organization which advocates or teaches the overthrow of the government by force and violence, they are primarily concerned with the question of national security. However, other factors which the Commission considers concern the question of whether the applicant can be relied upon to carry out the obligations and responsibilities required of licensed radio operators. This is particularly true in the case of applicants who have been convicted of felonies, and the requirement for listing such convictions is therefore not limited to those involving national security.

The Commission wishes to emphasize that under the proposed rules past membership in certain organizations and convictions for felonies would not necessarily constitute a bar to receiving a radio operator license. Such past membership or convictions would be one of the factors which the Commission would consider in determining whether the applicant has the necessary qualifications to receive a license. Moreover, if the Commission proposed to deny an application because of such past membership or conviction, the applicant would be afforded an opportunity for a full administrative hearing, and would receive all of the appropriate procedural rights set forth in the Communications Act and the Administrative Procedure Act.

The Commission wishes to emphasize that it fully appreciates the fact that amateur radio has been and will continue to be a valuable means for helping to rehabilitate ex-convicts. The present proposals are not intended as a departure from the Commission's policy of issuing amateur or commercial radio operator licenses to ex-convicts in appropriate cases.

It has been suggested in the comments that the Commission require applicants for operator licenses to submit information with respect to convictions for misdemeanors as well as felonies. The Commission has given careful consideration to this suggestion, and believes that it should not be incorporated in the proposed rules. In most instances, convictions which might reflect on the character qualifications of the applicants would be felonies. Moreover, if convictions for all misdemeanors had to be reported, it would impose a substantial additional administrative burden on the Commission which would not be justified under the circumstances.

Consideration has also been given to the original proposal to require all applicants for operator licenses to submit

fingerprints. After considering the benefits that might be derived from requiring fingerprints, and the administrative problems attendant upon such a requirement, the Commission is of the opinion that the requirement that applicants submit fingerprints should not be imposed at this time. Accordingly that requirement is not included in the attached proposed rules. However, the Commission wishes to point out that in any individual case the Commission may find it necessary to require an applicant or a licensee to submit fingerprints.

It has been suggested in the comments filed that the proposed rules, insofar as they are designed to protect national security would not be effective. It is argued that licensed operators may constitute only a small percentage of those who may have access to radio transmitting facilities. The Commission is fully cognizant of that fact, and consideration is being given to other measures which may be necessary to protect the national security.<sup>2</sup> However, the fact that the Commission or other agencies of the Government may find it necessary to take further steps toward that end does not persuade us that the present proposals should be abandoned.

The suggestion has been made that only those operators working at vital communication centers be required to submit the information concerning past or present membership in certain organizations. It is noted, however, that the operator licenses and permits do not restrict the holders thereof to operating a particular radio facility. Moreover, it must be recognized that all types of radio transmitting equipment, wherever located, can be used in ways and for purposes that may be inimicable to the interests of national security.

Reference has been made in the comments to the security program conducted by the United States Coast Guard with respect to personnel on board ships, including radio operators. The Commission is, of course, fully aware of the Coast Guard program and such steps as are required will be taken to coordinate the Commission's activities with the Coast Guard in those areas of activity which are of mutual concern. However, the Commission does not issue special operator licenses to ship radio operators. Therefore a radio operator who might be denied security clearance to operate radio equipment on board ship, would still, in the absence of further restriction, be licensed to operate radio facilities on land.

In view of the foregoing: *It is ordered*, That these proceedings, involving the proposed amendments to Parts 12 and 13, and the proposed amendment to the application form for applying for amateur and commercial radio operator licenses, are designated for oral argument before the Commission en banc on 7th day of March 1955. Parties intending to participate in the oral argument shall file with the Commission a written no-

<sup>2</sup> Thus the suggestion that the Commission institute a security program for its radio station licensees is outside the scope of the instant proceedings.

tice of intention to appear on or before February 21, 1955.

Adopted: January 21, 1955.

Released: January 24, 1955.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Section 12.21 is proposed to be amended by adding paragraph designator (a) after the title, renumbering paragraphs (a) through (e) as subparagraphs (1) through (6) and adding new paragraphs (b) through (f). As amended, § 12.21 would read as follows:

§ 12.21 *Eligibility for license.* (a) Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(1) *Amateur extra class.* Any citizen of the United States who either (i) at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes, or (ii) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April 1917.

(2) *Advanced class.* New Advanced Class amateur operator licenses will not be issued, however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(3) *General class.* Any citizen of the United States.

(4) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army Navy Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(5) *Technician class.* Any citizen of the United States.

(6) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

(b) No person shall hold any class of amateur radio operator license who is a member of:

(1) The Communist Party or

(2) Any organization which has been required to register as a communist-action or communist-front organization under the provisions of the Internal Security Act of 1950 (50 U. S. C. 786) or

(3) Any organization which advocates or teaches the overthrow of the United States Government or the government of any political subdivision thereof, by force or violence.

(c) Each applicant for an amateur operator license or renewal of such license shall disclose in his application:

(1) Both present and past membership in any of the organizations described in paragraph (b) of this section, and

(2) Conviction of any crime which is a felony under the laws of the jurisdiction in which the conviction was secured.

(d) Where previous membership or criminal conviction is shown in an application in accordance with this section, the applicant, except as provided in paragraph (e) of this section, shall furnish detailed information to the Commission concerning the membership or the crime or crimes committed. With respect to membership in the organization described, such information will normally include the name of each organization and dates of membership. With respect to criminal conviction, such information will include: (1) Date of conviction, (2) nature of crime of which convicted, (3) name and location of court, (4) penalty imposed, and (5) length of sentence served, amount of fine paid, etc. In addition, the applicant may at the same time submit to the Commission any additional information or statement relevant to any such membership or conviction. The information thus furnished will be considered, together with any additional information which the Commission may require or which the applicant may submit, in determining whether the qualifications of the applicant are such that the public interest will be served by the issuance of the license applied for. If the Commission is unable to find, upon the basis of the information before it, that the applicant is qualified, the Commission will notify the applicant in writing of its inability to make such finding and the reasons therefor. If, within fifteen days of receipt of such notice, the applicant makes a written request for a hearing, the Commission will designate the application for hearing. In the event no written request for a hearing is received within the time specified, the application will be dismissed.

(e) Whenever an applicant has previously received an amateur operator license after having disclosed membership or conviction in accordance with this section, the detailed information normally required by paragraph (d) of this section with respect to the particular matter or matters disclosed need not again be furnished.

(f) In addition to questions contained in application forms the holder of an amateur operator license shall answer such questions as the Commission may ask during the term of his license concerning any of the eligibility factors set forth in this part.

Section 13.5 is proposed to be amended by changing the title to read "Eligibility for License" and by adding the following new paragraphs:

(d) No person shall hold any grade of commercial radio operator license or permit who is a member of:

- (1) The Communist Party or
- (2) Any organization which has been

required to register as a communist-action or communist-front organization under the provisions of the Internal Security Act of 1950 (50 U. S. C. 786) or

(3) Any organization which advocates or teaches the overthrow of the United States Government or the government of any political subdivision thereof, by force or violence.

(e) Each applicant for an operator license or permit or renewal of such license or permit shall disclose in his application:

(1) Both present and past membership in any of the organizations described in paragraph (d) of this section, and

(2) Conviction of any crime which is a felony under the laws of the jurisdiction in which the conviction was secured.

(f) Where previous membership or criminal conviction is shown in an application in accordance with this section, the applicant, except as provided in paragraph (g) of this section, shall furnish detailed information to the Commission concerning the membership or the crime or crimes committed. With respect to membership in the organizations described, such information will normally include the name of each organization and dates of membership. With respect to criminal conviction, such information will include: (1) Date of conviction, (2) nature of crime of which convicted, (3) name and location of court, (4) penalty imposed, and (5) length of sentence served, amount of fine paid, etc. In addition, the applicant may at the same time submit to the Commission any additional information or statement relevant to any such membership or conviction. The information thus furnished will be considered, together with any additional information which the Commission may require or which the applicant may submit, in determining whether the qualifications of the applicant are such that the public interest will be served by the issuance of the license or permit applied for. If the Commission is unable to find, upon the basis of the information before it, that the applicant is qualified, the Commission will notify the applicant in writing of its inability to make such finding and the reasons therefor. If, within fifteen days of receipt of such notice, the applicant makes a written request for a

hearing, the Commission will designate the application for hearing. In the event no written request for a hearing is received within the time specified, the application will be dismissed.

(g) Whenever an applicant has previously received an operator license or permit after having disclosed membership or conviction in accordance with this section, the detailed information normally required by paragraph (f) of this section with respect to the particular matter or matters disclosed need not again be furnished.

(h) In addition to questions contained in application forms the holder of an operator license or permit shall answer such questions as the Commission may ask during the term of his license or permit concerning any of the eligibility factors set forth in this part.

It is proposed to include the following questions in the Application forms used for applying for commercial and amateur radio operator licenses:

1. Are you now, or have you been a member of the Communist Party?

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(If so, give dates of membership)

2. Are you now, or have you been, a member of any organization which has been required to register as a communist-action or communist-front organization under the provisions of the Internal Security Act of 1950 (50 U. S. C. 786)?

-----  
(If so, list the full name of the organization or organizations and the dates of membership)

3. Are you now, or have you been, a member of any organization which advocates or teaches the overthrow of the United States Government, or the government of any political subdivision thereof, by force or violence?

-----  
(If so, list the full name of the organization or organizations and the dates of membership)

4. Have you been convicted of a crime which was a felony under the laws of the jurisdiction in which the conviction was secured?

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(If so, list date of conviction, nature of crime of which convicted, name and location of court, penalty imposed and length of sentence served)

[F R. Doc. 55-839; Filed, Jan. 27, 1955; 8:51 a. m.]

## NOTICES

### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10911, 10959; FCC 55M-72]

PHIL BIRD AND LAWTON BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Phil Bird, Lawton, Oklahoma, Docket No. 10911, File No. BP-9018; Lawton Broadcasting Company, Inc., Lawton, Oklahoma, Docket No. 10959; File No. BP-8840; for construction permits.

The Commission having before it a petition filed by the Chief of the Broad-

cast Bureau on November 3, 1954, to dismiss the above entitled applications which has not as yet been acted upon: *It is ordered*, This 21st day of January 1955, on the Examiner's own motion, that hearing in the above-entitled proceeding is continued from January 25, 1955, to February 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F R. Doc. 55-840; Filed, Jan. 27, 1955; 8:51 a. m.]

[Docket Nos. 11101, 11102, 11255; FCC 55-75]  
**GREENWOOD BROADCASTING CO., INC., ET AL.**  
 ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Greenwood Broadcasting Company Inc., Chattanooga, Tennessee, Docket No. 11101, File No. BP-9133; Max M. Blakemore and E. C. Blakemore, d/b as Cherokee Broadcasting Company Murphy North Carolina, Docket No. 11102, File No. BP-9210; Valley Broadcasting Company Murphy North Carolina, Docket No. 11255, File No. BP-9464; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1955;

The Commission having under consideration the above-entitled application of the Valley Broadcasting Company for a construction permit for a new standard broadcast station to operate on 600 kilocycles with a power of 1 kilowatt, daytime only at Murphy North Carolina, and

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Valley Broadcasting Company was advised by letter dated September 30, 1954, that its proposed operation would cause interference to Station WROL, Knoxville, Tennessee; would involve mutually destructive interference with the operations proposed in the above-entitled applications of the Greenwood Broadcasting Company Inc. and the Cherokee Broadcasting Company and that because its application was timely filed it should be designated for consolidated hearing with the said two applications, which hearing was scheduled to begin on November 9, 1954, and by order dated December 9, 1954, was continued without date; and

It further appearing that in a letter dated October 20, 1954, the Mountcastle Broadcasting Co., Inc., licensee of Station WROL, requested that it be made a party to a hearing on the application of the Valley Broadcasting Company and

It further appearing that the Valley Broadcasting Company in a letter dated October 25, 1954, recognized that its proposed operation would be mutually exclusive with the proposals of the Greenwood Broadcasting Company Inc., and the Cherokee Broadcasting Company, but contended that the interference it would cause to Station WROL was insignificant; and

It further appearing that in a letter dated November 24, 1954, the Commission further notified the Valley Broadcasting Company that information had come to its attention which raised a question of whether the company was financially qualified to construct and operate the proposed station; and

It further appearing that on December 27, 1954, the Valley Broadcasting Company amended its application to include a new balance sheet for Hobart L. McKeever and his wife, Olive C. McKeever and that in a separate letter dated December 27, 1954, it was stated that an early trial was being sought in

the \$200,000 damage suit in the Superior Court of Cherokee County North Carolina, of W Frank Forsyth, trustee in bankruptcy for the Mountain Valley Cooperative, Inc., against Hobart L. McKeever, et al., jointly and severally; and

It further appearing that the Valley Broadcasting Company except as with respect to the matters raised in Issue 2 below, is legally, technically and otherwise qualified to operate the proposed station; and

It further appearing that a pre-conference hearing was held in Dockets Nos. 11101 and 11102, Greenwood Broadcasting Company Inc., and Cherokee Broadcasting Company respectively on October 22, 1954, in which counsel for the subject applicant and for Station WROL participated; and by order dated December 9, 1954, the said hearing was continued without date until formal action could be taken on the subject application; and

It further appearing that the Commission, after consideration of the foregoing, 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 of the Valley Broadcasting Company is designated for hearing in a consolidated proceeding with the applications of Greenwood Broadcasting Company Inc. (Docket No. 11101, File No. BP-9133) and Max M. Blakemore and E. C. Blakemore, doing business as Cherokee Broadcasting Company (Docket No. 11102, File No. BP-9201) in Washington, D. C., which proceeding was commenced on October 22, 1954, and has been continued by the Examiner without date, 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 station proposed by the Valley Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether the Valley Broadcasting Company is financially qualified to construct and operate the proposed station.

3. To determine whether the operation of the Station proposed by the Valley Broadcasting Company would involve objectionable interference with Station WROL, Knoxville, Tennessee, and any other existing 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 in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any of the above-entitled applications of the Greenwood Broadcasting Company Inc., the Cherokee Broadcasting Company and the Valley Broadcasting Company would provide the most fair, efficient and equitable distribution of radio service.

5. To determine, on a comparative basis, which of the stations proposed in the above-entitled applications of the Greenwood Broadcasting Company Inc., the Cherokee Broadcasting Company and the Valley Broadcasting Company

would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the above-described issues Nos. 4 and 5 are made issues in the proceeding in Dockets Nos. 11101 and 11102; and

It is further ordered, That the Mountcastle Broadcasting Co., Inc., licensee of Station WROL, Knoxville, Tennessee, is made a party to this proceeding.

Released: January 21, 1955.

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

[F R. Doc. 55-841; Filed, Jan. 27, 1955;  
 8:52 a. m.]

[Docket No. 11162; FCC 55M-63]

**SALINA BROADCASTING CO.**

NOTICE OF PRE-HEARING CONFERENCE

In re application of Philip D. Jackson tr/as Salina Broadcasting Company Salina, Kansas, Docket No. 11162, File No. BP-9147 for construction permit.

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding in the offices of this Commission, Washington, D. C., beginning at 10:00 a. m. on Tuesday February 1, 1955, at which counsel for the various parties thereto should be prepared to discuss (1) narrowing the issues or the areas of inquiry and proof at the hearing; (2) admissions of fact and of documents which will avoid unnecessary proof; (3) stipulations; (4) the limitation on cumulative evidence; (5) the number of witnesses and estimated length of testimony; (6) need for the use of depositions; and (7) any other matters which may aid the disposition of the hearing.

Dated this 20th day of January 1955.

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

[F R. Doc. 55-842; Filed, Jan. 27, 1955;  
 8:52 a. m.]

[Docket Nos. 11256, 11257; FCC 55-76]

**GREAT SOUTH BAY BROADCASTING CO., INC.,  
 AND GEORGE V SPOHRER**

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Great South Bay Broadcasting Company Inc., Islip, New

York, Docket No. 11256, File No. BP-9200; George V Spohrer, Syosset, New York, Docket No. 11257, File No. BP-9360 for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1955,

The Commission having under consideration the above-entitled applications of Great South Bay Broadcasting Company Inc., and George V Spohrer for a construction permit for a new standard broadcast station to operate on 540 kilocycles with a power of 250 watts, daytime only at Islip and Syosset, New York, respectively.

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated July 27, 1954 that their proposals would involve mutually destructive interference, that other deficiencies obtained and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that in a reply dated August 25, 1954 Great South Bay Broadcasting Company, Inc. charged that the above-entitled application of George V Spohrer is a "block" application and requested that a hearing on the subject applications include an issue relative thereto and

It further appearing that upon similar allegations by Great South Bay Broadcasting Company, Inc., the Commission, on September 17, 1954, granted Great South Bay Broadcasting Company leave to intervene in the hearing on the application of Key Broadcasting Company Inc., in Docket No. 10379 to present evidence that Key Broadcasting Company Inc., inter alia, had encouraged and assisted George V Spohrer in the filing of his above-entitled application in conflict with the subject application of Great South Bay Broadcasting Company, Inc., and

It further appearing that the subject application of George V Spohrer was amended on August 10 and 26, 1954, to include additional engineering and financial data, and

It further appearing that the above replies of George V Spohrer fail to remedy the deficiencies in his proposed operation of not providing satisfactory service to the business and industrial area of the city sought to be served as required by the Commission's Engineering Standards; not specifying the type number of the frequency and modulation monitors proposed to be used, and not submitting sufficient data from which it can be determined that the applicant is financially qualified to construct and operate the proposed station inasmuch as a commitment by the Long Island National Bank of Hickville to lend the applicant \$24,000 expired on December 2, 1954, and

It further appearing that both subject proposals would involve slight interference with the proposal of G. Russel Chambers, trading as The Eastern Shore Broadcasting Company to operate a new standard broadcast station on 540 kilocycles with a power of 500 watts, daytime

only, at Pocomoke, Maryland (File No. BP-9484) and in letters dated December 6, 8, 14 and 16, 1954, the subject applicants and G. Russel Chambers agreed to accept the said mutual interference; and

It further appearing that the Great South Bay Broadcasting Company Inc. is legally technically, financially and otherwise qualified to operate its proposed station; and

It further appearing that George V Spohrer, except as with respect to the technical matters raised in Issues 2 and 3 below, is legally and technically qualified to operate the proposed station; and

It further appearing that the Commission, after consideration of the above replies by the applicants, 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 applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a 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 stations, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the station proposed by George V Spohrer would be in compliance with the Commission's rules and Standards of Good Engineering Practice with particular reference to the frequency and modulation monitors proposed to be used.

3. To determine whether the installation and operation of the station proposed by George V Spohrer would be in compliance with the Commission's rules and Standards of Good Engineering Practice with particular reference to the 25.0 mv/m contour encompassing the business and industrial area of the city sought to be served.

4. To determine the financial qualifications of George V Spohrer to construct and operate the proposed station.

5. To determine the other qualifications of George V Spohrer to be a licensee and whether the above-entitled application of George V Spohrer was filed for the purpose of impeding, obstructing, or delaying determination on the subject application of Great South Bay Broadcasting Co., Inc.

6. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

7. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if either, of the above applicants would provide the more fair, efficient and equitable distribution of radio service.

Released: January 21, 1955.

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

[F R. Doc. 55-843; Filed, Jan. 27, 1955;  
8:52 a. m.]

[Docket No. 11258; FCC 55-79]

ALFRED NEWELL JOHNSON

ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In the matter of Alfred Newell Johnson, 833 Shattuck Avenue, Berkeley, California, Docket No. 11258; application for renewal of first class radiotelephone operator license No. P1-12-122 and second class radiotelegraph license No. T-12-2330.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1955;

The Commission having under consideration the application of Alfred Newell Johnson, 833 Shattuck Avenue, Berkeley, California, for renewal of his first class radiotelephone operator license No. P1-12-122 and second class radiotelegraph license No. T-12-2330; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified directed Alfred Newell Johnson to supplement his application for renewal of his radiotelephone operator license and radiotelegraph license by furnishing answers to certain specified questions, under oath; and

It further appearing that Alfred Newell Johnson, by letter dated August 6, 1954, refused to answer, under oath, two of the four questions thus propounded to him; and

It further appearing that in the light of his refusal to answer these two questions under oath, the Commission is unable to determine that Alfred Newell Johnson possesses the requisite qualifications to be the holder of a radio operator's license:

*It is ordered*, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, that the above-entitled application is hereby designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues to which such hearing shall be confined:

(1) To determine whether Alfred Newell Johnson failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Alfred Newell Johnson possesses the

necessary qualifications to hold a radio operator license.

Released: January 24, 1955.

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

[F. R. Doc. 55-844; Filed, Jan. 27, 1955;  
8:52 a. m.]

[Docket No. 11259; FCC 55-80]

TRAVIS LAFFERTY

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Travis Lafferty, 235 7th Street, Oakland 7, California, application for renewal of second class radiotelephone operator license No. P2-12-190.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1955

The Commission having under consideration the application of Travis Lafferty, 235 7th Street, Oakland 7, California, for renewal of his second class radiotelephone operator license No. P2-12-190; and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified, directed Travis Lafferty to supplement his application for renewal of his radio operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Travis Lafferty by letter dated September 1, 1954, refused to answer any of the questions which he had been directed to answer and

It further appearing that in the light of this refusal to answer the questions propounded to him the Commission is unable to determine that Travis Lafferty possesses the requisite qualifications to be the holder of a radio operator's license:

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, that the above-entitled application is hereby designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues to which such hearing shall be confined:

(1) To determine whether Travis Lafferty failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Travis Lafferty possesses the necessary qualifications to hold a radio operator license.

Released: January 24, 1955.

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

[F. R. Doc. 55-845; Filed, Jan. 27, 1955;  
8:52 a. m.]

[Docket No. 11260; FCC 55-84]

CHARLES EVERETT COLCORD

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Charles Everett Colcord, 349 Marlborough Road, Brooklyn 26, New York; application for radiotelephone first class operator license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of January 1955,

The Commission having under consideration the application of Charles Everett Colcord, 349 Marlborough Road, Brooklyn 26, New York, for a radiotelephone first class operator license and

It appearing that the Commission, in pursuance of its authority under subsection 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified, directed Charles Everett Colcord to supplement his application for radio operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Charles Everett Colcord, by letters dated November 20, 1954, and December 20, 1954, refused to answer any of the questions which he had been directed to answer and

It further appearing that in the light of this refusal to answer the questions propounded to him the Commission is unable to determine that Charles Everett Colcord possesses the requisite qualifications to be the holder of a radio operator's license:

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934,

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Notice of change (undated)...	Montana Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 3.	Jan. 23, 1955
Letter dated Oct. 25, 1954....	do.....	Supplement No. 1 to Supplement No. 1 to FPC gas rate schedule No. 3.	Do.

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

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission orders:  
(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further notice by the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas

as amended, that the above-entitled application is hereby designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues to which such hearing shall be confined:

(1) To determine whether Charles Everett Colcord failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under issue 1 whether Charles Everett Colcord possesses the necessary qualifications to hold a radio operator license.

Released: January 24, 1955.

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

[F. R. Doc. 55-846; Filed, Jan. 27, 1955;  
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-7407]

FRED GOODSTEIN

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Fred Goodstein, on December 23, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Act, subject to further order of the Commission.

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

Adopted. January 13, 1955.

Issued: January 21, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-830; Filed, Jan. 27, 1955;  
8:49 a. m.]

[Docket No. G-2219]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF ORDER AFFIRMING AND ADOPTING INITIAL DECISION

JANUARY 21, 1955.

Notice is hereby given that on December 16, 1954, the Federal Power Commission issued its order adopted December

8, 1954, affirming and adopting initial decision of the Presiding Examiner in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-808; Filed, Jan. 27, 1955;  
8:46 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.  
NOTICE OF POSTPONEMENT OF ORAL  
ARGUMENT

JANUARY 21, 1955.

Notice is hereby given that the date fixed by the Commission's order adopted January 5, 1955, and issued January 10, 1955, for oral argument in the above-entitled matter, is changed from February 3, 1955, to February 24, 1955, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-831; Filed, Jan. 27, 1955;  
8:50 a. m.]

[Docket No. G-2078]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER TERMINATING STAY AND  
PROVIDING FOR REFUNDS

JANUARY 21, 1955.

Notice is hereby given that on December 10, 1954, the Federal Power Commission issued its order adopted December 8, 1954, terminating stay and providing for refunds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-807; Filed, Jan. 27, 1955;  
8:46 a. m.]

[Docket Nos. G-4927, G-4936]

SCANDOLA OIL & GAS CO.

NOTICE OF APPLICATIONS AND DATE OF  
HEARING

JANUARY 21, 1955.

Take notice that Scandola Oil & Gas Company (Applicant) a West Virginia corporation whose address is Weirton, West Virginia, filed on November 17, 1954, applications for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced in Union District, Ritchie County West Virginia, to Carnegie Natural Gas Company for transportation in interstate commerce for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the appli-

cable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 17, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1955. Failure of any party to appear at and participate in the hear-

ing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-833; Filed, Jan. 27, 1955;  
8:50 a. m.]

[Docket No. G-7771]

FRED M. MANNING

ORDER SUSPENDING PROPOSED CHANGES IN  
RATES

Fred M. Manning, on December 30, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Notice of change (undated)...	Montana - Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 1.	Jan. 30, 1955
Letter dated Oct. 11, 1954.....	.....do.....	Supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.	Do.

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

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further notice by the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

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

Adopted: January 19, 1955.

Issued: January 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-827; Filed, Jan. 27, 1955;  
8:49 a. m.]

[Docket No. G-7772]

ESTATE OF E. E. BROWN

ORDER SUSPENDING PROPOSED CHANGES IN  
RATES

Estate of E. E. Brown, on December 27, 1954, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Notice of change (undated)...	Montana Dakota Utilities Co.	Supplement No. 1 to FPC gas rate schedule No. 1.	Jan. 27, 1955
Letter dated Oct. 11, 1954.....	.....do.....	Supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.	Do.

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

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

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

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further notice by the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1955, and for such further time until they are made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

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

Adopted: January 19, 1955.

Issued: January 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-828; Filed, Jan. 27, 1955; 8:49 a. m.]

[Docket No. G-4715]

SOUTHERN NATURAL GAS CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 21, 1955.

Take notice that Southern Natural Gas Company (Southern) and Tennessee Gas Transmission Company (TGT) each a Delaware corporation with principal places of business at Birmingham, Alabama, and Houston, Texas, respectively on November 8, 1954, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities and the transportation and exchange of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully set forth in the joint application filed herein.

The joint Applicants propose to effect an exchange of gas whereby Southern will deliver each day up to 7,140 Mcf of gas at 14.73 psia from the production owned or controlled by it in the Franklin gas field, St. Mary's Parish, Louisiana, to TGT's lines located in that field, and

TGT will return gas by delivering equivalent quantities to Southern at a point approximately twelve miles south of the Franklin field, near TGT's gas receiving station at the end of its Bayou Sale lateral line.

In order to effectuate the exchange of gas, Southern proposes to construct and operate:

(i) A metering station to be located in the Franklin field at the point of interconnection between Southern's gathering system and TGT's line in that field;

(ii) Approximately 3,000 feet of 4½-inch transmission line extending from TGT's lines at a point near its receiving station in the Bayou Sale field to Southern's Lake Sand receiving station;

(iii) A 110-H. P compressor station at the terminus of Southern's proposed 4½-inch transmission line at the Lake Sand receiving station.

TGT proposes to construct and operate:

(i) A 4½-inch tap line connecting its lateral in Franklin field with the metering station to be constructed by Southern in that field;

(ii) A metering station located at the point of interconnection of its lateral line with Southern's proposed 4½-inch line in the Bayou Sale field and a 4½-inch tap line connecting that metering station with its tap line.

Southern estimates the cost of construction of its facilities at \$41,680, while TGT estimates its cost of construction at \$9,761. Each of the Applicants will defray the cost of construction from cash on hand.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-832; Filed, Jan. 27, 1955; 8:50 a. m.]

[Docket No. G-7773]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company on January 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date <sup>1</sup>
Notice of change, dated Dec. 29, 1954.	Michigan Wisconsin Pipe Line Co.	Supplement No. 13 to FPC gas rate schedule No. 4.	Feb. 3, 1955

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

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

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

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further notice by the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing

and decision thereon, the above-designated supplement be and the same is hereby suspended and the use thereof deferred until February 1, 1955, and for such further time until it is made effective in the manner prescribed by the Natural Gas Act, subject to further order of the Commission.

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

Adopted: January 19, 1955.

Issued: January 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-829; Filed, Jan. 27, 1955; 8:49 a. m.]

## NOTICES

[Docket No. IT-5381]

LON P PIPER ET AL.

## NOTICE OF ORDER TERMINATING AUTHORIZATION TO TRANSMIT ELECTRICAL ENERGY TO MEXICO

JANUARY 21, 1955.

In the matter of Lon P Piper, Guerrero-Zapata Bridge Company and Central Power and Light Company Docket No. IT-5381.

Notice is hereby given that on December 14, 1954, the Federal Power Commission issued its order adopted December 8, 1954, terminating authorization to transmit electric energy to Mexico and Presidential Permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-809; Filed, Jan. 27, 1955;  
8:46 a. m.]

[Project No. 281]

CALIFORNIA OREGON POWER CO.

## NOTICE OF ORDER FURTHER AMENDING LICENSE (TRANSMISSION LINE)

JANUARY 24, 1955.

Notice is hereby given that on December 20, 1954, the Federal Power Commission issued its order adopted December 8, 1954, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-834; Filed, Jan. 27, 1955;  
8:50 a. m.]

[Project No. 2153]

UNITED WATER CONSERVATION DISTRICT  
NOTICE OF ORDER ISSUING LICENSE (MAJOR)

JANUARY 24, 1955.

Notice is hereby given that on December 20, 1954, the Federal Power Commission issued its order adopted December 8, 1954, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 55-835; Filed, Jan. 27, 1955;  
8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

## Office of the Secretary

IDAHO

DESIGNATION OF ADDITIONAL AREAS FOR  
PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency Loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)) as amended, it has heretofore been determined that in the following counties in the State of Idaho, a production disaster has caused a need for agricultural credit not readily avail-

able from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Bingham County.  
Bonneville County.

Pursuant to the authority as set forth above, such loans in the above-named counties in the State of Idaho will not be made after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 24th day of January 1955.

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

[F. R. Doc. 55-813; Filed, Jan. 27, 1955;  
8:48 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 1-1347]

CUBAN-AMERICAN SUGAR CO.

NOTICE OF APPLICATION TO STRIKE FROM  
LISTING AND REGISTRATION, AND OF OP-  
PORTUNITY FOR HEARING

JANUARY 24, 1955.

In the matter of the Cuban-American Sugar Company, 7 percent Cumulative Preferred Stock, \$100 Par Value.

The New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Public holdings of the stock have become so reduced as to make further dealings therein on the Exchange inadvisable. Reacquisitions of the stock by the issuer have reduced the public holdings to only 1,873 shares. Reported volume on the Exchange has averaged 126 shares per annum during the years 1950-54 inclusive. Dealings have been suspended in the shares following press and ticker announcements dated January 13, 1955.

Upon receipt of a request, on or before February 11, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file

of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 55-811; Filed, Jan. 27, 1955;  
8:47 a. m.]

UNITED STATES TARIFF  
COMMISSION

[Investigation 119]

CORKBOARD

NOTICE OF INVESTIGATION AND PUBLIC  
HEARING

On the 24th day of January 1955, the United States Tariff Commission instituted an investigation for the purposes of section 336 of the Tariff Act of 1930 of the differences in costs of production of foreign articles of the following kind provided for in paragraph 1511, Tariff Act of 1930, namely, cork insulation, wholly or in chief value of cork, cork waste, or granulated or ground cork, in blocks, slabs, boards, or planks and like or similar domestic articles, and at the same time ordered that a public hearing be held in this investigation beginning at 10 a. m., on April 5, 1955, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

*Application.* An application for this investigation was filed with the Tariff Commission on August 2, 1954, and public notice of the receipt thereof was given (19 F. R. 5195). As stated in that notice, the application is available for public inspection at the office of the Secretary of the Commission in Washington and also in the New York Office of the Commission located in Room 437, Custom House, New York City, where it may be read and copied.

*Request for appearance at hearing.* Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the hearing in this investigation. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

Issued: January 25, 1955.

By order of the United States Tariff Commission, the 24th day of January 1955.

[SEAL] DONN N. BENT,  
Secretary.

[F. R. Doc. 55-854; Filed, Jan. 27, 1955;  
8:54 a. m.]

[Investigation 40]

FESCUE SEED

## NOTICE OF HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., on March 8, 1955, in the Hearing Room of the Tariff Commission,

Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 40 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted November 23, 1954, with respect to Red Fescue (*Festuca rubra*) seed, including Chewings Fescue (*Festuca Rubra* Var, *Commotata*) seed, described in the public notice of this investigation previously given (19 F. R. 7702)

*Request to appear at hearings.* Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

Issued: January 25, 1955.

By order of the United States Tariff Commission, the 24th day of January 1955.

[SEAL] DONN N. BENT,  
*Secretary.*

[F. R. Doc. 55-855; Filed, Jan. 27, 1955;  
8:54 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30063, as Amended]

CARBON BI-SULPHIDE FROM OHIO AND  
WEST VIRGINIA TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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 H. R. Hinsch, Agent, for The Baltimore and Ohio Railroad Company and other carriers, pursuant to fourth-section order No. 17220.

Commodities involved: Carbon bi-sulphide (carbon disulphide) in tank-car loads.

From: Points in Ohio and West Virginia.

To: Louisville, Ky

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

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

No. 20—5

a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F. R. Doc. 55-814; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30163]

BITUMINOUS FINE COAL FROM POINTS IN  
ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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

Filed by The Chicago and North Western Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved. Bituminous fine coal, carloads.

From: Mines in Springfield, Peoria, Breeds and Fulton County, Ill., groups.

To: Chicago, Ill., and points taking same rates.

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

Schedules filed containing proposed rates: Chicago and North Western Railway Company tariff I. C. C. No. 11208, supp. 34.

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

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F. R. Doc. 55-815; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30164]

PECANS FROM GEORGIA AND FLORIDA TO  
OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 25, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Pecans, shelled, carloads.

From: Specified points in Georgia, and Tallahassee, Fla.

To: Specified points in official (including Illinois) territory.

Grounds for relief: Rail competition, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, I. C. C. No. 887, supp. No. 162.

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

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F. R. Doc. 55-816; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30165]

VARIOUS COMMODITIES FROM ILLINOIS AND  
CENTRAL TERRITORIES TO TRUNK LINE  
AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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 H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. No. 4542; pursuant to fourth-section order No. 17220.

Commodities involved. Automobile parts and various other commodities, carloads.

From. Specified points in Illinois and central territories.

To: Specified points in trunk line and New England territories.

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

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their in-

terest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD,  
Secretary.

[F R. Doc. 55-817; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30166]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES TO POINTS IN SOUTHERN, CENTRAL, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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

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

Commodities involved: Various commodities, carloads.

From: Specified points in trunk-line and New England territories.

To: Points in southern, central and western trunk-line territories.

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

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

By the Commission.

[SEAL]

GEORGE W LAIRD,  
Secretary.

[F. R. Doc. 55-818; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30167]

CATTLE HIDE LEATHERS FROM ASHLAND, KY., TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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 H. R. Hinsch, Agent, for carriers parties to his tariff I. C. C. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Cattle hide leathers, carloads.

From: Ashland, Ky.

To: Specified points in trunk-line and New England territories.

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

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

By the Commission.

[SEAL]

GEORGE W LAIRD,  
Secretary.

[F R. Doc. 55-819; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30168]

PETROLEUM COKE FROM KENOVA, W VA. TO JONES MILLS, AND GUM SPRINGS, ARK.

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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: Petroleum coke, carloads.

From: Kenova, W Va.

To: Jones Mills and Gum Springs, Ark.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4053, supp. 72.

Any interested person desiring the Commission to hold a hearing upon such

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

By the Commission.

[SEAL]

GEORGE W LAIRD,  
Secretary.

[F R. Doc. 55-820; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30169]

LIQUEFIED PETROLEUM GAS FROM SOUTHWESTERN TERRITORY, KANSAS, NEW MEXICO, AND MISSOURI TO LOVELAND, OHIO

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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: Liquefied petroleum gas, in tank-car loads.

From: Points in southwestern territory Kansas, New Mexico, and Missouri.

To: Loveland, Ohio.

Grounds for relief: Rail competition, circuitry and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 351.

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

By the Commission.

[SEAL]

GEORGE W LAIRD,  
Secretary.

[F. R. Doc. 55-821; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30170]

**BARIUM SULPHATE FROM POINTS IN MISSOURI TO CHARLESTON, HUNTINGTON, AND SOUTH CHARLESTON, W VA.**

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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

Filed by: F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Barium sulphate, crude (barytes ore) carloads.

From: Specified points in Missouri.

To: Charleston, Huntington and South Charleston, W Va.

Grounds for relief: Rail competition, and competition with water carriers.

Schedules filed containing proposed rates: Missouri Pacific Railroad Company (Guy A. Thompson, trustee) I. C. C. A-10237, supp. 16, St. Louis-San Francisco Railway Company I. C. C. No. A-336, supp. 11.

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

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F R. Doc. 55-822; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30171]

**CANNED GOODS FROM PACIFIC COAST TERRITORY TO MEMPHIS, TENN., AND NEW ORLEANS, LA.**

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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: W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Canned or preserved foodstuffs, carloads.

From: Pacific coast territory.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Rail competition, circuitry and to maintain grouping.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. 1561, supp. 70.

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

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F R. Doc. 55-823; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30172]

**COTTON FROM PACIFIC COAST TERRITORY TO ILLINOIS, INDIANA, AND SOUTHERN TERRITORY**

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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: W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Cotton, cotton linters and cotton notes.

From: Points in Pacific coast territory.

To: Points in Illinois, Indiana, and southern territory

Grounds for relief: Rail competition, circuitry and to maintain grouping.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. 1561, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect

to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F R. Doc. 55-824; Filed, Jan. 27, 1955;  
8:48 a. m.]

[4th Sec. Application 30173]

**POTASH FROM CARLSBAD AND LOVING, N. MEX., TO HORN, MO.**

APPLICATION FOR RELIEF

JANUARY 25, 1955.

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

Filed by: The Atchison, Topeka and Santa Fe Company for itself, and on behalf of Panhandle and Santa Fe Railway Company and St. Louis-San Francisco Railway Company

Commodities involved: Potassium (Potash) carloads.

From: Carlsbad and Loving, N. Mex.

To: Horn, Mo.

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

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company I. C. C. No. 14478, supp. 88.

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

By the Commission.

[SEAL] GEORGE W LAIRD,  
*Secretary.*

[F R. Doc. 55-825; Filed, Jan. 27, 1955;  
8:48 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

RICHARD ELCHINGER

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Richard Elchinger, 21, Liebigstrasse, Munich, Germany, Claim No. 62537, Vesting Order No. 17035; \$169.18 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 55-837; Filed, Jan. 27, 1955;  
8:51 a. m.]

## RUBBER STICHTING

NOTICE OF INTENTION TO RETURN VESTED  
PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder

and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Rubber Stichting (Rubber Foundation), Delft, The Netherlands, Claim No. 42711; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to United States Patent Application Serial No. 281,264 (now United States Letters Patent No. 2,303,430).

Executed at Washington, D. C., on January 24, 1955.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 55-838; Filed, Jan. 27, 1955;  
8:51 a. m.]