



FEDERAL REGISTER

VOLUME 20 NUMBER 130

Washington, Wednesday, July 6, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10620

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by sections 55 (a) 508, 603, 729 (a) and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a) 508, 603, 729 (a) and 1204) and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)) it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for any period to and including 1954, shall, during the Eighty-fourth Congress, be open to inspection by the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, for the purpose of carrying out those provisions of Senate Resolution 62 (84th Congress, 1st Session) agreed to March 18, 1955, authorizing a full and complete study of the extent and character of juvenile delinquency in the United States and its causes and contributing factors, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 1, 1955.

[F. R. Doc. 55-5452; Filed, July 1, 1955; 3:19 p. m.]

EXECUTIVE ORDER 10621

DELEGATION OF CERTAIN FUNCTIONS OF THE PRESIDENT TO THE SECRETARY OF DEFENSE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713) and as Presi-

dent of the United States, it is ordered as follows:

SECTION 1. The Secretary of Defense, and, as designated by the said Secretary for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the military departments, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by the act of March 3, 1901, c. 852, 31 Stat. 1107, 1133 (34 U. S. C. 451), to establish and modify, as the needs of the service may require, a classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons.

(b) The authority vested in the President by the act of August 22, 1912, c. 335, 37 Stat. 328, 331 (34 U. S. C. 184, 195), to approve regulations of the Secretary of the Navy under which any enlisted man may be discharged within three months before the expiration of the term of his enlistment, and under which an enlisted man may voluntarily extend the term of his enlistment.

(c) The authority vested in the President by the act of May 22, 1928, c. 688, 45 Stat. 712 (34 U. S. C. 885), to approve regulations governing the advancement of public funds to naval personnel when required to meet expenses of officers and men detailed on emergency shore duty.

(d) The authority vested in the President by the act of June 22, 1938, c. 567, 52 Stat. 839, as amended (5 U. S. C. 425a) section 201 (a) of the act of August 25, 1941, c. 409, 55 Stat. 680 (5 U. S. C. 471), section 3 of the act of December 28, 1945, c. 604, 59 Stat. 666, as amended (5 U. S. C. 456c), section 2 of the act of August 1, 1946, c. 727, 60 Stat. 779 (5 U. S. C. 475a), and section 7 (a) of the act of March 5, 1948, c. 98, 62 Stat. 68 (5 U. S. C. 423g), to authorize, in his discretion, for any officer of the Regular Navy or Marine Corps who retires while serving as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, as Commandant of the Marine Corps, as Director of Budgets and Reports, as Chief of the Dental Division, as Chief of Naval Research, or as Chief of Naval Material,

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

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

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

- Titles 4-5 (\$0.70)
- Title 7: Parts 210-899 (\$2.50)
- Title 15 (\$1.25)
- Title 26: Parts 80-169 (\$0.50)
- Title 26: Part 300 to end and Title 27 (\$1.25)
- Title 50 (\$0.55)

Previously announced: Title 3, 1954 Supp. (\$1.75); Title 7: Parts 1-209 (\$0.60); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32A, Revised December 31, 1954 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Parts 91-164 (\$0.50); Part 165 to end (\$0.60)

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or while serving in a lower rank if he has previously served in any of such offices two and one-half years or more, retirement in the highest grade or rank in which he so served and with retired pay based on that rank.

(e) The authority vested in the President by the act of June 15, 1940, c. 374, 54 Stat. 400 (34 U. S. C. 639a), to prescribe from time to time the number of warrant and commissioned warrant officers for the Marine Corps.

(f) The authority vested in the President by the act of June 24, 1941, c. 231, 55 Stat. 260 (34 U. S. C. 493b), to approve the use for experimental purposes of vessels of the United States Navy stricken from the Navy Register pursuant to the act of August 5, 1882, 22 Stat. 296, as amended (34 U. S. C. 491).

(g) The authority vested in the President by section 5 of the act of July 24, 1941, c. 320, 55 Stat. 604, as amended (34 U. S. C. 350d (a)), to determine the numbers of temporary appointments which may be made under that act and to prescribe the manner of making the appointments and the regulations under which they may be made.

(h) The authority vested in the President by the act of June 5, 1942, c. 329, 56 Stat. 309 (34 U. S. C. 685b), to authorize, in his discretion, for any officer of the Marine Corps who retires while serving as head of a staff department of the Marine Corps, or who has so served two and one-half years or more and retires while serving in a lower grade or rank, retirement in the highest grade or rank held by him while serving as head of such staff department with retired pay based on such higher grade or rank.

(i) The authority vested in the President by section 302 of the act of June 22, 1944, c. 268, 58 Stat. 287 (38 U. S. C. 693i) to approve or disapprove the proceedings and decisions of boards of review established under that section by the Secretary of the Army, the Secretary of the Air Force, or the Secretary of the Navy, and to issue orders in such cases.

(j) The authority vested in the President by section 6 of the act of February 21, 1946, c. 34, 60 Stat. 27 (34 U. S. C. 410b) to approve, in his discretion, the application of an officer of the Regular Navy or Regular Marine Corps or of the Reserve Components thereof for retirement after the completion of more than twenty years of active service, and to designate the month in which such retirement shall become effective.

(k) The authority vested in the President by section 9 of the act of February 21, 1946, c. 34, 60 Stat. 28, (34 U. S. C. 410d) to defer, in his discretion, placing on the retired list, in accordance with the

provisions of the said section, any officer of the Regular Navy or Marine Corps serving in a rank below that of fleet admiral who becomes sixty-two years of age.

(l) The authority vested in the President subsection (c) of section 207 (c) by the act of April 16, 1947, c. 38, 61 Stat. 49, redesignated as subsection (b) by section 434 (d) of the Officer Personnel Act of 1947, 61 Stat. 882 (34 U. S. C. 43g (b)) to authorize, in his discretion, for any officer of the Navy Nurse Corps who retires while serving as Director of the Navy Nurse Corps, or while serving in a lower rank if she has previously served two and one-half years or more as Director, retirement in the rank held by her as Director.

(m) The authority vested in the President by section 302 (g) of the Officer Personnel Act of 1947, c. 512, 61 Stat. 830 (34 U. S. C. 3c (g)) to determine the numbers of temporary appointments which may be made under section 302 (c) of that act.

(n) The authority vested in the President by sections 207 (d) and 213 (d) of the act of June 12, 1948, c. 449, 62 Stat. 367, 370 (34 U. S. C. 410r (d) 625h (d)) to authorize, in his discretion, for any woman officer of the Regular Navy who retires while serving as an assistant to the Chief of Naval Personnel or while serving in a lower rank if she has previously served two and one-half years or more as such assistant, or for any woman officer of the Regular Marine Corps who retires while detailed to duty in the office of the Commandant of the Marine Corps to assist the Commandant in the administration of women's affairs or while serving in a lower rank if she has previously served two and one-half years or more in that detail, retirement in the rank held while serving as an assistant to the Chief of Naval Personnel or while so detailed to duty in the office of the Commandant of the Marine Corps.

Sec. 2. The Secretary of Defense, and, as designated by the said Secretary for this purpose, the Deputy Secretary of Defense and any of the Assistant Secretaries of Defense, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1547 of the Revised Statutes of the United States (34 U. S. C. 591) to approve alterations made by the Secretary of the Navy in Navy Regulations.

(b) The authority vested in the President by section 1 of the act of April 9, 1906, c. 1370, 34 Stat. 104 (34 U. S. C. 1062) to approve the dismissal by the Secretary of the Navy of a midshipman from the United States Naval Academy.

Sec. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force and effect at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as

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they may be inconsistent with the provisions of this order, remain in force and effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 4. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to mean "exercise"

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 1, 1955.

[F. R. Doc. 55-5453; Filed, July 1, 1955;
3:19 p. m.]

EXECUTIVE ORDER 10622

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RAILWAY EXPRESS AGENCY, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Railway Express Agency, Inc., a carrier, and certain of its employees represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, A. F. of L., a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provi-

sions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160) I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said Board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Railway Express Agency, Inc., or by its employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 1, 1955.

[F. R. Doc. 55-5471; Filed, July 5, 1955;
10:20 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.107 is amended as set out below.

§ 6.107 *Department of the Air Force.*

(b) *Office of the Inspector General.* (1) Until August 31, 1955, in order to provide civilian personnel complementary to military personnel, five Special Agent positions in the Office of the Assistant for Security, Plans and Policy, Deputy Inspector General, the Inspector General; and a total of 100 Special Agent positions in the Directorate of Special Investigations, the United States Air Force Special Investigations School (OSI) and the District offices of the Office of Special Investigations, United States Air Force, in grades GS-11 or above.

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

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

[F. R. Doc. 55-5415; Filed, July 5, 1955;
8:57 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (2) of § 6.103 is amended and effective January 1, 1956, section 6.203 (a) is added as set out below.

§ 6.103 *Treasury Department.* * * *

(h) *Comptroller of the Currency.* * * *

(2) Until December 31, 1955, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

§ 6.203 *Treasury Department.* (a) Positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 55-5391; Filed, July 5, 1955;
8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) of § 6.103 is amended as set out below.

§ 6.103 *Treasury Department.* * * *

(i) *United States Savings Bonds Division.* (1) Until August 31, 1955, positions of State Director and Deputy State Director, and Regional Director and Assistant Regional Director.

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

UNITED STATES CIVIL SERVICE COMMISSION

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

[F. R. Doc. 55-5414; Filed, July 5, 1955;
8:57 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SELECTIVE SERVICE SYSTEM

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.144 is amended as set out below.

§ 6.144 *Selective Service System.* * * *

(d) Until July 1, 1957, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 55-5416; Filed, July 5, 1955;
8:57 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) through (j) of § 6.164 are amended, and paragraph (k) is added as set out below.

§ 6.164 *Small Business Administration.* (a) Not to exceed December 31, 1955, 14 Regional Directors and 14 Associate Regional Directors.

(b) Not to exceed December 31, 1955, Director, Office of Compliance and Security.

(c) Not to exceed December 31, 1955, one Confidential Assistant to the Special Assistant to the Administrator; and two Special Assistants to the Director, Office of Information and Managerial Assistance.

(d) Not to exceed December 31, 1955, Chiefs of the following Divisions: Information, Managerial Assistance, Loan, Financial Service, Procurement Assistance, Production Assistance, and Products Assistance.

(e) Not to exceed December 31, 1955, one Assistant Chief, Managerial Assistance Division.

(f) Not to exceed December 31, 1955, Chairman and three Members, Loan Review Committee.

(g) Not to exceed December 31, 1955, five Investigators, Office of Compliance and Security.

(h) Not to exceed December 31, 1955, a maximum of forty Branch Office Managers.

(i) Not to exceed December 31, 1955, the position of the top-ranking Financial Specialist in each Regional Office.

(j) Not to exceed December 31, 1955, one Deputy Director, Office of Information.

(k) Not to exceed December 31, 1955, the position of the top-ranking Production Specialist or Industrial Specialist in each Regional Office.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 55-5392; Filed, July 5, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

The amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR, Part 70) hereinafter set forth, is hereby promulgated pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087· 7 U. S. C. 1621 et seq.)

The amendment changes the currently effective application for inspection service and on August 1, 1955, will increase the charges to applicants for inspection service which is performed on a resident inspection basis. The charges for inspection will be increased approximately 4 percent which is necessary to cover in part, the increased cost of per-

forming the service. This increased cost results from recently passed legislation which increases salaries of Federal employees. Currently the charges for this type of inspection service are set forth in the application form. This amendment deletes the charges from the application form and includes them as a separate section in Subpart A of the aforesaid regulations. A new application form is set forth in § 70.416. In addition, the amendment contains minor clarifying changes.

It is hereby found that it is impractical, unnecessary and contrary to public interest to engage in public rule making procedures and to postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER for the reasons that: (1) Legislation requires that the fees charged shall be reasonable and shall as nearly as possible cover the cost of the service; the cost of the service is peculiarly within the knowledge of the Department and the fees set forth herein are necessary to cover such costs; (2) costs of performing the services have been increased by recent legislation increasing the salaries of Federal personnel, therefore, it is necessary that the charges for the services be increased as soon as practicable, which is August 1, 1955; (3) clarifying changes are in the nature of relieving restrictions; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

The amendment is as follows:

1. Add a new § 70.141 which reads as follows:

§ 70.141 *Inspection performed on a resident inspection basis*—(a) *Charges*. The charges for inspection of poultry and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. The billing shall be made on the last day of the month for which billing is made on an estimated cost basis, with adjustments between estimated costs and actual costs being made on the bill for the following month. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the inspection service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of \$125.00 for the combined initial and final survey (required to be made with respect to an official plant pursuant to the regulations in this part) made of the designated plant and its premises prior to the performance, by AMS, of the inspection service.

(2) Charges for each survey in addition to those provided in subparagraph

(1) of this paragraph, if any, made at the request of the applicant, or determined by AMS to be necessary, to be computed on the basis (i) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (ii) a charge of \$5.00 per hour for the time consumed at the plant in making the survey. *Provided*, That the minimum charge shall be for six (6) hours.

(3) A charge of (i) \$132.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of dressed poultry at the time of evisceration; (ii) \$112.00 per 40-hour work week for each inspector assigned to the designated plant by AMS for the inspection of canning or other processing of poultry food products: *Provided*, That with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: *Provided, further* That no charge shall be made for any inspector during any period of leave approved by AMS for such inspector.

(4) A charge of \$4.25 per hour for each hour of overtime work performed by each inspector assigned to any type of operation described in subparagraph (3) of this paragraph: *Provided*, That any unscheduled overtime work performed by an inspector on a day when no work is scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

(5) A night differential charge of \$0.33 per hour for inspectors performing inspection of dressed poultry at the time of evisceration and \$0.28 for inspectors performing inspection of canning or other processing of poultry food products for each hour of any regularly scheduled work between the hours of 6:00 p. m. and 6:00 a. m.

(6) A charge of \$6.60 per hour for inspectors performing inspection of dressed poultry at the time of evisceration and \$5.60 per hour for inspectors performing inspection of canning or other processing of poultry food products for each hour of such work performed on a designated holiday: *Provided*, That the charge shall be for a minimum of two hours.

(7) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment.

(8) A charge of \$250.00 to cover the average cost of travel per diem and movement of household goods of an inspector and his dependents whose travel headquarters is changed, when the assignment is made for the purpose of (i) installation of service, or (ii) when an additional inspector is assigned to the plant to handle increased workload: *Provided*, That when a transfer of an inspector from the plant is made at the request of the applicant such applicant

shall be billed the actual cost of travel, per diem, and movement of household goods involved in the transfer of both the inspector transferred from the plant and the inspector transferred to the plant: *Provided, further* That, no charge shall be made when the assignment of an inspector is made at the sole discretion of AMS to replace an inspector who has resigned, retired, died, or otherwise become unable to perform the inspection work, or if his services are no longer required in the plant due to a decrease in the volume of work or the cancellation of the inspection service by the applicant, or for other administrative reasons.

(9) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment.

(10) A minimum charge of \$25.00 for each calendar month after inspection is inaugurated in the designated plant.

(11) The charges and credits specified in subparagraphs (3), (4) (5) (6) (7) (8) (9), (10) and (12) of this paragraph shall be billed at the end of each calendar month. The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subparagraph (3) of this paragraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subparagraphs (4) and (5) of this paragraph.

(12) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(b) *Other provisions.* (1) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates, official reports and handling correspondence in connection with the inspection service.

(2) Inspectors will be provided by AMS to perform the inspection service. AMS, may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(3) Whenever operations at the designated plant are discontinued during a period or periods, any inspector (assigned by AMS to the designated plant) may perform such other services as may be deemed appropriate, and are approved, by the area supervisor.

(4) The inspection service shall be provided at the designated plant and shall be continued until the service is

suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the regulations in this part; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service, or if the applicant fails to comply with the terms and conditions of this section.

2. Delete § 70.416 *Application for inspection of dressed poultry and edible products thereof for condition and wholesomeness*, and substitute in lieu thereof the following:

§ 70.416 *Application for inspection of poultry and edible products thereof for condition and wholesomeness.* Application is hereby made, in accordance with the applicable provisions of the regulations in this part governing the inspection of poultry and edible products thereof for condition and wholesomeness at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator) This application is made for inspection services to be performed on a resident inspection basis pursuant to § 70.141 and such other provisions of the aforesaid regulations which are applicable.

(Applicant) ¹
By -----
(Street)

(City) (State)

(Date)

Application granted:

(Date)

(Title)

3. Add the following sentence to § 70.3 *Administration.* "The Agricultural Marketing Service, its officers and employees, shall not be liable in damages through acts of commission or omission in the administration of this part."

4. Delete the last sentence of § 70.47 *Order of service.*

5. Delete the words "or inspection service" in § 70.138 *On a contract basis.*

6. Delete the words "or between species" at the end of the definition of "class" in § 70.1 *Definitions.*

7. Delete the first sentence of § 70.91 (b) and substitute in lieu thereof, the following. "Except as otherwise authorized, each grade mark which is to be

¹No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

used shall conspicuously indicate the letters 'USDA', the U. S. Grade of the product it identifies, and, if not shown prominently elsewhere on the label, the proper class of the poultry. *Provided,* That for mature or old poultry the kind of poultry with the prefix 'mature' or 'old' or the designation 'mature' or 'old' without the kind may be shown in lieu of the class. For young poultry the kind of poultry with the prefix 'young', or the designation 'young' without the kind, may be used in lieu of the class."

8. Add a new paragraph (f) in § 70.302 *Turkeys*, which reads as follows:

(f) For labeling purposes, the designation of the sex within the class name is optional.

9. Delete the second sentence of § 70.381 *Form of grade mark*, and substitute in lieu thereof, the following: "The information (including the form and arrangement of its wording) which is required in such mark shall be: (a) The letters 'USDA' (b) the U. S. Grade of the product, and (c) if such information is not shown prominently elsewhere on the packaging material, the proper class of the poultry. *Provided,* That for mature or old poultry the kind of poultry with the prefix 'mature' or 'old' or the designation 'mature' or 'old' without the kind may be shown in lieu of the class. For young poultry the kind of poultry with the prefix 'young' or the designation 'young' without the kind, may be used in lieu of the class."

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 30th day of June 1955, to become effective August 1, 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-5410; Filed, July 5, 1955;
8:55 a. m.]

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

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN
CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.510 *Plum Order 11—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein pro-

vided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 7, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 7, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 7, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Durate plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that

may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the quantity of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next two succeeding calendar days in addition to the quantities of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such two succeeding calendar days if there had been no undershipment.

(4) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title), "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 603c)

Dated: July 1, 1955.

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

[F. R. Doc. 55-5468; Filed, July 5, 1955;
8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-411]

PART 4a—AIRPLANE AIRWORTHINESS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF- ROUTE RULES

SPECIAL CIVIL AIR REGULATION; TRIAL OF- ERATION OF TRANSPORT CATEGORY AIR- PLANES IN CARGO SERVICE AT INCREASED ZERO FUEL AND LANDING WEIGHTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of June 1955.

On July 21, 1954, the Board issued Orders No. S-630 granting the request of The Flying Tiger Line Inc., for a waiver of certain structural provisions of Part 4b of the Civil Air Regulations. On November 19, 1954, and on January 24, 1955, the Board issued similar orders, Nos. S-653 and S-663, to Slick Airways, Inc., and American Airlines, Inc., respectively. These three orders permit, for a trial period ending June 30, 1955, the operation of DC-6A airplanes in cargo service at weights in excess of those permitted in passenger service. The weights involved are the zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight. The use of the higher weights was made contingent upon certain findings by the Administrator and upon certain conditions of operation and inspection.

In issuing the first waiver the Board considered that the results of the trial operations authorized on a limited scale thereby could serve to ascertain the validity of the evaluation used in justifying such trial operations and could contribute further information on whether the operating stress levels imposed on the airplane's structure are within safe limits for continued operations. The Board also envisaged that successful experience with such trial operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations.

It is believed that a more extensive background of operating experience will be necessary to assure that the conditions in the waivers do in fact provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. In view of the variation in design and strength characteristics of the different types of transport category airplanes, it would be desirable if the experience gained were to include trial operations with several of the different types of airplanes to ascertain that these variations will not result in unsafe conditions. Experience to date with the one type of airplane operating under the conditions of the waivers has resulted in no indication of structural distress which would reflect adversely on these conditions. This experience is regarded as providing sufficient justification for permitting other types of transport category airplanes to engage in trial operations. In this regard, the Board has been advised by the manufacturers of their belief that most of the existing transport category airplanes meet satisfactorily the terms of the structural waiver with respect to such items as strength and sudden fatigue failure.

In order to facilitate the accumulation of the necessary operating experience, it is believed appropriate to extend the terms of the existing waivers so as to permit any number of any type of transport category airplane to be operated at increased zero fuel and structural landing weights in cargo service for a period of two years. During this period the Board expects interested persons to submit their evaluation of the trial operations and recommendations resulting

therefrom with respect to future regulatory action.

It is envisioned that most of the airplanes taking advantage of this regulation will continue to be used in cargo service. However, if any of the airplanes operated under the provisions of this regulation are to be made eligible at any later time for passenger service, the provisions of this regulation require accomplishment of a special inspection and an evaluation of the fatigue limitations. It is suggested that, if it is contemplated to return the airplane to passenger service, the establishment of special inspections and the evaluation of the fatigue limitations be accomplished prior to increasing the airplane weight for cargo service.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective July 1, 1955:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier may operate transport category airplanes which were certificated under the provisions of Part 4a or 4b in cargo service only, subject to the conditions hereinafter set forth:

(1) The air carrier shall submit an application to the Administrator indicating its desire to operate its airplane(s) under the provisions of this special regulation, and indicating which airplane(s) would be involved.

(2) The air carrier shall furnish a statement from each manufacturer for each type of airplane involved indicating in each case that the airplane manufacturer approves the operation of such type of airplane under the provisions of this regulation and that the airplane manufacturer will establish the inspection procedure prescribed in paragraph (4) of this Special Civil Air Regulation and will supervise such inspection as necessary.

(3) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maxima approved in full compliance with the applicable Civil Air Regulations: *Provided*, That the Administrator of Civil Aeronautics finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the Civil Air Regulations: *And provided further* That any increase in the zero fuel weight approved shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in the zero fuel weight.

(4) Airplanes for which the increased weights become effective shall be subject to inspections in addition to those normally performed, such inspections to be

established by the manufacturer of the type airplane concerned, subject to the approval of the Administrator of Civil Aeronautics and to be supervised as found necessary by that manufacturer, to safeguard against possible structural distress resulting from the higher operating stress levels. Results of such inspections shall be reported to the Administrator of Civil Aeronautics at such times as he shall establish.

(5) Airplanes for which the increased weights become effective shall be operated in accordance with the transport category performance operating limitations prescribed in Part 40, 41, or 42 of the Civil Air Regulations, whichever is applicable.

(6) The air carrier shall keep and make available, upon request, to the Civil Aeronautics Board, the Administrator of Civil Aeronautics, or the manufacturer of the type airplane concerned, records of all flights conducted with airplanes for which the increased weights become effective, such records to include the actual take-off, zero fuel, and landing weights.

(7) The Airplane Flight Manual of each airplane operating under the provisions of this special regulation shall be appropriately revised so as to include the necessary operating limitations and operating information.

(8) An airplane which has been operated at increased weights under the provisions of this regulation shall not be used for the carriage of passengers, except under the following conditions:

(a) Special inspections established by the manufacturer and approved by the Administrator of Civil Aeronautics shall have been accomplished.

(b) The effects of the operations at increased weights on structural fatigue shall have been evaluated by the airplane manufacturer and taken into account in any fatigue limitations established for the airplane.

This regulation shall terminate on June 30, 1957, unless sooner superseded or rescinded.

(Sec. 205, '52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-5412; Filed, July 5, 1955; 8:56 a. m.]

[Supp. 8]

PART 50—AIRMAN AGENCY CERTIFICATES
MISCELLANEOUS AMENDMENTS

The standards for the certification of air agencies are revised to provide a more realistic and workable standard for such agencies. These revisions were developed by the Administrator as a result of the experience gained during the field usage of Civil Aeronautics Manual 50. In addition to changes to the commercial and private flying school curriculums, which are necessary to bring the CAA standards in line with the ICAO

standards, this supplement includes the following revisions: (1) Clarification of standards by which applicants may determine whether airports provide minimum clearance and operating distances (§ 50.12-1), (2) clarification of flight equipment requirements (§ 50.12-3) (3) the addition of a requirement that the chief flight instructor for the commercial course hold an instrument rating (§ 50.12-5) and a new section which permits agencies to use the minimum curriculum set forth in the manual, or submit their own proposed curriculum for approval by the Administrator (§ 50.20-2), and (4) clarification of flight test requirements for approved school graduates (§ 50.26-2)

Civil Aeronautics Manual 50 as published in 19 F. R. 2443-2450 on April 27, 1954, and in 19 F. R. 2463 on April 28, 1954, is revised as follows:

1. Section 50.12-1 is revised to read as follows:

§ 50.12-1 *Airport (CAA policies which apply to § 50.12 (a))* At least one runway or takeoff area should be provided which will permit the training aircraft used by the air agency to make a normal takeoff at full gross weight, under calm wind (not in excess of 5 m. p. h.) conditions and temperatures equal to the mean high temperature for the hottest month of the year for the operating area, and clear all obstacles in the takeoff flight path by at least 50 feet. The powerplant operation and the landing gear and flap operation, if applicable, should be that recommended by the manufacturer. There should be a smooth transition made from lift-off to the best rate of climb airspeed, and no exceptional piloting skills or techniques should be required. These standards also apply to any outlying fields utilized for training purposes other than those that may be used for training in the principles and procedures to follow in coping with critical situations.

2. Section 50.12-3 is revised to read:

§ 50.12-3 *Flight equipment (CAA policies which apply to § 50.12 (d))*. (a) All airplanes used for flight instruction of students enrolled in an approved air agency course should be properly certificated under Part 3 or Part 4 of this subchapter; maintained in accordance with Part 43 of this subchapter; registered in the name of the agency or operated under a lease. In addition, airplanes must be provided which are equipped with instrumentation appropriate to applicable requirements of § 50.13. At least one airplane must be provided for each fifteen (or fraction) students enrolled in the flight course, and a sufficient number of airworthy airplanes must be available at the training location for the flight training periods.

(b) Flight equipment for the commercial course must include airplanes of at least two different types* which are

* Type, as defined in Part 20 of this subchapter and as used in this section, means all aircraft of the same basic design, including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

significantly different in performance, flight characteristics, and operating requirements. One airplane must have a demonstrated cruising speed of not less than 120 m. p. h. using ME10 power.²⁴ Airplanes utilized in the radio navigation or instrument flight portion of the curriculum must be equipped with the minimum instrumentation and radio equipment required by § 43.30 (c) of this subchapter and in addition, a gyroscopically operated pitch indicator.

(c) Each training aircraft must have in the aircraft, available to the pilot trainee, an appropriate pilot's training checklist which contains essential operational data concerning prestarting procedure; warmup procedure; pretakeoff procedure; cruising flight procedure; prelanding procedure; shutting down procedure; and emergency procedure for critical flight situations involving aircraft/engine troubles; flight configurations and operational speeds for severe turbulence; and single-engine operation where appropriate.

(d) An approved air agency with commercial rating and/or instrument rating must have available a simulated flight training device acceptable to the Administrator, or must give all required instrument flight training in aircraft.

3. § 50.12-5 is revised to read:

§ 50.12-5 *Chief instructors (CAA policies which apply to § 50.12 (g))* (a) Each flight training course offered by the agency will be under the direct supervision of a chief flight instructor who will possess the necessary flight, experience qualifications for a CAA designated pilot examiner for the rating for which the course is given. The chief flight instructor on a commercial course should also hold a currently valid instrument rating.²⁵ One person may be designated chief flight instructor for multiple courses. A flight instructor on an instrument course, or on the instrument flight instruction portion of any other course should possess a currently valid instrument rating.

(b) The agency will assign, and the designated chief flight instructor will accept, responsibilities which include at least the following: Ensuring that student, instructor, and aircraft schedules are appropriate and operationally effective; training meets program objectives and performance standards; student progress and accomplishment records are correctly maintained and up to date; and applications for pilot certificates or ratings are correctly executed.

(c) Further, the agency will assign, and the chief flight instructor will accept, duties which include at least the following: Administering trainee proficiency flight checks including the final

or pretest flight check; administering instructor proficiency and standardization flight checks; maintaining liaison between the CAA and the training agency with reference to flight training techniques, methods, procedures, and student and instructor proficiency; and serving as the agency's official representative for certification of student competence and eligibility for CAA tests, certificates, or ratings.

(d) The local Aviation Safety District Office will be notified in writing of any change in designation of chief instructor.

4. The first paragraph of § 50.13-1 is revised to read:

§ 50.13-1 *Flying school curriculum; airplanes; land and sea (CAA policies which apply to § 50.13)* The Administrator will approve a curriculum which meets the following performance standards and objectives:

5. Section 50.13-1 (a) (4) (xiii) is revised to read:

§ 50.13-1 *Flying school curriculum; airplanes; land and sea (CAA policies which apply to § 50.13)*. * * *

(a) *Primary flying school curriculum.* * * *

(4) *Training items and maneuvers.* * * *

(xiii) *Cross-country flying.*

Objective: To develop the student's ability to pilot aircraft safely and expeditiously from one location or point to another location or point by means of various piloting and navigational techniques.

Standard: Student will demonstrate: familiarity with weather reporting facilities, aeronautical charts, the Airman's Guide, Flight Information Manual, and Aircraft Flight Manual; and ability to correctly plan a cross-country flight to a destination not less than 200 miles distant from the base airport, and to make correct estimates of arrival times based on available data. Also, the student will be expected to start the cross-country flight that he has planned, establish the correct compass heading required to maintain his desired track; identify preselected check points en route; establish his ground speed at the time of passing the second check point, and estimate arrival time, with ± 5 minutes, at the next check point or at destination. En route, a student will demonstrate his ability to make good the desired track within ± 1 mile and maintain a preselected altitude within ± 200 feet. Also, the student will demonstrate ability to properly file, use, and close a VFR flight plan.

Curriculum: Course will include not less than 5 hours of solo cross-country flying, in which at least one solo flight is made to a destination not less than 200 miles from the base airport. The course will also include instruction in preflight preparation, such as proper loading in accordance with the aircraft operating limitations, proper fueling, thorough check of all available weather information which may be pertinent to the flight proposed, check of facilities and services required and available, check of landing area conditions at destination, and potential alternate landing areas. Student should also be given operational experience into and out of surfaced and unsurfaced landing areas, landing strips, small fields, fields at high or simulated high elevations, and fields where heavy traffic conditions exist. (A heavy traffic condition will be considered to exist where at least four aircraft are in the traffic pattern at the same time.)

6. Section 50.13 (b) (1) through (b) (3) is revised to read:

§ 50.13-1 *Flying school curriculum; airplanes; land and sea (CAA policies which apply to § 50.13)* * * *

(b) *Commercial flying school curriculum.* (1) To be acceptable, the required curriculum will provide at least 160 hours of flying,⁶ of which at least 100 hours will be solo flight. At least 20 hours of the solo flight time will be acquired in cross-country flying. The curriculum will include at least the training phases or maneuvers listed below, and a demonstration of student knowledge and performance to the standards indicated. For instructor-student preflight and postflight discussion, total time will be provided at the rate of not less than 15 minutes for each hour of flight.

(2) The flight maneuver tolerances, for determination of a trainee's ability, are those that are expected in smooth air and which can be attained on a repeated basis. Allowance is to be made for gusty air or other extenuating circumstances.

(3) Training items and maneuvers will include, but not be limited to, the following:

7. Section 50.13-1 (b) (3) (xiii) through (b) (3) (xv) is revised and a subdivision (xvi) is added as follows:

§ 50.13-1 *Flying school curriculum; airplanes; land and sea (CAA policies which apply to § 50.13)*. * * *

(b) *Commercial flying school curriculum.* * * *

(3) *Training items and maneuvers.* * * *

(xiii) *Cross-country flying and radio navigation.*

Objective: To develop the student's ability to safely and expeditiously pilot aircraft from one location or point to another location or point by means of various piloting and navigational techniques; to properly and effectively utilize radio aids to navigation; and to make proper use of flight plans.

Standard: Same as primary flying school curriculum. In addition, a student will demonstrate at least two standard radio range orientation procedures, one of which may utilize VHF/VOR equipment; ability to identify radio stations; follow a radio range leg and/or radial; locate the cone of silence and/or stations; and ability to proceed to the associated landing area from the station, in accordance with the published Final Approach Procedure, as set forth in the Flight Information Manual or the Radio Facility Chart.

Curriculum: Course will include all items covered in the cross-country phase of the primary flying school curriculum. The commercial curriculum will also include at least 20 hours of cross-country solo flying time which will include at least one cross-country flight to a destination at least 350 miles from the base airport, and flights requiring the setting up and accurate execution of flight plans; the use of one or more radio aids to navigation; the proper procedures for flight in Air Defense Identification Zones; and dead reckoning procedures.

(xiv) *Basic instrument flying.*

Objective: To develop in the student the ability to maintain correct airplane basic flight attitudes, while encountering unex-

⁶ Student progress or stage flight checks may be credited toward total required time provided they are conducted by an agency employed flight instructor or by a CAA Aviation Safety Agent.

²⁴ Appendix C shows a list of makes and models which meet this requirement. Applicants should contact an Aviation Safety District Office for approval of unlisted makes and models. Appendix C not filed with Federal Register Division.

²⁵ A school now employing a chief flight instructor who does not hold a currently valid instrument rating will be given one year from the effective date of this revision in which to comply.

pected adverse atmospheric conditions, solely by reference to instruments; and to meet the international (ICAO) instrument flying experience standards for an unrestricted commercial pilot certificate.

Standard: The student will demonstrate ability to execute the following maneuvers under simulated instrument conditions: Maintain an assigned heading within $\pm 5^\circ$ in cruising level flight and at cruising speeds and configurations recommended for rough air operations, for a period of at least 5 minutes, while maintaining an assigned altitude within ± 100 feet; execute controlled climbs and descents at the recommended best rate of climb and glide speeds, within ± 10 m. p. h., maintaining a heading within $\pm 10^\circ$ and climbing or descending to a pre-assigned altitude, including a smooth transition to level flight cruising without passing the altitude in excess of 100 feet; execute timed turns (both by clock and by count) in level flight to assigned headings within $\pm 20^\circ$ for a 360° turn and while maintaining altitude within ± 100 feet; execute a 720° turn, in level flight, with a 45° bank, $\pm 10^\circ$ and execute recovery from unusual attitudes to straight and level flight on assigned headings.

Curriculum: Course will include not less than 10 hours of instrument flight experience of which at least 5 hours must be instrument flight instruction given under simulated instrument flight conditions by a pilot holding currently valid commercial, flight instructor, and instrument ratings. The remaining time may be given under the above conditions, or under simulated instrument flight conditions in an airplane with a flight instructor safety pilot, or by an appropriately rated ground instructor, in a mechanical trainer acceptable to the Administrator. Emphasis is to be placed on attitude flying rather than on navigation.

Instruction will cover proper utilization of such instruments as the bank and turn indicator, the gyroscopically operated direction indicator, gyroscopically operated pitch and bank indicator, sensitive altimeter, and sweep second clock.

The course will also include instruction on procedures to follow, with particular emphasis on recommended airspeeds, airplane configurations, and power settings to be used upon encountering turbulent air or other unfavorable flying conditions.

(xv) **Night flying.** All required night flying must be performed in accordance with the provisions of Part 43 and Part 60 of this subchapter.

Objective: To develop in the student the necessary skills, techniques, and judgment which will enable him to safely conduct flight operations under conditions of darkness or under conditions of restricted visibility; and to meet the international (ICAO) standards for an unrestricted commercial pilot certificate.

Standard: Same standard of performance as required for basic instrument flying relating to taxiing, takeoff and landings, straight and level flight, turns, climbs and glides, and emergencies.

Curriculum: Course will include at least 5 hours of night flying including not less than 10 takeoffs and landings to complete stops with the student as pilot-in-command and sole manipulator of the controls.

(xvi) **Transition to and operation of representative current type transportation airplanes.**

Objective: To develop student adaptability to and employment of correct operating practices applicable to current type transportation type airplanes.

Standard: The student will demonstrate ability to solo two different types of airplanes as set forth in § 50.12-3. The demonstration

will include at least the following: determination of the airplane's readiness for flight, by correctly completing the preflight preparatory procedures; display of accurate knowledge of the airplane's operating characteristics, limitations, and performance; powerplant operational limitations; operating procedures and limitations of radio navigation and communication equipment, and emergency procedures; actual operation demonstrating the correct procedures and practices involved in takeoff and departure; in-flight maneuvers at minimum controllable airspeed, and also at maximum structural cruising airspeed; ^{ca} approach, landing, and post-flight procedures. For this demonstration the airplane will be loaded to full gross weight.

Curriculum: Course will include at least 5 hours of solo operation in each of two or more types of airplanes required under the provisions of § 50.12-3. The course will also include instruction on procedures to be followed in the critical and emergency situations specified under § 50.13-1 (b) (3) (xi), and manual operation of gear and flaps where appropriate; replacement of fuses in electrical systems controlling gear, flaps, or propeller, where appropriate; correct use of fuel tanks, tank selector(s) and fuel quantity indicator(s) recommended use of flaps for takeoff and landing under various configurations and conditions of loading, and temperature/field elevation; landings to complete stops with and without use of flaps and/or brakes; proper loading, weight and balance; significance of placard speeds; cross-country operation; and operational use of navigational aids, communications, and flight instrumentation equipment.

8. Section 50.13-2 is revised to read:

§ 50.13-2 *Flying school curriculum, helicopters (CAA policies which applies to § 50.13)* The applicant will submit a proposed curriculum which will meet at least the minimum flight experience requirements set forth in § 50.13.

9. Section 50.13-3 is revised to read:

§ 50.13-3 *Flying school curriculum, gliders (CAA policies which applies to § 50.13)* The applicant will submit a proposed curriculum which will meet at least the minimum flight experience requirements set forth in § 50.13.

10. A new § 50.20-2 is added to read:

§ 50.20-2 *Curriculum to accompany application (CAA policies which applies to § 50.20)* Each applicant should submit with his application, a copy of his own proposed curriculum, or use the appropriate curriculum recommended by the Administrator in paragraphs (a), (b) (c) and (d) of this section.

(a) *Primary curriculum—(1) Phase I—Basic flying—(i) Airplane equipment familiarization.* (a) Use of cockpit controls.

(b) Fuel system operation, octane required.

(c) Fire extinguisher, first aid kit, etc.

(ii) *Preflight preparatory procedures.* (a) Use of checklist.

(b) Safety principles for engine.

(c) Hand signals for ground operations.

(d) Equipment checks.

(e) Local taxiing and traffic rules.

(iii) *Taxiing and parking.* (a) Principles of and safety practices in taxiing

and parking, including engine operation and speed control under typical wind and surface conditions.

(b) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.

(c) (If seaplane training) Principles, procedures and operations on water bodies (calm and choppy), involving taxiing; sailing; beaching; docking; and mooring.

(iv) *Takeoffs and landings.* (a) Principles and procedures for obtaining ground path control; takeoff and climb-outs at the best angle of climb speed, approaches at recommended speed, and flared landings, transition to touchdown without gear side loads.

(b) Operations on hard surfaced runways.

(c) Operations on sod surfaced areas.

(d) Operations at controlled airports.

(e) Operations at uncontrolled airports.

(f) Operations in heavy local traffic.

(g) Operations in crosswinds.

(h) Operations in gusty winds.

(i) Landings using power-on approaches and slips.

(j) (If seaplane training) Principles and procedures and operations involving takeoffs and landings.

(v) *Straight and level flight.* (a) Principles for attitude maintenance in gusty air, momentary deviations, etc.

(b) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.)

(c) Maintenance of flight path over ground.

(vi) *Turns.* (a) Flight control functions.

(b) Principles in overbanking tendencies.

(c) Principles for obtaining and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.)

(d) Transitions to and maintenance of desired banks and altitudes.

(vii) *Climbs and glides.* (a) Principles of attaining and maintaining a normal angle in climbs and descents.

(b) 10° - 30° banked turns.

(c) 30° - 60° banked turns.

(d) Spirals with bank at least 45° , through 720° - 1080°

(viii) *Stalls.* (a) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.

(b) Stalls and recoveries from takeoff and departure configurations.

(c) Stalls and recoveries from approach and landing configurations.

(d) Stalls and recoveries from accelerated maneuvering.

(e) Fully developed stalls and recoveries, including correct power usage to level flight.

(ix) *Flight at minimum controllable airspeed (slow flight)* (a) Principles for establishing and maintaining slow flight.

(b) Stabilized slow flight in turns at constant altitude.

(c) Stabilized slow flight in turning climbs and descents.

(d) Effects of power usage during slow flight.

^{ca} For this figure see CAA Aircraft Specifications which may be obtained from any CAA agent or DAMI.

(2) *Phase II—Navigational and critical situations*—(i) *Pattern and track flying*. (a) Principles for establishing and maintaining a track over the ground.
 (b) Constant radius turns about a point.
 (c) "8's" around pylons.
 (d) "S" turns across a road.
 (e) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.)
 (ii) *Emergencies and critical situations*. (a) Principles and safe flying practices involved, when encountering items below:
 (1) Being lost.
 (2) Low on fuel.
 (3) Turbulent air.
 (4) Adverse flight visibility conditions.
 (5) Radio station shutdowns.
 (6) Motor trouble.
 (7) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.
 (8) Instrument/communication/navigation equipment trouble.
 (9) Icing conditions (carburetor, wings, propeller)
 (iii) *Small, soft and high altitude/temperature field operations*. (a) Principles and safe flying practices for effecting takeoffs and landings, climb-out and approach flight plans.
 (b) Takeoffs and landings at small fields (includes operation over obstacles)
 (c) Takeoffs and landings on soft surfaces.
 (d) Takeoffs and landings under conditions of high density/operational altitudes.
 (iv) *Cross-country flying (5 hours solo minimum)*. (a) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of CAA facilities, and compliance with parts 43, 60, and 62 of this subchapter.
 (b) Loading of airplane.
 (c) Weather information.
 (d) Facilities to be used.
 (e) Operations to strange airports of varying size, altitudes, traffic conditions, 200 miles distant, etc.
 (v) *Radio*. (a) Airport traffic control procedures.
 (b) Preparing, filing and closing flight plans.
 (c) Use of radio aids to navigation.
 (3) *Minimum total course times*.
 (i) *Flight time*, 35 hours.
 (ii) *Ground instruction time*, 8 hours, 45 minutes.
 (4) *Progress checks*. (Ref. § 50.12-5)
 (i) *Solo*.
 (ii) *Basic flying phase*.
 (iii) *Navigational and critical situations phase*.
 (iv) *Final (for CAA certificate)*
 (b) *Commercial curriculum*—(1) *Phase I—Basic flying*—(i) *Aircraft equipment familiarization and procedures for control and use*. (a) Principles and procedures for control and use of flight force(s) effects on wing/tail surface, flight controls and for control and use of power effects through mixture, carburetor heat, etc.
 (b) Use of cockpit controls.
 (c) Fuel system operation, octane required.

(d) Fire extinguisher, first aid kit, etc.
 (ii) *Preflight preparatory procedures*.
 (a) Principles involved in each preparatory procedure.
 (b) Use of checklist.
 (c) Safety principles for engine.
 (d) Hand signals for ground operations.
 (e) Equipment checks.
 (f) Local taxiing and traffic rules.
 (iii) *Taxiing and parking*. (a) Principles and safety practices in taxiing and parking, including engine operation and speed control under typical wind and surface conditions.
 (b) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.
 (c) (If seaplane training.) Principles, procedures and operations on water bodies (calm and choppy), involving taxiing; sailing, beaching; docking; and mooring.
 (d) (If seaplane training.) Principles, procedures and operations on water subject to tidal or current action involving soiling and beaching; docking; and mooring.
 (iv) *Takeoffs and landings*. (a) Principles and procedures for obtaining ground path control; takeoff and climb-outs at the best angle of climb speed, approaches at recommended speed, and flared landings, transition to touchdown without gear side loads.
 (b) Operations on hard surfaced runways.
 (c) Operations on sod surfaced areas.
 (d) Operations at controlled airports.
 (e) Operations at uncontrolled airports.
 (f) Operations in heavy local traffic.
 (g) Operations in crosswinds.
 (h) Operations in gusty winds.
 (i) Landings using power-on approaches and slips.
 (j) (If seaplane training.) Principles and procedures and operations involving takeoffs and landings.
 (k) (If seaplane training.) Operations from water affected by tide and current.
 (v) *Straight and level flight*. (a) Principles for attitude maintenance in gusty air, momentary deviations, etc.
 (b) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.)
 (c) Maintenance of flight path over ground.
 (vi) *Turns*. (a) Principles of and familiarization with aerodynamic forces involved and available for turning purposes under full load and varying power conditions.
 (b) Flight control functions.
 (c) Principles in overbanking tendencies.
 (d) Principles for establishing and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.)
 (e) Transitions to and maintenance of desired banks and altitudes.
 (vii) *Climbs and glides*. (a) Principles of establishing and maintaining a normal angle in climbs and descents.
 (b) 10°-30° banked turns.
 (c) 30°-60° banked turns.

(d) Spirals with bank at least 45°, through 720°-1080°
 (e) Use of power and speed control to maintain preassigned rates of descent and ascent.
 (viii) *Stalls*. (a) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.
 (b) Stalls and recoveries from takeoff and departure configurations.
 (c) Stalls and recoveries from approach and landing configurations.
 (d) Stalls and recoveries from accelerated maneuvering.
 (e) Fully developed stalls and recoveries, including correct power usage, to level flight.
 (ix) *Flight at minimum controllable airspeed (slow flight)* (a) Principles for establishing and maintaining slow flight.
 (b) Stabilized slow flight in turns at constant altitude.
 (c) Stabilized slow flight in turning climbs and descents.
 (d) Effects of power usage during slow flight.
 (2) *Phase II—Navigational and critical situations*—(i) *Pattern and track flying*. (a) Principles for establishing and maintaining a track over the ground.
 (b) Constant radius turns about a point.
 (c) "8's" around pylons.
 (d) "S" turns across a road.
 (e) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.)
 (ii) *Emergencies and critical situations*. (a) Principles and safe flying practices involved, when encountering items below:
 (1) Being lost.
 (2) Low on fuel.
 (3) Turbulent air.
 (4) Adverse flight visibility conditions.
 (5) Radio station shutdowns.
 (6) Motor trouble.
 (7) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.
 (8) Instrument/communication/navigation equipment trouble.
 (9) Icing conditions (carburetor, wings, propeller).
 (b) Principles and procedures for determining and executing a course of action for forced landings that, if carried through, would most likely result in a safe landing with minimum, if any, damage to the airplane or injury to occupants.
 (iii) *Small, soft and high altitude/temperature field operations*. (a) Principles and safe flying practices for effecting takeoffs and landings, climb-out and approach flight plans.
 (b) Takeoffs and landings at small fields (includes operation over obstacles).
 (c) Takeoffs and landings on soft surfaces.
 (d) Takeoffs and landings under conditions of high density/operational altitudes.
 (iv) *Cross-country flying and radio navigation (20 hours)*. (a) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of

CAA facilities and compliance with Parts 43, 60, and 62 of this subchapter.

(b) Loading of airplane.

(c) Weather information.

(d) Facilities to be used.

(e) Operations to strange airports of varying size, altitudes, traffic conditions, 350 miles distant, etc.

(f) Operations to airports in which flight plans are filed, followed, and closed, one or more radio aids to navigation are used; and dead reckoning navigation employed. Procedures for operations in Air Defense Identification Zones.

(v) *Basic instrument flying (minimum 10 hours, 5 hours instrument instruction)* (a) Principles and procedures for maintaining and controlling airplane flight attitudes and speeds, solely by reference to instruments, and maintaining flight within airplane's operational limitations.

(b) Operations using a gyroscopically operated bank and direction indicator, a gyroscopically operated rate of turn indicator, a gyroscopically operated pitch indicator, a sensitive altimeter, and a sweep second clock.

(c) Principles and procedures for coping with turbulent air conditions, including recommended airspeed, airplane configuration and power settings.

(d) Operations (solely by reference to instruments) in turbulent air.

(vi) *Night flying (minimum 5 hours (10 takeoffs and landings))* (a) Principles and procedures for conduct of night flights from takeoff to destination and landing, including procedures for coping with critical and including emergency situations.

(b) Operations at night (during the period from one hour after sunset to one hour before sunrise) must include at least 10 takeoffs and landings to complete stops with students as pilot-in-command and sole manipulator of the controls.

(vii) *Transition to and operation of representative current type transportation airplanes (5 hours solo minimum)*

(a) Principles and procedures to be followed in making a transition from a familiar type airplane to one with significantly different flight performance and operating characteristics. Includes determination of the correct fuel consumption and use of fuel system tanks, selector(s) and indicator(s) use of flaps for takeoff and landing under various configurations and conditions of loading, loading to be within CG limits, operational recommended speeds and limitations for the engine and airplane, procedures for use of communication, navigation and flight instrumentation equipment, and procedures to be used under the emergency situations of § 50.13-1 (b) (3) (xi) and for normal gear extension (if applicable)

(b) Operations of different type transportation airplane at gross weight, which will include preflight procedures, takeoffs and departures, in-flight maneuvers at minimum controllable airspeed, the design maximum structural cruising speed, best angle and rate of climb airspeed(s) and configuration(s) approaches and landings using recom-

mended approach speed and configuration, and postflight procedures.

(3) *Minimum total course times.*

(i) *Flying time*, 160 hours.

(a) Solo flight, 100 hours.

(b) Cross-country solo, 20 hours.

(ii) *Ground instruction*, 40 hours.

(4) *Progress checks.* (Ref. § 50.12-5)

(i) *Solo.*

(ii) *Basic flying phase.*

(iii) *Navigation and critical situations phase.* (a) VFR operations.

(b) Basic instrument flying.

(c) Night flying.

(iv) *Final (for CAA certificate)*

(c) *Instrument curriculum*—(1)

Phase I—Basic flying—(i) *Straght and level flight.* (a) Principles, procedures and operating limitations for all flight instruments for control of attitude, altitude, direction and speed.

(b) Smooth air operation at cruising speed.

(c) Turbulent air operation at recommended rough air speed.

(ii) *Turns.* (a) Principles, procedures and operating limitations for control of rate of turn to predetermined headings (including timed turns)

(b) Smooth air operation at cruising speed.

(c) Turbulent air operation at recommended rough air speed.

(iii) *Climbs, descents and spirals.* (a) Principles, procedures and operating limitations for control of rate of climb and descent to predetermined altitudes.

(b) Smooth air operation at recommended best rate of climb and glide speeds and airplane configurations.

(c) Same as b, but in rough air.

(iv) *Stalls.* (a) Principles and procedures for detection of and recovery from partial and full stalls.

(b) Stall detection and recoveries.

(c) Full stall recoveries.

(v) *Recovery from unusual attitudes.*

(a) Principles and procedures for coping with unusual attitudes and for critical engine inoperative situations on multi-engine airplanes (including effecting recoveries within operating and structural limitations)

(b) Recoveries to level flight attitudes and speeds.

(c) Operation with critical engine inoperative. (Multiengine airplanes only.)

(2) *Phase II—IFR communications, navigation and approaches*—(i) *Estimation of arrival times.* (a) Principles and procedures for preparing a complete flight plan and the correct computation of estimated arrival times over check points, at destination, and at an alternate airport.

(b) Flight planning: (Weather data, navigational procedures, airplane performance data, flight charts, approach procedures, etc.)

(c) Flight from point to point.

(ii) *Tuning radio equipment.* (a)

Principles and procedures for selection of frequencies, use of volume control, use of voice and range filters, use of dual equipment—when installed.

(b) Use of equipment in flight.

(iii) *Orientation.* (a) Principles and procedures for orienting on a range leg, or radial, and identification of position.

(b) Range orientation and identification from an unknown position.

(iv) *Following a range leg or radial.*

(a) Principles and procedures for aligning with and maintaining flight path and altitude along range leg or radial.

(b) Range leg or radial alignment and following.

(v) *Locating range stations.* (a) Principles and procedures for locating and identifying arrival over station.

(b) Location and identification of station.

(vi) *Instrument approach procedures.*

(a) Principles and procedures for execution of the correct approach procedure for the station and airport involved. (Includes familiarization with radio facility charts, radio range charts and terminal charts.)

(b) Execution of approaches to standard minimums for airport involved. (Also to 500 feet and 1 mile at some other airport if local airport has higher minimums.)

(vii) *Missed approach procedures.*

(a) Principles and procedures for execution of the correct missed approach procedures.

(b) Execution of missed approach procedures for airport involved.

(viii) *Air traffic control procedures.*

(a) Familiarization with and procedures for compliance with ATC clearances and/or instructions, including holding and emergency procedures.

(b) Receipt and execution of ATC clearances and/or instructions.

(3) *Minimum total course times.*

(i) *Ground instruction*, 30 hours.

(ii) *Flying time* (20 hours in flight), 30 hours.

(4) *Progress checks.* (Ref. § 50.12-5.)

(i) *Phase I—Basic instrument flying.*

(ii) *Phase II—IFR communications, navigation and approaches.*

(d) *Flight instructor curriculum.*

(1) *Flight portion*—25 hours of flying.

(i) *Phase I—Performance skills.* (a)

All items and maneuvers listed in CAM 20 for private, commercial, and flight instructor flight tests; all items and maneuvers listed in CAM 50 private, and commercial flying school curriculums; lazy 8's and chandelles.

(ii) *Phase II—Instructional skills.*

(a) Development of methods, skills, and techniques of imparting knowledge skills, etc., to students, in all of the items and maneuvers of Phase I.

(2) *Ground instruction portion*—40 hours.

(i) *Fundamentals of flight instructions.* (a) Basic learning characteristics.

(b) Determination of objectives, or aims.

(c) Instructional management (preparation and execution)

(d) Teaching methods and techniques.

(e) Evaluation techniques.

(ii) *Analysis of flight maneuvers and flight techniques.* (a) Theory of flight.

(b) Control functions and effects.

(c) Common student errors—causes and remedies.

(d) Common flight instructor deficiencies—causes and remedies.

(e) Principles of safety.

11. Section 50.26-1 revised to read:

§ 50.26-1 *Student flight checks (CAA policies which apply to § 50.26)* (a) The holder of an airman agency certificate will, upon request of the local Aviation Safety District Office, submit students for flight proficiency checks which are intended to determine the quality of instruction and compliance with the curriculum. Not less than 10 percent of all approved school students will be flight checked by CAA agents after completion of at least 50 percent of the flight curriculum. The flight test for the pilot certificate appropriate to the curriculum from which the student has graduated may be substituted for the above flight check provided such flight test is conducted by an Aviation Safety Agent. In order to facilitate scheduling of these spot flight checks, the agency will notify the local Aviation Safety District Office of the names of all students whom they expect to graduate. This notice should be submitted in writing at least 15 days in advance of the date on which the graduation certificate is to be issued.

(b) Any flight check given by a CAA agent, designated flight examiner, or chief flight instructor for determination of quality of instruction being given, or for determination of agency compliance with its curriculum, will be based on the standards set forth in CAM 50 for each item of the appropriate curriculum. Applicants for pilot certificates or ratings will be flight tested in accordance with the appropriate performance standards set forth in CAM 20.

12. Section 50.26-2 is revised to read:

§ 50.26-2 *Student ground instruction checks (CAA policies which apply to § 50.26)* A CAA Aviation Safety Agent may, at any reasonable time, question or examine an airman agency student on appropriate subjects or items which are a part of the curriculum in a course in which the student is enrolled and which have, according to the school course schedule and records, been covered. Such check is for the purpose of determining compliance with the curriculum, and quality of instruction being given.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

This supplement shall become effective August 15, 1955.

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

[F. R. Doc. 55-5399; Filed, July 5, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5768]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

C. E. NIEHOFF & CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—Price Discrimination Under 2 (a) § 13.725 Cumulative quantity discounts*

and schedules; § 13.755 Pooling orders of chain stores and buying groups. In, or in connection with, the sale of automotive products in commerce, as "commerce" is defined in the Clayton Act, and on the part of respondent corporation, and its officers, representatives, etc., directly or through any corporate or other device, discriminating, directly or indirectly, in the price of said automotive products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser, which purchasers compete, in fact, in the resale of said products; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, C. E. Niehoff & Co., Chicago, Ill., Docket 5768, May 17, 1955]

In the Matter of C. E. Niehoff & Co.

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondent with violation of section 2 (a) of the Clayton Act by selling in commerce its automotive products at different prices to purchasers who compete with each other in the resale thereof, so that the effect may be to substantially lessen competition and tend to create a monopoly in both the seller's and buyer's lines of commerce, or to injure, destroy, or prevent competition with the respondent, with those of its purchasers buying at respondent's lower prices or with the customers of either; and upon respondent's amended answer.

By said answer, respondent admitted its corporate status and that it was engaged in interstate commerce and in competition with others selling comparable automotive products; that it charged different customers different prices for the same products based on the quantity thereof purchased; denied that many of its customers competed in the resale of products sold them by it; denied that it discriminated in price between customers; alleged that most of its customers resold wholly in intrastate commerce; alleged that its price differentials made only due allowance for differences in the cost of sale or delivery resulting from the differing methods or quantities in which its products were sold or delivered; and finally alleged that any such price differentials were granted in good faith to meet an equally low price of a competitor, or the equally low prices of various of its competitors.

Thereafter, following the conduct of the proceeding, including the reception of testimony and other evidence, and the making by said hearing examiner of his initial decision, comprising certain findings as to the facts and conclusion, and order to cease and desist; cross-appeals from said initial decision filed by the respondent and counsel supporting the complaint; and the rendering by the Commission of its opinion and decision, the matter was disposed of by the Commission's "Final Order", dated May 17, 1955, as follows:

Counsel for respondent C. E. Niehoff & Co., and counsel supporting the complaint, having respectively filed on November 18, 1954, and November 19, 1954,

their cross appeals from the initial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying the respondent's appeal and granting in part the appeal of counsel supporting the complaint and affirming the initial decision as modified:

It is ordered, That the order contained in the initial decision be, and it hereby is, modified to read as follows:

It is ordered, That respondent C. E. Niehoff & Co., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the sale of automotive products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of said automotive products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser, which purchasers compete, in fact, in the resale of said products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

By the Commission.

Issued: May 17, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-5413; Filed, July 5, 1955; 8:56 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter IV—Foreign-Trade Zones Board

[Order 39]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 8 of the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 1000; 19 U. S. C. 81h) the General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure (15 CFR Part 400), are hereby amended as follows:

1. Amend § 400.1301 to read as follows:

§ 400.1301 *Organization of Board.* The Secretary, as Chairman of the Board, shall designate an Executive Director of Foreign-Trade Zones Operations. The duties of the Executive Director shall be to arrange meetings of the Board, to keep accurate minutes of the Board's deliberations, to direct the execution of the orders of the Board, to initiate recommendations to the Board for uniform procedures and practices in the several zones, to make periodic inspections of the zones, and to perform such other duties as are required by the Secretary of Commerce as Executive Officer of the Board, and as the Board may direct. The Executive Director is

authorized to appoint staff members, including an Assistant Executive Director who will assist him generally and act for him in his absence. All records of the Board will be maintained in the office of the Executive Director.

2. Amend § 400.1307 to read as follows:

§ 400.1307 *Applications*. Upon receipt of an application, the Executive Director of Foreign-Trade Zones Operations will designate an examiner who will investigate the application and accompanying exhibits for compliance with the provisions of §§ 400.600 to 400.608.

3. Amend § 400.1308 to read as follows:

§ 400.1308 *Examiners Committee*. If the application and accompanying exhibits are in order, the Executive Director of Foreign-Trade Zones Operations will appoint an Examiners Committee and designate a chairman. This committee will consist of an examiner from the Office of Foreign-Trade Zones Operations who has examined the application as provided in § 400.1307, the collector of customs and the district engineer in whose districts the proposed zone is to be located. The committee will then make a thorough investigation of the application and report its findings to the Board.

(Sec. 8, 48 Stat. 1000; 19 U. S. C. 81h)

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003), is unnecessary in connection with the issuance of this order, because its application is restricted to the administrative functions of the Foreign-Trade Zones Board, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 28th day of June 1955.

FOREIGN-TRADE ZONES
BOARD,
[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce, Chairman and Executive Officer
Foreign-Trade Zones Board.*

Attest:

JOSEPH M. MARRONE,
Executive Director

[F. R. Doc. 55-5400; Filed, July 5, 1955;
8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

FEEs

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat.

511, 52 Stat. 1055; 21 U. S. C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals (21 CFR 120; 20 F. R. 759, 2304) are amended by changing § 120.33 (d) to read as follows:

§ 120.33 Fees. * * *

(d) Each petition or request for an exemption or a temporary exemption from the requirement of a tolerance, a temporary tolerance, or the amendment or repeal of a tolerance or exemption shall be accompanied by a deposit of \$500.00, unless it meets the requirements of subparagraph (1) or (2) of this paragraph.

(1) Such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section.

(2) A request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level shall be accompanied by a deposit of \$50.00 for clerical handling and initial administrative review plus \$50.00 for each raw agricultural commodity on which the temporary tolerance is sought.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it would be against public interest to delay providing for this amendment and since it conditionally relaxes existing requirements.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 348)

Dated: June 29, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.
[F. R. Doc. 55-5366; Filed, July 5, 1955;
8:45 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146, 146a; 19 F. R. 1141, 20 F. R. 1551, 3825) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) (2) (ii) is revised to read as follows:

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraphs (6) and (7) or (16) and (17) of this paragraph, it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the ingredients in the amounts specified in subparagraphs (6) and (7) or (16) and (17) of this paragraph, except that the coccidiostat shall be only one of those specified in subdivision (i) of this subparagraph.

2. In § 146a.57 *Procaine penicillin and streptomycin in oil* * * *, paragraph (a) (2) is amended by omitting the comma and inserting the following words immediately following the word "sulfonamides": "and papain, if it is intended solely for udder instillations of cattle,"

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it relaxes existing requirements, was drawn in collaboration with interested members of the affected industry, and since it would be against public procedure to delay providing for the amendments set forth above.

I further find, under authority provided by the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c)), that animal feeds containing antibiotic drugs and other ingredients specified in amendment 1 need not comply with sections 502 (1) and 507 of the act in order to insure their safety and efficacy, provided they are used in the amounts and for the conditions specified.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 29, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.
[F. R. Doc. 55-5393; Filed, July 5, 1955;
8:51 a. m.]

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

CHLORAMPHENICOL PALMITATE ORAL SUSPENSION

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996) the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 146d) are amended as indicated below:

Section 146d.306 *Chloramphenicol palmitate oral suspension* is amended in the following respects:

1. In paragraph (a) *Standards of identity* * * * the first sentence is revised to read as follows: "Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings, with or without one or more suitable and harmless vitamin substances, suspended in a suitable and harmless vehicle."

2. In paragraph (c) *Labeling* subparagraph (1) (iii) is revised to read as follows:

(iii) The name and quantity of each preservative, and if it contains vitamin substances, the name and quantity of each such ingredient used in making the batch.

3. Paragraph (c) (1) (iv) is amended by changing the colon after the word "certified" to a comma and adding the following clause: "or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances;"

4. Paragraph (c) is further amended by adding the following new subparagraph (4)

(4) On the label and labeling, if it contains one or more vitamin substances, after the name "chloramphenicol palmitate oral suspension," wherever it appears, the words "with vitamin _____" (the blank being filled in with the name of the vitamin ingredient used) or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 29, 1955.

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

[F. R. Doc. 55-5394; Filed, July 5, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board
Regulations Under the 1951 Act

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

Correction

In Federal Register Document 55-4954, published on page 4322 of the issue for Tuesday, June 21, 1955, the word "part" in the third from the last line of § 1451.33 should read "subchapter"

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES

CLAIMS

GENERAL

Section 4.145 is revised to read as follows:

§ 4.145 *General*. Payment of benefits on behalf of a person who is mentally incompetent or who is a minor (other than a person who has been discharged from the military forces of the United States or a minor widow) will be made to a duly appointed fiduciary: *Provided*, That where the total amount payable on behalf of a child or children who are in the widow's custody does not exceed \$100 for each child, payment will be made to the widow as legal custodian without reference to the Chief Attorney. (See § 13.200 of this chapter.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 42b, 707)

This regulation is effective July 6, 1955.

[SEAL] R. C. FABLE, Jr.,
Assistant Deputy Administrator

[F. R. Doc. 55-5338; Filed, July 5, 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 1178]

OREGON, IDAHO, UTAH, AND NEW MEXICO

PARTIAL REVOCATION OF CERTAIN EXECUTIVE ORDERS CREATING PUBLIC WATER RESERVES

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretations No. 131 of June 5, 1930 and No. 175 of January 23, 1933, is hereby revoked so far as it affects the following-described lands in Oregon and Idaho:

[Misc. 1218080]

OREGON—INTERPRETATION No. 131

WILLAMETTE MERIDIAN

T. 19 S., R. 33½ E.,
Sec. 2, lots 3, 4, S½NW¼.

The area described contains 161.15 acres.

IDAHO—INTERPRETATION No. 175

BOISE MERIDIAN

T. 3 N., R. 25 E.,
Sec. 22, SW¼NW¼.

The area described contains 40 acres.

2. The Executive orders of April 29, 1912, and August 15, 1919, creating re-

spectively Public Water Reserves No. 5 and No. 66, are hereby revoked so far as they affect the following-described lands in Utah:

[Salt Lake 036820]

SALT LAKE MERIDIAN

IN PUBLIC WATER RESERVE NO. 5, UTAH NO. 3

T. 4 N., R. 19 W.,
Sec. 24, SE¼, W¼NE¼.

The area described contains 240 acres.

[Misc. 853251]

IN PUBLIC WATER RESERVE NO. 66

T. 14 N., R. 15 W.,
Sec. 22, SW¼NW¼.

The area described contains 40 acres.

3. Executive Order No. 5478 of November 8, 1930, creating Public Water Reserve No. 133, is hereby revoked so far as it affects the following-described lands in New Mexico:

[Misc. 1393100]

T. 16 S., R. 20 W.,
Sec. 13, SW¼SW¼, S½SE¼,
Sec. 24, NE¼NE¼.

The areas described aggregate 160 acres.

4. The lands in T. 19 S., R. 33½ W., W. M., Oregon, are located in Malheur County about 17 miles northwest of Drewsey. The topography is rolling to rough and mountainous which precludes cultivation. Vegetation consists of sagebrush, western wheatgrass, and sandbergs bluegrass. The soil is of a sandy clay type. The lands lie at an elevation of 4,700 feet and the average annual precipitation is about eleven inches. The tracts are valuable for grazing. The land in T. 3 N., R. 25 E., B. M., Idaho, is surrounded by privately owned land. In order to reach the watering place it is necessary that livestock trail through a lane for about three miles along an oiled highway. Livestock water supplies are available in the Nichols reservoir which is located a short distance north of the land. The tract is in Idaho Grazing District No. 3. The lands in T. 4 N., R. 19 W., S. L. M., Utah, are located approximately 22 miles north of Wendover, Utah, on the west shore of the mud flats of Great Salt Lake. They have a sagebrush, greasewood, and shadscale type of vegetation. They are suitable for grazing purposes only. The SW¼NW¼, sec. 22, T. 14 N., R. 15 W., S. L. M., Utah, is part of a parcel of land isolated from other public domain located just south of Yost, Utah. The land is joined on the south and west by the Minidoka National Forest, and on the east and north by private land. The lands in T. 16 S., R. 20 W., N. M. P. M., New Mexico, lie on Blue Creek which is an intermittent stream. There are no permanent waters located on these lands. They are located in a deep canyon and are very rough and mountainous.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be con-

sidered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

7. Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Managers, Land Offices, Bureau of Land Management, Oregon, Idaho, Utah or New Mexico, depending upon the State where the lands are located.

ORME LEWIS,
Assistant Secretary of the Interior

JUNE 28, 1955.

[F. R. Doc. 55-5372; Filed, July 5, 1955;
8:46 a. m.]

[Public Land Order 1179]

[Anchorage 027043]

ALASKA

RESERVING PUBLIC LAND FOR USE OF ALASKA
ROAD COMMISSION

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 and mineral-leasing laws, and reserved for use of the Alaska Road Commission as a permanent highway construction and maintenance camp site:

Beginning at a point on the northwestern right-of-way line of the Richardson Highway from which P. T. 1404+85.67 bears S. 46° 31' 30" E., 150 feet, and S. 43° 28' 30" W., 195 feet, thence N. 46° 31' 30" W., 113 feet; S. 43° 28' 30" W., 600 feet; S. 46° 31' 30" E., 265 feet to a point on the boundary of the northwestern right-of-way; Northeasterly along the boundary of the northwestern right-of-way to the point of beginning.

The tract described contains approximately 2 acres.

ORME LEWIS,
Assistant Secretary of the Interior

JUNE 29, 1955.

[F. R. Doc. 55-5371; Filed, July 5, 1955;
8:45 a. m.]

[Public Land Order 1180]

[BLM 039824]

FLORIDA

RESERVATION OF LANDS WITHIN OCALA NATIONAL FOREST FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, 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 lands within the Ocala National Forest in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreational areas:

TALLAHASSEE MERIDIAN

OCALA NATIONAL FOREST

Recreation Areas

- Dinner Ponds:
T. 17 S., R. 25 E.,
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Lake Catherine:
T. 16 S., R. 25 E.,
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$.
- Lake Mary and Steep Pond:
T. 16 S., R. 25 E.,
Sec. 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$.
- Baptist Lake:
T. 17 S., R. 26 E.,
Sec. 12, SW $\frac{1}{4}$.
- Dry Camp:
T. 12 S., R. 24 E.,
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Bill's Branch:
T. 14 S., R. 26 E.,
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- Grassy Pond:
T. 13 S., R. 25 E.,
Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 675.27 acres.

Administrative Sites

- (1) T. 12 S., R. 24 E.,
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- (2) T. 12 S., R. 25 E.,
Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$.
- (3) T. 12 S., R. 25 E.,
Sec. 24, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- (4) T. 13 S., R. 25 E.,
Sec. 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- (5) T. 14 S., R. 24 E.,
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- (6) T. 14 S., R. 24 E.,
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- (7) T. 14 S., R. 24 E.,
Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$.
- (8) T. 14 S., R. 25 E.,
Sec. 19, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- (9) T. 14 S., R. 25 E.,
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- (10) T. 14 S., R. 25 E.,
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

- (11) T. 14 S., R. 25 E.,
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- (12) T. 14 S., R. 25 E.,
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- (13) T. 14 S., R. 25 E.,
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- (14) T. 14 S., R. 25 E.,
Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- (15) T. 14 S., R. 25 E.,
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- (16) T. 14 S., R. 25 E.,
Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- (17) T. 14 S., R. 26 E.,
Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
- (18) T. 15 S., R. 25 E.,
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- (19) T. 15 S., R. 25 E.,
Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$.
- (20) T. 16 S., R. 26 E.,
Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- (21) T. 16 S., R. 26 E.,
Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- (22) T. 17 S., R. 26 E.,
Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- (23) T. 17 S., R. 26 E.,
Sec. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- (24) T. 16 S., R. 26 E.,
Sec. 7, lots 3 and 4.
T. 16 S., R. 25 E.,
Sec. 12, lot 2.

The areas described aggregate 1,476.65 acres.

This order shall be subject to the Proclamation of July 24, 1930, establishing the Ocala National Game Refuge, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

JUNE 29, 1955.

[F. R. Doc. 55-5370; Filed, July 5, 1955;
8:45 a. m.]

[Public Land Order 1181]

ALASKA

RESERVING LANDS FOR USE OF ALASKA ROAD
COMMISSION

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 and mineral-leasing laws, and reserved for the use of the Alaska Road Commission:

Beginning at a point on the north right-of-way line of the Richardson Highway, latitude 61°06' N., longitude 146°13' W., from which the center of the north end of the bridge across Robe Creek bears S. 50° 04' W., 150 feet; S. 39° 56' E., 1128 feet, thence by metes and bounds: N. 50° 04' E., 1320 feet; N. 39° 56' W., 1320 feet; S. 50° 04' W., 1320 feet to right-of-way line; S. 39° 56' E., 1320 feet along right-of-way line to point of beginning.

The tract described contains 40 acres.

ORME LEWIS,
Assistant Secretary of the Interior

JUNE 29, 1955.

[F. R. Doc. 55-5369; Filed, July 5, 1955;
8:45 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 107—CHIGNIK AREA

WEEKLY CLOSED PERIOD

Basis and purpose: On the basis of almost twice as much gear being fished

in certain districts of Bristol Bay as in 1954 and escapements almost twice the commercial catch in the Chignik red salmon fishery, it has been determined that the following amendments are necessary for proper utilization of the resource.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Section 104.5 is amended in paragraphs (c) and (d) by changing "Wednesday" to "Tuesday."
2. Section 107.3 is amended by sus-

pending paragraph (b), effective through July 19, 1955.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(44 Stat. 752; 48 U. S. C. 221)

Dated: July 1, 1955.

ARNIE J. SUOMELA,
Acting Director.

[F. R. Doc. 55-5472; Filed, July 5, 1955; 10:44 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 100]

FLATHEAD, MISSION, AND JOCKO VALLEY IRRIGATION DISTRICTS, MONTANA

PENALTY FOR NONPAYMENT OF ASSESSMENT

Notice is hereby given of intention to amend § 100.8 *Penalty for nonpayment of assessments*, of Title 25, Code of Federal Regulations, dealing with assessment of penalties for failure to make payment of annual assessments on or by the due date, as follows:

§ 100.8 *Penalty for nonpayment of assessments*. All assessments duly authorized shall be paid on the due date to the properly designated Officer of the Indian Irrigation Service at St. Ignatius, Montana, and on all such assessments remaining unpaid on and after March 1, and August 1, following the due dates there shall be assessed a penalty of ½ percent per month or fraction thereof, from the due date until paid.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views, data or argument in writing to Mr. John M. Cooper, Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from date of publication of this notice in the daily issue of the FEDERAL REGISTER.

CLARENCE A. DAVIS,

Acting Secretary of the Interior.

JUNE 28, 1955.

[F. R. Doc. 55-5368; Filed, July 5, 1955; 8:45 a. m.]

Fish and Wildlife Service

[50 CFR Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237) notice is hereby given that the Director, Fish and Wildlife Service, proposes to recommend

No. 130—3

the adoption by the Secretary of the Interior, under authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), of amendments to Part 6, Title 50, Code of Federal Regulations, which will specify open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

The proposed amendments specifying open seasons and bag limits for migratory game birds, except waterfowl and coots (but including scoter, elder and old-squaw ducks in open coastal waters beyond outer harbor lines in certain North Atlantic Coast States and waterfowl and coots in Alaska), and those relating to other matters will be proposed for final adoption not later than August 1, 1955 to become effective September 1, 1955. Proposed amendments specifying open seasons, bag limits, and shooting hours for other waterfowl and coots will be proposed for adoption not later than September 1, 1955 to become effective not later than October 1, 1955.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above by submitting their views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., within the period of fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 29, 1955.

O. LLOYD MEEHEAN,
Acting Director.

[F. R. Doc. 55-5367; Filed, July 5, 1955; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

INTEREST

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-

posed 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, Attention: T:R, 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 section 163 of the Internal Revenue Code of 1954, relating to interest:

§ 1.163 *Statutory provisions; itemized deductions for individuals and corporations; interest.*

SEC. 163. *Interest*—(a) *General rule.* There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness.

(b) *Installment purchases where interest charge is not separately stated*—(1) *General rule.* If personal property is purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments, and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained,

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(2) *Limitation.* In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) *Cross references.* (1) For disallowance of certain amounts paid in connection

with insurance, endowment, or annuity contracts, see section 264.

(2) For disallowance of deduction for interest relating to tax-exempt income, see section 265 (2).

(3) For disallowance of deduction for carrying charges chargeable to capital account, see section 266.

(4) For disallowance of interest with respect to transactions between related taxpayers, see section 267.

§ 1.163-1 *Interest deduction in general.* (a) Except as otherwise provided in sections 264-267, inclusive, interest paid or accrued within the taxable year on indebtedness shall be allowed as a deduction in computing taxable income.

(b) Interest paid by the taxpayer on a mortgage upon real estate of which he is the legal or equitable owner, even though the taxpayer is not directly liable upon the bond or note secured by such mortgage, may be deducted as interest on his indebtedness. Payments of Maryland or Pennsylvania ground rates are deductible as interest if the ground rent is redeemable, but are treated as rent if the ground rent is irredeemable and in such case are deductible only to the extent they constitute a proper business expense.

(c) Interest calculated for costkeeping or other purposes on account of capital or surplus invested in the business which does not represent a charge arising under an interest-bearing obligation, is not an allowable deduction from gross income. Interest paid by a corporation on scrip dividends is an allowable deduction. So-called interest on preferred stock, which is in reality a dividend thereon, cannot be deducted in computing taxable income (see, however, section 583). In case of banks and loan or trust companies, interest paid within the year on deposits such as interest paid on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank or loan or trust company may be deducted from gross income.

§ 1.163-2 *Installment purchases where interest charge is not separately stated*—(a) *In general.* (1) Whenever there is a contract for the purchase of personal property on an installment plan providing for payment of part or all of the purchase price in installments and there is a separately stated carrying charge (including a finance charge, service charge, and the like) but the actual interest charge cannot be ascertained, a portion of the payments made during the taxable year under the contract shall be treated as interest and is deductible under section 163 and this section.

(2) The portion of any such payments to be treated as interest shall be equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of this computation, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(3) The provisions of this section may be illustrated by the following example:

Example. On January 20, 1955, A purchased a television set for \$400, including a

stated carrying charge of \$25. The down payment was \$50, and the balance was paid in 14 monthly installments of \$25 each, on the 20th day of each month commencing with February. Assuming that A is a cash method, calendar year, taxpayer and that no other installment purchases were made, the amount to be treated as interest in 1955 is \$12.38, computed as follows:

YEAR 1955		Unpaid balance outstanding
First day of:		
January	-----	\$0
February	-----	350
March	-----	325
April	-----	300
May	-----	275
June	-----	250
July	-----	225
August	-----	200
September	-----	175
October	-----	150
November	-----	125
December	-----	100
		2,475
Sum of unpaid balances	\$2,475—12=	
	\$206.25, 6 percent thereof—\$12.38.	

(b) *Limitations.* The amount treated as interest under section 163 (b) and this section for any taxable year shall not exceed the amount of the payments made under the contract during the taxable year nor the aggregate carrying charges properly attributable to each contract for such taxable year. In computing the amount to be treated as interest if the obligation to pay is terminated as, for example, in the case of a repossession of the property, the unpaid balance shall be zero. Similarly, in any case in which a payment is in default, the unpaid balance outstanding on the first day of each month during the period of default shall be regarded as zero.

(c) *Effective date.* The provisions of section 163 are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954. The rule provided in section 163 (b) and this section applies to payments made during such taxable years regardless of when the contract of sale was made.

[F. R. Doc. 55-5396; Filed, July 5, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11437; FCC 55-748]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF THE REVISED TENTATIVE ALLOCATION PLAN

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

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channel	
	Delete	Add
Mayfield, Ky.....		234

3. The purpose of the proposed amendment is to provide a Class B channel in Mayfield, Kentucky, to facilitate consideration of a pending application for a Class B assignment there.

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

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 29, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

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

Adopted: June 29, 1955.

Released: June 30, 1955.

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

[F. R. Doc. 55-5401; Filed, July 5, 1955; 8:53 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 11396; FCC 55-747]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF THE REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1955;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 55-588) setting forth the above amendment was issued by the Commission on May 20, 1955, and was duly published in the FEDERAL REGISTER (20 F. R. 3688), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before June 17, 1955; and

It further appearing, that no comments were received either favoring or opposing the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting assign-

ment of Channel No. 247 in Leaksville, North Carolina;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Leaksville and Greensboro, North Carolina, and Danville, Virginia:

General area	Channels	
	Delete	Add
Leaksville, N. C.		247
Greensboro, N. C.	247	
Danville, Va.	250	

Released: June 30, 1955.

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

[F. R. Doc. 55-5402; Filed, July 5, 1955; 8:53 a. m.]

[47 CFR Part 7]

[Docket No. 11436; FCC 55-739]

STATIONS ON LAND IN THE MARITIME SERVICES

IDENTIFICATION OF LIMITED COAST STATIONS AND MARINE UTILITY STATIONS UTILIZING RADIOTELEPHONY

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

2. The proposed amendment is intended to specify a definite procedure in Part 7 of the rules to be used for identification of limited coast stations and marine utility stations. Under the proposed rule, such stations will be required to identify all radiotelephone emissions therefrom normally by transmitting by voice the official call sign assigned to that station by the Commission. Such identification shall be made at the beginning and upon conclusion of each communication or transmission, or in the event of sustained transmissions at intervals not exceeding fifteen minutes.

3. The proposed amendment to the rules is set forth below and is issued pursuant to the authority contained in sections 303 (o) (p) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before August 3, 1955, written data, views

or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

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

Adopted: June 29, 1955.

Released: June 30, 1955.

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

A. Part 7 is amended as follows:

1. At the end of Subpart J, add a new § 7.372 as follows:

§ 7.372 *Station identification.* (a) All radiotelephone emissions of a limited coast station or a marine utility station shall be clearly identified by voice transmission therefrom in the English language of the official call sign assigned to that station by the Commission; provided that, in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly licensed radiotelegraph operator or by means of an automatic device approved for this purpose by the Commission. Identification as herein prescribed shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose;

(3) At intervals not exceeding fifteen minutes whenever transmissions or communications are sustained for a period exceeding fifteen minutes.

[F. R. Doc. 55-5403; Filed, July 5, 1955; 8:54 a. m.]

[47 CFR Part 11]

[Docket No. 11435; FCC 55-737]

INDUSTRIAL RADIO SERVICES

POWER RADIO SERVICE; ELIGIBILITY

In the matter of amendment of § 11.251 of Part 11 of the Commission's rules and regulations.

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

The Commission has had under consideration comments filed in Docket No. 9703 and in other connections, by the Rural Electrification Administration,

The American Telephone and Telegraph Company, and the U. S. Independent Telephone Association, and of others, regarding the radio requirements of telephone and telegraph maintenance and construction vehicles. In its Proposed Report and Order in Docket No. 9703 issued October 29, 1954, the Commission indicated that the use of radio by telephone companies would be provided for in part in the Special Industrial Service, under proposed section 11.508, insofar as right-of-way construction was concerned, and that the Commission would consider other maintenance and repair requirements in connection with possible amendments to Part 6 of the Commission's Rules.

After further study of these problems, the Commission is of the opinion that it would not be in the public interest to provide for the use of radio for such purposes through sharing of frequencies allocated to the Domestic Public Radio Service. In lieu thereof, it is proposed to amend § 11.251 of Part 11 of the rules so as to provide that communication common carriers having maintenance and construction requirements will be eligible in the Power Radio Service.

The proposed amendment to the Rules is issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 16, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

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

Adopted: June 29, 1955.

Released: June 30, 1955.

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

[F. R. Doc. 55-5404; Filed, July 5, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 28, 1955.

An application, serial number Anchorage 022828, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on September 3, 1952, by Civil Aeronautics Administration, Department of Commerce.

The purposes of the proposed withdrawal: to maintain the air space above this land as an approach zone to the Juneau municipal airport and other navigational facilities.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Region 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

Beginning at corner No. 9 of U. S. Survey No. 2390 located on Mendenhall Peninsula approximately 10 miles northwest of Juneau, Alaska; thence S. 86° 36' E. 1871.9 feet, S. 72° 00' W. 123.2 feet, S. 11° 57' W. 457.3 feet, S. 87° 30' W. 393.3 feet, S. 38° 30' W. 98.7 feet, S. 2° 30' E. 300 feet, S. 37° 30' W. 282.3 feet, S. 87° 30' W. 1,010 feet to the east boundary line of U. S. Survey No. 2390; thence along said boundary line N. 1° 33' W. 1,260 feet to the point of beginning. The tract described contains 38.43 acres more or less. Bearings are true.

ROGER R. ROBINSON,
Acting Area Administrator

[F. R. Doc. 55-5374; Filed, July 5, 1955;
8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 28, 1955.

Fish and Wildlife Service has filed an application, Serial No. Anchorage 029978, for the withdrawal of the lands described below, from all forms of appropriation including locations under the mining laws.

The applicant desires the land for Public Access and Recreational Site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land located at approximately 135°57'28" west longitude and 59°19'20" north latitude, more particularly described as follows:

Beginning at the largest creek mouth in the cove, east of the main islands in Chilkat Lake extending upstream for 330 feet; thence due east for 2,640 feet, thence due south for 2,640 feet, thence due west for 2,640 feet to the shore of the lake, thence along the shore meandering in an easterly and northerly direction approximately 4,000 feet to the mouth of the creek and point of origin, containing approximately 160 acres.

ROGER R. ROBINSON,
Acting Area Administrator

[F. R. Doc. 55-5375; Filed, July 5, 1955;
8:47 a. m.]

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 106; AMENDED

JUNE 27, 1955.

Pursuant to the authority delegated to me by the Area Administrator, Area II, Bureau of Land Management, by Order No. 4, dated May 5, 1954, Paragraph 9 of Nevada Small Tract Classification Order No. 106 dated March 11, 1955, is hereby amended to correct the purchase price of certain lands classified in accordance with the following schedule:

T. 23 S., R. 61 E., MDM., Nevada,
Sec. 19, Lots 1 to 4 incl., E½NW¼, NE¼,
NW¼SE¼, NE¼SW¼, N½SE¼SW¼,
N½SW¼SE¼, SW¼SW¼SE¼, \$300 per tract.
Sec. 19, SE¼SW¼SE¼, \$800 per tract.

E. R. GREENSLET,
State Supervisor

[F. R. Doc. 55-5373; Filed July 5, 1955;
8:46 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

JANUARY 12, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April

7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 26, 1938, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 8 N., R. 3 E.,
Sec. 5, Lots 2 and 3;
Sec. 6, Lots 1 and 2, and SE¼NW¼.

The above area aggregates 195.02 acres.

G. W. LINEWEAVER,
Assistant Commissioner

[Misc. 1724268]

JUNE 29, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located about two miles southwesterly from Pinehurst, Idaho. They are mainly, if not entirely, of rough and mountainous topography, which makes them unsuitable for agricultural development and use. The tracts are valuable for the grazing of livestock and game.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOLEY,
Director
Bureau of Land Management.

[F. R. Doc. 55-5376; Filed, July 5, 1955;
8:47 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955;
109th Supp.]

SECURITY MUTUAL CASUALTY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$799,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated

Illinois: Security Mutual Casualty Co., Chicago.

[SEAL] W RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5395; Filed, July 5, 1955;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7253]

LOUISVILLE-NEW YORK NONSTOP SERVICE
NOTICE OF HEARING

In the matter of the investigation of the need for direct nonstop air service between Louisville, Kentucky, and New York, New York.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 20, 1955, at 10:00 a. m., e. d. s. t., in Room 5855 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 30, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 55-5411; Filed, July 5, 1955;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6595; FCC 55M-595]

ALBUQUERQUE BROADCASTING Co. (KOB)

MEMORANDUM OPINION AND ORDER
CONTINUING HEARING

In re applications of: Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738, for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File Nos. BL-1799, BZ-1583, for license to cover construction permit as modified and authority to determine operating power by direct measurement of antenna power.

1. Pursuant to a notice issued by the Hearing Examiner authorized to preside therein, an informal pre-hearing conference in the above-entitled proceeding was held in the offices of this Commission on June 20, 1955. This conference was attended by counsel for Albuquerque Broadcasting Company (KOB) the applicant herein; for Westinghouse Broadcasting Company, Inc., (WDZ) Respondent; for American Broadcasting-Paramount Theatres, Inc., (WABC), Respondent; for KXA, Inc., (KXA), Respondent; and for the Broadcast Bureau of this Commission. At that time there was pending a motion filed on behalf of the Baptist General Convention of Texas (KWBU) Corpus Christi, Texas, for leave to intervene in the proceeding and for enlargement of the issues therein. Because of the pendency of this motion, counsel for KWBU was permitted, without opposition, (on the assumption that that party might later be made a party to the proceeding) to participate conditionally in this conference.

2. The purpose of this pre-hearing conference was to explore, through informal discussions between the parties, the possibility of reaching stipulations with respect to facts to be presented in the hearing, limiting the number of witnesses to appear therein, and following other procedures which might be conducive to shortening and expediting the hearing itself. Pursuant to a suggestion outlined by the Hearing Examiner, it was agreed by all of the parties represented in this conference that it would be feasible to hold a series of informal pre-hearing conferences between themselves, including representatives of the Commission's Broadcast Bureau, to be attended by engineering experts employed by these parties, for the purpose of attempting to arrive at stipulations of fact between such parties regarding much of the evidence required to be adduced in order to resolve the numerous technical issues involved in the proceeding. It was further agreed that these conferences would be scheduled and held under the guidance of counsel for the Broadcast Bureau at dates convenient to all of the parties.

3. The hearing in the above-entitled proceeding is now scheduled to be held on Wednesday, July 6, 1955, at Washing-

ton, D. C. In its Memorandum Opinion and Order designating the above-entitled matters for hearing, the Commission ordered that the presiding Hearing Examiner in the said proceeding "is directed to make every effort, consonant with a fair and thorough hearing, to expedite the proceeding and to issue an Initial Decision as promptly as possible" However, after considerable discussion on the subject, it was agreed between all of the parties represented, including the Broadcast Bureau of this Commission, that in view of the extensive study and research that would be required in order to properly prepare the evidence and to reach stipulations thereon, under the numerous and highly complex issues involved in this proceeding, a period of approximately four months would be needed for this purpose. It was therefore requested by counsel for the applicant, with the concurrence of all of the other parties, that the hearing be postponed until Monday, October 17, 1955, as the earliest feasible date for the actual taking of testimony.¹ In support of this request it was claimed by the parties that if they are able through mutual effort to stipulate between themselves concerning numerous facts relevant to this proceeding, it would eliminate, to a large extent, the calling of witnesses, cross-examination, conflicting presentations and controversial discussions, and thus would have the ultimate effect of shortening the record and expediting the hearing.

4. It appears from the foregoing that the parties have agreed on a course of action which seems practical and designed to simplify, shorten and expedite the hearing and that they have advanced sound reasons to support their request for the proposed continuance. Moreover, it appears that if the objectives sought are attained as a result of these conferences such continuance is warranted and from a long-range viewpoint will expedite the hearing, the Examiner's review of the record and his decision thereon, in conformance with the Commission's directive in this matter. However, in view of the said directive, it is hereby announced that no requests by any of the parties to this proceeding for further postponements of the hearing therein beyond October 17, 1955, will be accorded favorable consideration, in the absence of a compelling showing that a grant of such relief would serve the public interest.

It is therefore ordered, This 29th day of June 1955, that the hearing in the above-entitled proceeding be, and it is hereby, continued until Monday, October 17, 1955, at 10:00 o'clock a. m., in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5405; Filed, July 5, 1955;
8:54 a. m.]

¹ Counsel for the Broadcast Bureau concurred in this date but expressed the view that it appeared almost too conservative from the standpoint of the time required for the preparation by its staff for participation in the hearing.

[Docket No. 11399; 11400; FCC 55-736]

NEW BRITAIN BROADCASTING Co.
(WKNB-TV) ET AL.

ORDER CONTINUING ORAL ARGUMENT

In re applications of the New Britain Broadcasting Co. (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMFCT-2787, for modification of television construction permit; Julian Gross, et al. (Transferor), and National Broadcasting Co., Inc. (Transferee), Docket No. 11400, File No. BTC-1896, for transfer of control of New Britain Broadcasting Co. (WKNB and WKNB-TV)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1955;

The Commission having under consideration the above-entitled proceeding now designated for oral argument before the Commission en banc on July 7, 1955; and a petition for modification of procedure filed on June 24, 1955 by the Chief, Broadcast Bureau requesting, among other things, that the argument be continued without date pending resolution by the Commission of procedural matters set forth in the Bureau's petition;

It appearing, that the other parties to the proceeding have consented to the continuance and that in view of the circumstances set out in the petition such a continuance is desirable;

It is ordered, That the oral argument now scheduled for July 7th in the above-entitled proceeding is continued without date.

Released: June 30, 1955.

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

[F. R. Doc. 55-5406; Filed, July 5, 1955;
8:54 a. m.]

[Docket No. 11411; FCC 55-734]

SOUTHEASTERN ENTERPRISES (WCLE)

ORDER CONTINUING ORAL ARGUMENT

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE), Cleveland, Tennessee, Docket No. 11411, File No. BF-9629; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June 1955;

The Commission having under consideration its Order released on June 27, 1955, scheduling the above-entitled matter for hearing by oral argument before the Commission en banc on July 7, 1955, to commence at 10:30 a. m.,

It appearing, that a continuance of the hearing by oral argument in the above-entitled proceeding to July 12, 1955, would better conduce to the proper dispatch of the Commission's business:

It is ordered, That the hearing by oral argument before the Commission en banc in the above-entitled proceeding

shall commence at 10:00 a. m. on July 12, 1955, at the place previously specified.

Released: June 30, 1955.

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

[F. R. Doc. 55-5407; Filed, July 5, 1955;
8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

COMMISSIONER RESPONSIBLE FOR SUPERVISION OF BUREAU OF SAFETY AND SERVICE

DELEGATION OF AUTHORITY TO EXERCISE FUNCTIONS WITH RESPECT TO DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 30th day of June 1955, the following action was taken:

Voted that the functions, powers, responsibilities, and duties of the Defense Transport Administration transferred and delegated to the Commission pursuant to the Defense Production Act of 1950, as amended, effective July 1, 1955, be delegated for administration and performance to the Commissioner who is responsible for the supervision of the Bureau of Safety and Service; and that the functions delegated by this order may be redelegated with or without authority for further redelegation.

Voted, further, that so much of the personnel, including consultants, property, and records of the Defense Transport Administration as said Commissioner shall determine to be required for the performance by the Commission of the functions transferred and delegated, be accepted on transfer from the Defense Transport Administration, and assigned to said Commissioner, subject to such implementation procedure and approval of the Civil Service Commission, or the Chairman thereof, or the General Services Administration, as may be required by law.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-5408; Filed, July 5, 1955;
8:55 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1955.

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

LONG-AND-SHORT-HAUL

FSA No. 30800: Asphalt—Oklahoma and Texas to Ohio River Crossings. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on asphalt (asphaltum), carloads, from speci-

fied points in Oklahoma and Texas to Cincinnati, Ohio, Louisville, Ky., and New Albany, Ind.

Grounds for relief: Circuitous routes. Tariff: Supplement 81 to Agent Kratzmeir's I. C. C. 3725.

FSA No. 30801: Phosphates—Official Territory to Fore River Station, Mass. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on disodium and trisodium phosphates, and phosphate of sodium, noibn, or modified sodium phosphate, carloads, from specified points in Delaware, Illinois, Indiana, Michigan, Ohio, New Jersey, and Pennsylvania, to Fore River Station, Mass.

Grounds for relief: Market competition and circuitry.

Tariffs: Supplement 125 to Agent Hinsch's I. C. C. 4542 and two other tariffs.

FSA No. 30802: Machinery—Dayton, Ohio, to Kansas City, Mo. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on machinery-water pumping plants, household, power pumps, noibn, working heads and parts, carloads, from Dayton, Ohio to Kansas City, Mo.

Grounds for relief: Circuitous routes in part west of the Missouri River.

Tariff: Supplement 123 to Agent Hinsch's I. C. C. 4238.

FSA No. 30803: Borings—Illinois and Ohio to New Jersey. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cast iron borings, carloads, from Decatur, Ill., and Columbus, Ohio to Bound Brook, Carney's Point, Gibbstown, Thompson's Point, and Brooklyn, N. J.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 68 to Agent Hinsch's I. C. C. 4350.

FSA No. 30804: Liquefied petroleum gas—Tioga, N. Dak., to Western Trunk Line and Illinois Territories. Filed by The Great Northern Railway Company, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads, from Tioga, N. Dak., to specified points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Market competition and circuitry.

Tariff: Great Northern Railway Company tariff I. C. C. A-8795.

FSA No. 30805: Malt liquors to New Mexico and Texas. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, namely, ale, beer, beer tonic, porter or stout, carloads, from specified points in Illinois, Indiana, (Chicago area) Iowa, Minnesota, Missouri, Nebraska, and Wisconsin to specified points in New Mexico and Texas.

Grounds for relief: Circuitous routes.

Tariffs: Agent Kratzmeir's I. C. C. 4090, supplement 106; Agent Kratzmeir's I. C. C. 4115, supplement 64.

FSA No. 30806: Malt liquors—To Arkansas, Louisiana, and Oklahoma. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, namely, ale, beer, beer tonic, porter or stout and cereal beverages (non-intoxicating), straight or mixed carloads,

from specified points in Illinois, Indiana (Chicago area) Iowa, Minnesota, Missouri, Nebraska, and Wisconsin to specified points in Arkansas, Louisiana, Oklahoma also Texarkana, Tex.

Grounds for relief: Circuitous routes. Tariff: Supplement 79 to Agent Kratzmeier's I. C. C. 4109 and two other tariffs.

FSA No. 30807: Automobile parts—Milwaukee, Wis. to Conshohocken, Pa. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts, carloads from Milwaukee, Wis., to Conshohocken, Pa.

Grounds for relief: Circuity.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-5390; Filed, July 5, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2331, G-2367]

TENNESSEE GAS TRANSMISSION CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 28, 1955.

In the matters of Tennessee Gas Transmission Company, Docket No. G-2331, Transcontinental Gas Pipe Line Corporation, Docket No. G-2367.

Notice is hereby given that on June 17, 1955, the Federal Power Commission issued its order adopted June 15, 1955, in the above-entitled matters, amending certificates of public convenience and necessity heretofore issued in Docket No. G-2331 to include authorization to construct and operate the Ramsey Meter Station, and to exclude authorization to construct said station heretofore issued in Docket No. G-2367.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5377; Filed, July 5, 1955; 8:47 a. m.]

[Docket Nos. G-2557, G-2558, G-3218, G-7586, G-8433]

ORANGE GROVE GAS GATHERING CO. ET AL.
NOTICE OF FINDINGS AND ORDERS

JUNE 28, 1955.

In the matters of Orange Grove Gas Gathering Company, et al., Docket No. G-2557; Texas Illinois Natural Gas Pipeline Company, Docket No. G-3214, Ed Hollyfield, et al., Docket No. G-2558; Clinchfield Coal Corporation, Docket No. G-7586; Kentucky West Virginia Gas Company, Docket No. G-8433.

Notice is hereby given that on June 17, 1955, the Federal Power Commission issued its findings and orders adopted June 15, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5378; Filed, July 5, 1955; 8:47 a. m.]

[Docket Nos. G-6622, G-8510]

CROW DRILLING CO., INC.

NOTICE OF ORDER MAKING PROPOSED RATE CHANGES EFFECTIVE UPON FILING OF BOND TO ASSURE REFUND OF EXCESS CHARGES

JUNE 28, 1955.

Notice is hereby given that on June 17, 1955, the Federal Power Commission issued its order adopted June 15, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5379; Filed, July 5, 1955; 8:48 a. m.]

[Docket No. G-8550]

DAVIDOR & DAVIDOR

NOTICE OF ORDER MAKING PROPOSED RATE CHANGES EFFECTIVE UPON FILING OF BOND TO ASSURE REFUND OF EXCESS CHARGES

JUNE 28, 1955.

Notice is hereby given that on June 21, 1955, the Federal Power Commission issued its order adopted June 15, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5380; Filed, July 5, 1955; 8:48 a. m.]

[Docket No. G-8638]

MID CONTINENT PETROLEUM CORP.

NOTICE OF ORDER MAKING PROPOSED RATE CHANGES EFFECTIVE UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

JUNE 28, 1955.

Notice is hereby given that on June 17, 1955, the Federal Power Commission issued its order adopted June 15, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5381; Filed, July 5, 1955; 8:48 a. m.]

[Docket No. G-8849]

MISSOURI UTILITIES CO.

NOTICE OF DECLARATION OF EXEMPTION

JUNE 28, 1955.

Notice is hereby given that on June 16, 1955, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted June 15, 1955, in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5382; Filed, July 5, 1955; 8:48 a. m.]

[Docket No. E-6619]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF DECLARATION OF INTENTION

JUNE 28, 1955.

Public notice is hereby given that Central Vermont Public Service Corporation, of Rutland, Vermont, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Commission (16 U. S. C. 817) to construct a hydroelectric project (Docket No. E-6619) to be known as the East Georgia Hydroelectric Development and located about 15.5 miles upstream from the mouth of the Lamolle River in the Towns of Georgia and Fairfax and in the vicinity of East Georgia in Franklin County, Vermont, and to consist of a concrete gravity dam with a maximum height of about 80 feet, a spillway 300 feet long controlled by a bascule gate 100 feet long and 6 feet high, flashboards 200 feet long and 4 feet high with earth abutments impounding a reservoir having a total storage capacity of about 8,200 acre-feet and surface area of about 430 acres at maximum pool elevation of 342 feet; a reservoir drawdown of 10 feet to minimum pool elevation of 332 feet with a usable storage capacity within this drawdown of 3,200 acre-feet; a semi-outdoor type powerhouse adjacent to the spillway at the right abutment consisting of one fixed-blade propeller-type vertical-shaft turbine rated at 7,100 horsepower at 48 feet net head connected to a generator with an initial and ultimate installed capacity of 5,000 kw. The normal operating head on the project will be 50 feet. The plant will be connected to the existing 33 kv system of the declarant by a 2-mile transmission line and will be remotely controlled from the existing power plant at Milton, Vermont. Declarant estimates that the proposed plant will generate about 26,000,000 kilowatt-hours per year. The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State laws. Any communication from persons interested in this matter may be submitted on or before July 31, 1955, to the Federal Power Commission, Washington 25, D. C. The declaration of intention is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5383; Filed, July 5, 1955; 8:48 a. m.]

[Docket Nos. G-8682, G-8784, G-8844, G-8979]

BLANCHE N. WHITE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 28, 1955.

In the matters of Blanche N. White, Docket No. G-8682; Howard Cameron, Docket No. G-8784; Paul J. Fly et al.,

Docket No. G-8844; Blalack & Walter, Docket No. G-8979.

The above-designated Applicants produce natural gas from gas fields in Texas and Mississippi, and each proposes to sell natural gas so produced to United Gas Pipe Line Company for resale in interstate commerce under contracts and at prices indicated in applications filed pursuant to section 7 (c) of the

Natural Gas Act for certificates of public convenience and necessity authorizing each Applicant to render the proposed service described, subject to the jurisdiction of the Commission, all as more fully represented in each application on file with the Commission and open for public inspection. The pertinent data reflected in each application are set forth below:

Docket No.	Date filed	Gas field	Contract date	Price per Mcf
G-8682	Mar. 30, 1955	Pistol Ridge Field, Forrest and Pearl River Counties, Miss.	-----	Cents 20.00
G-8784	Apr. 21, 1955	Pistol Ridge Field, Forrest and Pearl River Counties, Miss.	Feb. 18, 1955	20.00
G-8844	May 2, 1955	Albrecht Field, Goliad County, Tex.	Apr. 8, 1955	6.7232
G-8979	May 31, 1955	Carthage Field, Panola County, Tex.	May 10, 1955	8.50

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by 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 July 14, 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] J. H. GUTRIDE,
Acting Secretary.

[F R. Doc. 55-5384; Filed, July 5, 1955;
8:49 a. m.]

[Docket No. G-8882]

WASHINGTON GAS LIGHT CO.

NOTICE OF APPLICATION AND DATE OF HEARING
JUNE 28, 1955.

Take notice that the Washington Gas Light Company (Applicant) a corporation with its principal place of business in Washington, D. C., filed on May 10, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate approximately 11 miles of 24-inch lines and a river crossing across the Anacostia River in the District of Columbia and in Prince Georges County,

Maryland, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities will extend from its Chillum Station in Maryland via its East Station in the District of Columbia to a point called Gordon's Corner in Maryland.

Applicant states that the proposed facilities are required to meet the requirements of the rapidly expanding Metropolitan Washington area served by it and particularly the area to be reached by the proposed line, which is Southeast Washington and adjacent parts of the Maryland fringe area.

The estimated overall cost of the proposed construction is \$2,000,000.

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 July 21, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by 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 July 15, 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] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5385; Filed, July 5, 1955;
8:49 a. m.]

[Docket No. G-8922]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 28, 1955.

Take notice that the United Fuel Gas Company (Applicant), a West Virginia corporation with its principal place of business in Charleston, West Virginia, filed an application on May 18, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to abandon certain of its existing facilities and to construct and operate certain other additional facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes (1) to abandon four existing compressor stations in West Virginia with an aggregate installed rating of 5,655 horsepower, and (2) to construct and operate two 500 horsepower units in its existing Hubball Compressor Station in West Virginia, together with necessary appurtenant facilities.

Applicant states that the present level of operations in four of its production areas, which level is not expected to increase, can be maintained without the utilization of four existing compressor stations, namely, Branchland, Goad, Trace Fork, and Turkey Creek. Applicant further states that, in connection with the abandonment of the Branchland Station, reinforcement of the nearby Hubball Station is required, including additional field lines on the suction side of the Hubball and Rock Camp Stations aggregating approximately 0.7 mile of 8-inch line.

Applicant states that the 1,000 horsepower to be installed at its Hubball Station will consist of two 500 horsepower units to be moved from its Branchland Station, and that no abandonment of service will result from its proposals herein.

Applicant estimates it will save \$187,773 annually in direct operating cost at the four compressor stations to be abandoned, exclusive of fixed charges, which amount would be partially offset by an expected increase of \$37,000 annually in operating cost at the Hubball Station.

The estimated total cash outlay for the proposals herein is \$247,500, to be provided for by Applicant's parent, Columbia Gas Systems.

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 July 21, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such ap-

plication: *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 July 15, 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]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-5386; Filed, July 5, 1955;
8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

ORDER GRANTING APPLICATION FOR FURTHER
EXTENSION OF TIME FOR DISPOSITION BY
SINCLAIR OIL CORP. OF COMMON STOCK
OF SUBSIDIARY COMPANY PROVIDED FOR
IN PLAN

JUNE 29, 1955.

In the matter of the Mission Oil Company, Southwestern Development Company and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196 and 59-97.

In the matter of Albert R. Jones, et al., File No. 70-2681.

Sinclair Oil Corporation ("Sinclair"), a registered holding company, which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act") except sections 9 (a) (2) and 11 (b) (c) and (e) thereof, has filed with this Commission, pursuant to the act, an application requesting an order further extending for a period of six months from June 21, 1955, the time within which to effect a disposition of its holdings of the common stock of Westpan Hydrocarbon Company ("Westpan") which disposition was provided for in a plan approved by the Commission, pursuant to section 11 (e) of the act, by order dated December 21, 1951 (Holding Company Act Release No. 10969) as modified and supplemented by the Commission's order of December 24, 1953 (Holding Company Act Release No. 12277)

The plan provided, among other things, for the disposition by Sinclair, within one year from December 21, 1951, "or such longer time as the Commission may by further order grant," of the common stock of Westpan, a then non-utility subsidiary of Southwestern Development Company, a registered holding company, received by Sinclair under the provisions of the plan.

The Commission, by orders dated December 24, 1952, July 1, 1953, January 22, 1954, June 24, 1954, and December 21, 1954 (Holding Company Act Releases Nos. 11640, 12030, 12319, 12562, and

12754) extended to June 21, 1955, the time within which Sinclair might dispose of the common stock of Westpan.

On May 4, 1955, Sinclair filed with the Commission, pursuant to Rule U-44 (c) promulgated under the act, a notice of intention to sell its holdings of Westpan common stock to Jalco, Inc., a non-affiliate of both Sinclair and Westpan, for \$12 per share in cash, or a total of \$4,618,330.32, plus an undetermined contingent additional amount of not to exceed \$2.50 per share, pursuant to the terms of a contract between Sinclair and Jalco, Inc., dated March 31, 1955. On June 6, 1955, the Commission advised Sinclair, pursuant to Rule U-44 (c) that it would not require the filing of a declaration in respect of the proposed sale of the Westpan common stock.

Under the contract, Jalco, Inc.'s obligation to purchase the Westpan stock is conditioned upon, among other things, the sale by Westpan of its assets and the liquidation of the company, in accordance with the terms and conditions of the contract. The contract provides for a closing date not later than December 15, 1955, subject to the right of Sinclair to designate a later closing date under the conditions specified therein.

Sinclair states that in the exercise of due diligence it has been unable to dispose of the Westpan stock, and will be unable to do so on or before June 21, 1955, the time allowed by the order of December 21, 1954, but that it is confident that it can fulfill the conditions of the contract with Jalco, Inc., and consummate the sale by December 21, 1955.

Due notice of the filing of the application having been given; no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate that the application be granted, effective forthwith:

It is ordered, That the time within which Sinclair may dispose of its holdings of the common stock of Westpan be, and it is hereby, extended for a further period of six months from June 21, 1955; and that the Commission's order of July 1, 1953 shall in all other respects remain in full force and effect.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 55-5389; Filed, July 5, 1955;
8:50 a. m.]

[File No. 70-3393]

EASTERN UTILITIES ASSOCIATES AND BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF FILING OF PROPOSED ISSUANCE
AND SALE OF PROMISSORY NOTES TO BANKS
AND/OR PARENT COMPANY

JUNE 29, 1955.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the

Public Utility Holding Company Act of 1935 ("act") by Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiary company, Blackstone Valley Gas and Electric Company ("Blackstone") EUA and Blackstone have designated sections 7, 10 and 12 (f) of the act and Rule U-43 (a) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Blackstone proposes to issue, from time to time but not later than April 30, 1956, short-term unsecured promissory notes to banks and/or EUA in the aggregate principal amount not in excess of \$3,750,000 with the maximum amount of such notes outstanding at any one time not to be in excess of \$2,750,000. The proposed short-term note financing is for the purpose of paying Blackstone's bank indebtedness, estimated to be outstanding at June 30, 1955, in the amount of \$2,150,000, and for paying for construction expenditures. Such notes will mature in less than one year and in any event not later than April 30, 1956, with the privilege of prepayment in whole or in part without penalty and will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof and with respect to notes to banks to be adjusted to the prime rate of interest in effect at the beginning of each subsequent quarterly period.

In addition the rate of interest on notes issued by Blackstone to EUA will in no event exceed the rate of interest of any notes of EUA outstanding with banks. It is stated that to the extent necessary EUA will utilize funds available in its treasury or funds derived from the proceeds of short-term borrowings.

According to the application-declaration no commissions, fees, expenses or other remuneration will be paid in connection with the proposed note issues except legal fees and disbursements of counsel for Blackstone and EUA the amounts of which will be supplied by amendment and no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed note issues.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than July 14, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100

or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-5387; Filed, July 5, 1955;
8:49 a. m.]

[File No. 812-940]

DELAWARE FUND, INC.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED OFFERING PRICE ON PURCHASES OF COMPANY SHARES BY OFFICERS, DIRECTORS AND EMPLOYEES OF COMPANY, PRINCIPAL UNDERWRITER AND INVESTMENT ADVISER

JUNE 29, 1955.

Notice is hereby given that Delaware Fund, Inc. ("Delaware"), a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940, ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of Delaware at a reduced sales commission to officers, directors and employees of Delaware, its principal underwriter and its investment adviser under the circumstances described below.

The current public offering price of Delaware's shares is equal to the net asset value per share, including a proportionate share of brokerage costs in acquiring the existing portfolio of securities of Delaware, plus a sales commission graduated as follows:

Amount of purchase	Sales commission as percent of offering price	Sales commission as percent of net asset value
Up to \$25,000	8.5	9.29
Between \$25,000 and \$50,000	6.0	6.33
Between \$50,000 and \$100,000	4.0	4.17
Over \$100,000	2.75	2.83
	<i>Percent</i>	<i>Percent</i>

It is recited in the application that Delaware has adopted a plan, subject to appropriate action by this Commission, whereby its shares may be offered by its principal underwriter to officers, directors, and full-time employees of Delaware, of Delaware Distributors, Inc., its principal underwriter, and of Barringer & Nelson, its investment adviser, at a price which includes a sales commission of 2.75 percent of net asset value, or 2.5 percent of the offering price. In order to participate in the plan, the officers, directors and full-time employees of the foregoing companies must have held office or have been continually employed for a period of at least six months immediately preceding a purchase. Each eligible purchaser is required to declare in writing that the purchase of shares of Delaware is for his own investment and not for resale except by redemption in the usual manner prescribed in the company's prospectus.

Among other things, section 22 (d) of the act, with certain exceptions not per-

tinent here, prohibits a principal underwriter of a registered investment company from selling the shares of such investment company to any person except at a current public offering price described in the prospectus. Since the plan would in contravention of the provisions of section 22 (d) of the act inasmuch as it contemplates certain sales of shares of Delaware at prices other than the public offering price thereof described in the prospectus of Delaware, an order pursuant to section 6 (c) of the act exempting such sales is requested by the applicant.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicant represents that the purpose of the plan is to foster and maintain employee good will and morale, to provide an incentive to the persons involved, and to encourage savings and investment. It is the applicant's belief that such purpose may be accomplished without detriment to other shareholders of Delaware or to the general public.

Notice is further given that any interested person may, not later than July 19, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-5388; Filed, July 5, 1955;
8:49 a. m.]

[File No. 70-3392 and 70-3395]

MILWAUKEE GAS LIGHT CO. AND MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF FILING OF DECLARATIONS REGARDING ISSUANCE OF NOTES TO BANKS BY SUBSIDIARIES OF REGISTERED HOLDING COMPANY, ORDER OF CONSOLIDATION, AND ORDER FOR HEARING IN CONSOLIDATED PROCEEDING

JULY 1, 1955.

In the matter of Milwaukee Gas Light Company, File No. 70-3392; Michigan Consolidated Gas Company, File No. 70-3395.

Notice is hereby given that Milwaukee Gas Light Company ("Milwaukee Gas") and Michigan Consolidated Gas Company ("Michigan Consolidated"), both subsidiary public utility companies of American Natural Gas Company, a registered holding company, have filed separate declarations pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated section 7 of that act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the respective declarations on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee Gas and Michigan Consolidated each propose to issue their respective notes to certain banks, in the various maximum amounts hereafter set forth, which notes will bear interest at the rate of 3 percent per annum, and which will be issued pursuant to Credit Agreements to be entered into between the respective companies and the various banks concerned. The notes to be issued by Milwaukee Gas will aggregate not more than \$12,500,000, will be issued at one or more times subsequent to July 30, 1955, and will mature on August 1, 1956. The notes to be issued by Michigan Consolidated will aggregate not more than \$35,000,000, will be issued at one or more times subsequent to August 14, 1955, and will mature on August 15, 1956.

The names of the various banks and their respective commitments, under the respective Credit Agreements by each of the two companies, are as follows:

Name of bank	Amount of commitment
Milwaukee Gas:	
The First National City Bank of New York	\$3,125,000
The Hanover Bank, New York	3,125,000
Mellon National Bank and Trust Company, Pittsburgh	3,125,000
First Wisconsin National Bank of Milwaukee	2,375,000
Marine National Exchange Bank of Milwaukee	375,000
Marshall & Isley Bank, Milwaukee	375,000
Total, Milwaukee Gas Notes	12,500,000
Michigan Consolidated:	
The First National City Bank of New York	7,600,000
The Hanover Bank, New York	7,600,000
Mellon National Bank and Trust Company, Pittsburgh	7,600,000
National Bank of Detroit	7,600,000
The Detroit Bank	2,400,000
The Manufacturers National Bank of Detroit	1,800,000
Old Kent Bank, Grand Rapids, Mich.	400,000
Total, Michigan Consolidated notes	35,000,000

The respective Credit Agreements under which the notes are to be issued will provide that the respective companies shall pay commitment fees on the unused portions of the commitments, calculated in each case at the rate of 1/4 of 1 percent per annum on the average daily unused balances of the respective commitments, on and after August 1, 1955, in the case of Milwaukee Gas, and on and after August 15, 1955, in the case of Michigan Consolidated. Under the Credit Agreements each company may reduce the amount of the

commitment at any time without penalty. Prepayments may be made by either company at any time without penalty, in amounts of \$500,000 or multiples thereof in the case of Milwaukee Gas or in amounts of \$2,500,000 or multiples thereof in the case of Michigan Consolidated, provided that in the event the prepayment is made from the proceeds of borrowings from banks other than those participating in the respective agreements, prepayment penalties of $\frac{1}{4}$ of 1 percent per annum for the unexpired terms of the notes will apply.

At March 31, 1955, Milwaukee Gas had outstanding \$7,500,000 of notes, held by the same banks to whom its new notes are proposed to be issued. These notes were issued pursuant to a Credit Agreement dated August 2, 1954, under which Milwaukee Gas may issue not in excess of \$10,000,000 of notes to mature August 1, 1955.

Michigan Consolidated had outstanding at March 31, 1955, an aggregate of \$18,000,000 of notes, held by the same banks to whom its new notes are proposed to be issued. These notes were issued pursuant to a Credit Agreement dated August 16, 1954, under which Michigan Consolidated may issue not in excess of \$23,000,000 of notes to mature August 15, 1955.

The respective declarations state that from the proceeds of the new note issues Milwaukee Gas will pay and discharge the notes outstanding on August 1, 1955, and Michigan Consolidated will pay and discharge the notes outstanding on August 15, 1955. The respective declarations represent that in each case the balance of the proceeds from the new notes will be used to finance the construction of additional facilities needed in the operations of the businesses of each company.

Each declaration represents that prior to the maturity of the new bank loans the respective companies intend to retire such notes through the consummation of permanent financing programs, which will be developed and presented to the Commission in due course.

Each declaration represents that no approval or consent of any regulatory body, Federal or State, other than this

Commission, is necessary for the consummation of the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to each of the declarations, that such declarations should not be permitted to become effective except pursuant to further order of the Commission, that the subject matter of each declaration involves questions of law or fact common to those in the other declaration, and that it will be in the public interest to consolidate such matters for hearing, subject to the right of the Commission hereafter to sever such matters if it appears appropriate.

It is ordered, That the proceedings with respect to the two declarations be and are hereby consolidated, and that, pursuant to the applicable provisions of the act and the Rules and Regulations promulgated thereunder, a hearing with respect to such declarations shall be held on July 19, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before July 18, 1955, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the declarations which he desires to controvert.

It is further ordered, That William W. Swift, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the declarations and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the issue and sale by Milwaukee Gas and by Michigan Consolidated of the proposed notes are in each case reasonably adapted to the security structure of such companies and of other companies in the holding company system of American Natural Gas Company.

2. Whether the notes to be issued are reasonably adapted to the earning power of the respective companies.

3. Whether the financing by the issuance and sale of such notes is necessary or appropriate to the economical and efficient operation of the respective businesses in which the companies are engaged.

4. Generally, whether the proposed note issues meet the applicable standards of section 7 of the act.

5. What terms and conditions, if any, should be imposed with respect to such note issues as may be necessary in the public interest or in the interest of investors and consumers.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order, by registered mail, on Milwaukee Gas, Michigan Consolidated, and American Natural Gas Company; that this notice and order be published in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons appearing upon the Commission's mailing list for releases under the act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[P. R. Doc. 55-5470; Filed, July 5, 1955; 10:12 a. m.]

