THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 — 1934 — NUMBER 183

Washington, Tuesday, September 20, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10636

AMENDMENT OF EXECUTIVE ORDER NO. 10000[1] OF SEPTEMBER 16, 1948, PRESCRIBING REGULATIONS GOVERNING ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

By virtue of the authority vested in me by section 207 of the Independent Offices Appropriation Act, 1949, as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949 (62 Stat. 1205), and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1. Subsection (a) of section 106 of Executive Order No. 10000 of September 16, 1948, prescribing regulations governing additional compensation and credit granted certain employees of the Federal Government serving outside the United States, is amended to read as follows:

"(a) The following regulations shall govern the payment of foreign post differentials under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment or transfer and shall end as of the date of departure from the post for separation or transfer, except that in case of local recruitment such payments shall begin and end as of the beginning and the end of employment, respectively.

(2) Payments for periods of leave and of detail shall begin and end as determined in regulations prescribed under section 102 (c) hereof.

(3) Payments to persons serving on a part-time basis shall be pro-rated to cover only those periods of time for which such persons receive basic compensation.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation."

2. Subsection (a) of section 208 of the said Executive Order No. 10000 is amended to read as follows:

"(a) The following regulations shall govern the payment of Territorial post differentials and Territorial cost-of-living allowances under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment or transfer and shall end as of the date of departure from the post for separation or transfer, except that in case of local recruitment such payments shall begin and end as of the beginning and end of employment, respectively.

(2) Payments for periods of leave and of detail shall begin and end as determined in regulations prescribed under section 202 (c) hereof.

(3) Payments to persons serving on a part-time basis shall be pro-rated to cover only those periods of time for which such persons receive basic compensation.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation."

3. Regulations prescribed by the Secretary of State pursuant to section 106 (a) (2) and by the Civil Service Commission pursuant to section 208 (a) (2) shall, so far as practicable, be of uniform application.

This order shall be effective as to each officer or employee affected thereby upon the beginning of his first pay period commencing after November 1, 1955.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 16, 1955.

[F. R. Doc. 55-7652; Filed, Sept. 19, 1955; 10:58 a. m.]

[1] 13 F. R. 5453, 3 CFR, 1948 Supp., p. 202.

EXECUTIVE ORDER 10637

DELEGATING TO THE SECRETARY OF THE TREASURY CERTAIN FUNCTIONS OF THE PRESIDENT RELATING TO THE UNITED STATES COAST GUARD

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, section 499 of title 14 of the United States Code, and Article 140 of the Uniform Code of Military Justice (64 Stat. 145), and as President of the United States, it is hereby ordered as follows:

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

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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.

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(a) The authority vested in the President by section 149 of title 14 of the United States Code, in his discretion, to detail officers and enlisted men of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance.

(b) The authority vested in the President by section 229 of title 14 of the United States Code to revoke the commission of any officer on the active list of the Coast Guard who, at the date of such revocation, has had less than three years of continuous service as a commissioned officer in the Coast Guard, and to prescribe regulations relating to such revocations.

(c) The authority vested in the President by section 232 of title 14 of the United States Code, in his discretion, to retire from active service any commissioned officer of the Coast Guard, upon his own application, who has completed twenty years of active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or the Reserve Components thereof.

(d) The authority vested in the President by section 235 of title 14 of the United States Code to retire, to approve the retirement of, to place out of line of promotion, and to approve the placing out of line of promotion of, officers of the Coast Guard.

(e) The authority vested in the President by section 492 of title 14 of the United States Code to present a distinguished service medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility.

(f) The authority vested in the President by section 493 of title 14 of the United States Code to present the Coast Guard medal (including incidental items) to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

(g) The authority vested in the President by section 494 of title 14 of the United States Code to award emblems, insignia, rosettes, and other devices, to the extent that such authority relates to the awarding of such items to be worn with the distinguished service medal or the Coast Guard medal.

(h) The authority vested in the President by section 498 of title 14 of the United States Code to make posthumous awards of decorations and to designate representatives to receive such awards, to the extent that such authority relates to the awarding of the distinguished service medal or the Coast Guard medal, or ribbons, emblems, insignia, rosettes, or other devices corresponding thereto.

(i) The authority vested in the President by section 499 of title 14 of the United States Code to make rules, regulations, and orders to the extent that they shall relate to the authority described in sections 1 (f), 1 (g), and 1 (h) above.

(j) The authority vested in the President by the first paragraph of section 806 of the act of September 8, 1916, ch. 463, 39 Stat. 799 (15 U. S. C. 77), to direct the detention of any vessel, American or foreign, by withholding clearance or by formal notice forbidding departure; but such authority shall be exercised by the Secretary of the Treasury only upon a finding by the President that there is reasonable ground to believe that the vessel concerned is making or giving undue or unreasonable preference or advantage to any party, or is subjecting any party to undue or unreasonable prejudice, disadvantage, injury, or discrimination, as described in the said paragraph; and the authority so vested to revoke, modify, or renew any such direction.

(k) The authority vested in the President by the second paragraph of the said section 806 of the act of September 8, 1916, to withhold clearance from one or more vessels of a belligerent country or government until such belligerent shall restore to American vessels and American citizens reciprocal liberty of commerce and equal facilities for trade, and the authority to direct that similar privileges and facilities, if any, enjoyed by vessels and citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; but such authority shall not, in either instance, be exercised by the Secretary of the Treasury with respect to any vessel or citizen of such belligerent unless and until the President proclaims that the belligerent nation concerned is denying privileges and facilities to American vessels as described in the said paragraph.

(l) The authority vested in the President by section 963 (a) of title 18 of the United States Code to detain, in accordance with the provisions of such section, any armed vessel, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and to determine, in each case, whether the proof required by such section is satisfactory.

(m) The authority vested in the President by section 967 (a) of title 18 of the United States Code, during a war in which the United States is a neutral nation, to withhold clearance from or to any vessel, domestic or foreign, or, by service of formal notice upon the owner, master, or person in command or in charge of any domestic vessel not required to secure clearances, and to forbid its departure from port or from the United States, whenever there is reasonable cause to believe that such vessel is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

(n) The authority vested in the President by section 10 (a) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U. S. C. 450 (a)), to require the owner, master, or person in command of a vessel to give a bond to the United States, as prescribed by the said section 10 (a).

(o) The authority vested in the President by section 10 (b) of the act of November 4, 1939, ch. 2, 54 Stat. 9 (22 U. S. C. 450 (b)), to prohibit the departure of a vessel from a port of the United States, in accordance with the provisions of the said section 10 (b).

(p) The authority vested in the President by section 2 of the act of August 18, 1914, ch. 256, 38 Stat. 699 (46 U. S. C. 236), to suspend, in his discretion, by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

(q) The authority vested in the President by section 2 of the act of October 17, 1940, ch. 896, 54 Stat. 1201 (46 U. S. C. 643b) to extend, whenever in his judgment the national interest requires, the provisions of subsection (b) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

(r) The authority vested in the Secretary of the Treasury by the first paragraph of section 1 of Title II of the act of June 15, 1917, ch. 30, 40 Stat. 220, as amended (50 U. S. C. 191), during a national emergency proclaimed as provided in the said paragraph, (1) to make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, and (2) to take full possession and control of such vessel for the purposes set forth in the said paragraph.

(s) The authority vested in the President by section 6 of the act of July 24, 1941, ch. 320, 55 Stat. 604, as amended (34 U. S. C. 350e), to make appointments of officers below flag rank without the advice and consent of the Senate, to the extent that such authority relates, pursuant to section 11 (b) of the said act, as amended (34 U. S. C. 350j), to officers of the United States Coast Guard.

SEC. 2. The Secretary of the Treasury is hereby designated and empowered to perform without the approval, ratification, or other action of the President the following described functions to the extent that they relate to the United States Coast Guard:

(a) The authority vested in the President by Article 4 (a) of the Uniform Code of Military Justice (section 1 of the act of May 5, 1950, ch. 169, 64 Stat. 110; 50 U. S. C. 554 (a)), to convene a general

court-martial to try any dismissed officer, upon application by the officer concerned for trial by court-martial.

(b) The authority vested in the President by Articles 4 (c) and 75 of the Uniform Code of Military Justice (64 Stat. 110, 132; 50 U. S. C. 554 (c), 662), to reappoint a discharged officer to such commissioned rank and precedence as the former officer would have attained had he not been dismissed, and to direct the extent to which any such reappointment shall affect the promotion status of other officers.

(c) The authority vested in the President by section 10 of the act of May 5, 1950, ch. 169, 64 Stat. 146 (50 U. S. C. 739), to drop from the rolls any officer who has been absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a Federal or State penitentiary or correctional institution.

(d) The authority vested in the President by section 219 of the Armed Forces Reserve Act, approved July 9, 1952 (66 Stat. 487; 50 U. S. C. 943), to make appointments of Reserves in commissioned grades below flag officer grades.

(e) The authority vested in the President by section 221 of the said Armed Forces Reserve Act (50 U. S. C. 945) to determine the tenure in office of commissioned officers of the reserve.

(f) The authority vested in the President by section 248 of the said Armed Forces Reserve Act (50 U. S. C. 991), to effect the discharge of commissioned officers of the reserve.

(g) The authority vested in the President by section 6 of the act of February 21, 1946, ch. 34, 60 Stat. 27 (34 U. S. C. 410b), as made applicable to the Coast Guard Reserve by section 755 (a) of title 14 of the United States Code, in his discretion, to place upon the retired list any officer of the Coast Guard Reserve, upon his own application, who has completed more than twenty years of active service as described in the said section 6.

SEC. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

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

SEC. 5. Whenever the entire Coast Guard operates as a service in the Navy, the references to the Secretary of the Treasury in the introductory portions of sections 1 and 2 of this order shall be deemed to be references to the Secretary of the Navy.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 16, 1955.

[F. R. Doc. 55-7651; Filed, Sept. 19, 1955; 10:58 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 507—COTTON

SUBPART—REENTRY OF COTTON INTO THE UNITED STATES

CROSS REFERENCE: For revision and transfer of this subpart to Part 6, Subtitle A, Title 7, see F. R. Doc. 55-7609, *infra*.

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 6—IMPORT QUOTAS AND FEES

SUBPART—REENTRY OF COTTON INTO THE UNITED STATES

Subpart—Reentry of cotton into the United States of Part 507 of Chapter V of Title 6 is transferred to Part 6 of Subtitle A of Title 7 and, as revised and amended, reads as follows:

Sec.
6.71 General statement.
6.72 Reentry cotton.
6.73 Offset cotton.
6.74 Documentary requirements.
6.75 Certificate and authorization.

AUTHORITY: §§ 6.71 to 6.75 issued under sec. 22, 49 Stat. 773, as amended; 7 U. S. C. 624. Interpret or apply Proc. 2351, 4 F. R. 3822, 3 CFR, 1943 Cum. Supp., 113, as amended by Proc. 2544, 7 F. R. 2587, 3 CFR, 1943 Cum. Supp., 294.

§ 6.71 *General statement.* The proclamation issued by the President of the United States on September 5, 1939 (Proc. 2351, 4 F. R. 3822; 3 CFR, Cum. Supp. (1943), 113), placed limitations upon the importation or withdrawal from warehouse for consumption of certain cotton and cotton waste. The proclamation issued by the President on March 31, 1942 (Proc. 2544, 7 F. R. 2587; 3 CFR, Cum. Supp. (1943), 294), suspends the proclamation of September 5, 1939, as to cotton produced in the United States, sold for export and actually exported on or after January 31, 1940, where the Secretary of Agriculture certifies that there has been exported without benefit of subsidy, as an offset to the proposed reentry, an equal or greater number of pounds of cotton produced in the United States, of any grade or staple length. Such a certificate is required by the provisions of the proclamation whether or not a subsidy program is in effect. The regulations in this subpart state the procedure to be followed in order to obtain such a certificate from the Secretary of Agriculture.

§ 6.72 *Reentry cotton.* The cotton which is to be reentered into the United States (hereinafter referred to as "reentry cotton") must have been produced in the United States, sold for export, and actually exported on or after January 31, 1940.

§ 6.73 *Offset cotton.* In order to reenter any such reentry cotton, an equal or greater number of pounds of cotton (hereinafter referred to as "offset cotton") must have been exported. The offset cotton must have been exported by the person or firm desiring to make the reentry, must have been exported without benefit of subsidy, and must have been shipped as an offset to the proposed reentry.

§ 6.74 *Documentary requirements.* (a) The person or firm desiring to reenter any cotton must submit documentary evidence sufficient to establish his right to reenter the cotton. The following suggested documents will ordinarily be sufficient:

No. of Copies	*Description of documents*
1	A certified copy of the sales for export agreement covering the reentry cotton.
1	A certified copy of the sales for export agreement covering the offset cotton. (This may be omitted if it is the same as above.)
3	A sworn statement that, to the best of the importer's knowledge and belief, the reentry cotton was grown in the United States.
3	A sworn statement that, to the best of the importer's knowledge and belief, the offset cotton was grown in the United States, and that the cotton was exported without benefit of subsidy.
1	A certified copy of the invoice covering the reentry cotton.
1	A certified copy of the weight sheet or mill's invoice covering the rejected (reentry) cotton.
3	A certified copy of the invoice covering the offset cotton.
1	A certified copy of the bill of lading covering the reentry of cotton.
3	Certified copies of the bill of lading covering the offset cotton.
1	A landing certificate covering the reentry cotton.
3	A landing certificate covering the offset cotton.
1	A statement from the carrier showing actual exportation of the reentry cotton may be furnished in lieu of a bill of lading and landing certificate covering the reentry cotton, if preferred.

(b) The exporter's marks or other means of identification should be shown on the documents covering the reentry cotton and the offset cotton. The port through which the cotton is to be reen-

tered must be named, and separate documents must be submitted for each port.

(c) All documentary evidence must be listed on a schedule and transmitted to the Director, Import Division, Foreign Agricultural Service, United States Department of Agriculture, Washington 25, D. C.

§ 6.75 *Certificate and authorization.* Authority to issue certificates that offset cotton has been exported is hereby delegated to the Director, Import Division, Foreign Agricultural Service. When such certificates are issued, they will be transmitted to the Bureau of Customs, Treasury Department, Washington, D. C., for appropriate action, and the authorizations for the reentry of cotton will be issued by the Bureau of Customs upon the basis of such certificates. It will also be necessary for the importer to secure a permit to import the reentry cotton from the Plant Quarantine Branch, Agricultural Research Service of the United States Department of Agriculture.

Done at Washington, D. C., this 15th day of September, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-7609; Filed, Sept. 19, 1955; 8:52 a. m.]

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

PART 939—HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue (20 F. R. 6139) of August 23, 1955, that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Control Committee Rules and Regulations; 7 CFR 939.100 et seq.) that are currently in effect pursuant to applicable provisions of the Marketing Agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Amend § 939.110a *Application for exemption certificate* to read as follows:

§ 939.110a *Application for exemption certificate.* Each application for an exemption certificate authorizing the shipment (pursuant to § 939.54) during a particular marketing season of any variety of pears shall be filed with the Secretary of the Control Committee. At the same time, and in order to insure prompt handling of such application, the applicant shall mail or deliver a copy of the application to the chairman of the Exemption Committee in the district in which the pears are grown. The application should be filed at the time the pears are harvested, and must be filed prior to the time the applicant's crop is graded, sized, and packed. Each application duly mailed and received by the Secretary of the Control Committee shall be deemed to have been filed with the Secretary as of the date of such mailing. As a part, and in support, of the application for an exemption certificate, the applicant shall submit one or more inspection certificates (or copies thereof) issued by a duly authorized representative of the Federal-State Inspection Service indicating the percentage of such applicant's production of all pears of such variety which will meet the grade, size, and quality regulations in effect and the percentage which will not meet these regulations; and the volume of pears so inspected shall be representative of such applicant's total production of such variety. The said Exemption Committee shall have the right to make or cause to be made such additional investigation as may be necessary to determine whether the portion of the applicant's production covered by the inspection certificates adequately represents the applicant's total production of such variety. The cost of such inspection shall be borne by the applicant. The application to be submitted shall be "Form E-1 Growers Application for Exemption Certificate" and shall contain the following information:

(a) The name and address of the applicant;

(b) The location of the orchard (by district and distance from the nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(c) The number and age of the trees producing the particular variety for which exemption is requested;

(d) The estimated quantity of such variety which could be shipped by the applicant in the absence of the grade, size, or quality regulations in effect at the time the application is filed;

(e) The percentage of such variety, as set forth in the attached Federal-State inspection certificate or the weighted average of such percentages if there is more than one inspection certificate, which meets the requirements of the aforesaid effective grade, size, or quality regulations;

(f) The quantity of such variety which meets the requirements of the aforesaid effective grade, size, or quality regulations (such quantity shall be determined by applying the applicable percentage prescribed in paragraph (e) of this section to the estimated quantity pursuant to paragraph (d) of this section);

(g) The total crop of such variety and the quantity shipped during the preceding marketing season;

(h) The names of the shippers who shipped all or any portion of the applicant's aforesaid crop during the preceding marketing season;

(i) The reasons why the quantity of the particular variety of pears, for which exemption is requested, does not meet the aforesaid effective grade, size, or quality regulations; and

(j) The name of the shipper or shippers who will ship the exempted pears if the exemption certificate is issued.

2. Amend the provisions in paragraph (a) of § 939.122 *Shipments to designated storages* to read as follows:

(a) Pears may be shipped without prior inspection and certification to any public storage warehouse in Yakima, Zillah, or Grandview, in the State of Washington, in Portland or Kalamath Falls in the State of Oregon, or in Tulelake, California, for storage therein in transit: *Provided,* That any pears so shipped shall be inspected, and a certificate issued with respect thereto, as provided in § 939.60 of the marketing agreement and order, prior to such pears being removed from such warehouse. At the time any pears are so shipped into such public storage warehouse and again when such pears are shipped out of such warehouse, the handler shall, on his semimonthly "Handler's Statement of Pear Shipments," report each such shipment as prescribed in paragraph (b) of § 939.125.

3. Amend paragraph (b) (6) of § 939.125 *Reports* by adding at the end thereof the following sentence: "In addition the handler shall indicate, for each lot of pears shipped in accordance with the provisions of § 939.122, the storage lot number, and the name and address of the storage warehouse."

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof later than the date of publication of this document in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of pears are already subject to regulation (Pear Order 7, § 939.307; 20 F. R. 6045) established pursuant to §§ 939.50 and 939.51 of the aforesaid amended marketing agreement and order; (2) such shipments are currently being made in light volume, and pears are being harvested, graded, and packed for later shipment out of storage; (3) this document establishes the procedure necessary to be followed by producers in obtaining exemption from regulation (in accordance with § 939.54 of said amended marketing agreement and order) which will permit a producer, who otherwise would be prevented from so doing by the grade and size regulation, to ship a quantity of pears of each variety equal to the aver-

age percentage of the total production of such variety permitted to be shipped by all producers in his district; (4) such procedure specifies that applications for exemption must be submitted prior to the time pears are graded, sized, and packed, and since such operations are already in progress it is essential that the amended rules and regulations be issued as soon as possible so that producers may be granted exemption from regulation in accordance therewith and the Control Committee enabled effectively to perform its duties in accordance with the provisions of the said amended marketing agreement and order; (5) producers and handlers have been notified of the proposed adoption; and recommendation to the Secretary, by the Control Committee of the said amendments to the rules and regulations; (6) notice that the Department was considering such amendments was published in the FEDERAL REGISTER and interested parties afforded opportunity to file written data, views, or arguments in connection therewith; and (7) the new procedures established by such amendments to the rules and regulations will not require any preparation which cannot be completed by the effective time thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 15th day of September 1955, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7608; Filed, Sept. 19, 1955; 8:52 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.312 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath and Lake in Oregon, and Modoc and Siskiyou in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby 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 in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) 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, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 20, 1955, to November 1, 1955, both dates inclusive, no handler shall ship any lot of potatoes of any variety if such potatoes are more than "slightly skinned" as such term is defined in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), which means that not more than ten percent of such potatoes have more than one-fourth of the skin missing or "feathered": *Provided,* That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days for any producer without regard to the aforesaid skinning requirement, if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(2) Terms used in Marketing Agreement No. 114 and Order No. 59, as amended, shall, when used in this section, have the same meaning as when used in said agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of September 1955, to become effective September 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-7646; Filed, Sept. 16, 1955; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 91]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.12 *Green Civil Airway 2* is amended by adding:

From—	To—	Minimum altitude
Stephentown Int., N. Y.	Albany, N. Y., LFR northwest-bound only.	3,000

2. Section 610.13 *Green Civil Airway 3* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa, LFR.	Moline, Ill., LF/RBN.	2,200
Moline, Ill., LF/RBN.	Harmon Int., Ill.	2,300

3. Section 610.20 *Green Civil Airway 10* is amended to read in part:

From—	To—	Minimum altitude
Bellingham, Wash., LFR.	Burlington Int., Wash.	4,000
Burlington Int., Wash.	Everett, Wash., LFR.	3,000

4. Section 610.212 *Red Civil Airway 12* is amended to read in part:

From—	To—	Minimum altitude
Joliet, Ill., LFR	Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind. LFR.	2,000
Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind., LFR.	South Bend, Ind. LFR.	2,100

5. Section 610.214 *Red Civil Airway 14* is amended to read in part:

From—	To—	Minimum altitude
Lansing Int., Ill.	Halsmer Int., Ind.	1,900
Halsmer Int., Ind.	Indianapolis, Ind. LFR.	2,100

6. Section 610.221 *Red Civil Airway 21* is amended to read in part:

From—	To—	Minimum altitude
Bridgeport, Conn., LFR.	Int. NE crs Bridgeport, Conn., LFR and SE crs Hartford, Conn., LFR.	2,000
New London Int., Conn.	Wyoming Int, R. I.	1,700
Wyoming Int, R. I.	Providence, R. I., LFR.	1,600

7. Section 610.225 *Red Civil Airway 25* is amended to delete:

From—	To—	Minimum altitude
Drifton Int., Fla	Cross City, Fla. LFR	1,300
Cross City, Fla. LFR	Tidewater Int., Fla	1,200
Tidewater Int., Fla	Tampa, Fla., LFR	1,500
Tampa, Fla., LFR	Ona Int., Fla	1,300
Ona Int., Fla	Ft. Myers, Fla., LFR	1,400
Ft. Myers, Fla., LFR	Tamiami Int., Fla	1,200
Tamiami Int., Fla	Miami, Fla., LFR	1,100

8. Section 610.257 *Red Civil Airway 57* is amended to read in part:

From—	To—	Minimum altitude
Cedar Rapids, Iowa, LF/RBN.	Moline, Ill., LF/RBN	2,100
Moline, Ill., LF/RBN	Rockford, Ill., LFR	2,500

9. Section 610.265 *Red Civil Airway 65* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles,[1] Calif. LFR.	Oceanside, Calif. LF/RBN.	4,000

[1] 2,000—Minimum crossing altitude at Los Angeles LFR, Southbound.

10. Section 610.267 *Red Civil Airway 67* is amended by adding:

From—	To—	Minimum altitude
Dothan, Ala., LFR	Columbus, Ga., LFR	1,700

11. Section 610.271 *Red Civil Airway 71* is amended to read in part:

From—	To—	Minimum altitude
Roswell, N. Mex., LFR.	Elkins Int., N. Mex	5,600
Elkins Int., N. Mex	Flying M Int., N. Mex.	5,500
Flying M Int., N. Mex.	Lubbock, Tex., LFR	5,200

12. Section 610.301 *Red Civil Airway 101* is amended to delete:

From—	To—	Minimum altitude
Tampa, Fla. LFR	Ona Int., Fla	1,300
Ona Int., Fla	Miami, Fla., LFR	1,100

13. Section 610.601 *Blue Civil Airway 1* is added to read:

From—	To—	Minimum altitude
Tampa, Fla., LFR	Ona Int., Fla	1,300
Ona Int., Fla	Miami, Fla., LFR	1,100

14. Section 610.603 *Blue Civil Airway 3* is amended by adding:

From—	To—	Minimum altitude
Miami, Fla., LFR	Tamiami Int., Fla	1,100
Tamiami Int., Fla	Ft. Meyers, Fla., LFR	1,200
Ft. Meyers, Fla., LFR	Ona, Int., Fla	1,400
Ona Int., Fla	Tampa, Fla., LFR	1,300
Tampa, Fla., LFR	Tidewater Int., Fla	1,500
Tidewater Int., Fla	Cross City, Fla., LFR	1,200
Cross City, Fla., LFR	Drifton Int., Fla	1,300

15. Section 610.605 *Blue Civil Airway 5* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., LFR	Bryan, Tex., LFR	1,800

16. Section 610.613 *Blue Civil Airway 13* is amended to read in part:

From—	To—	Minimum altitude
Texarkana, Ark., LFR	Ft. Smith, Ark., LF/RBN.	3,800

17. Section 610.622 *Blue Civil Airway 22* is amended to read in part:

From—	To—	Minimum altitude
Little Rock, Ark., LFR.	Ft. Smith, Ark., LF/RBN.	3,800
Ft. Smith, Ark., LF/RBN.	Tulsa, Okla., LFR	2,600

18. Section 610.631 *Blue Civil Airway 31* is amended to read in part:

From—	To—	Minimum altitude
Monmouth Int., Ill	Moline, Ill., LF/RBN	2,100

19. Section 610.633 *Blue Civil Airway 33* is amended to delete:

From—	To—	Minimum altitude
Archbold, Ohio, LF/RBN.	Int. W ers. Detroit, Mich., with a straight line between Archbold, Ohio, RBN and Jackson, Mich., RBN.	2,200

20. Section 610.644 *Blue Civil Airway 44* is amended to delete:

From—	To—	Minimum altitude
Archbold Int., Ohio	Dundee Int., Mich	2,000

21. Section 610.6002 *VOR Civil Airway 2* is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y., VOR	Rochester, N. Y., VOR.	2,100
East Pembroke, N. Y., FM.	Buffalo, N. Y., VOR, Westbound only.	1,900

22. Section 610.6004 *VOR Civil Airway 4* is amended to read in part:

From—	To—	Minimum altitude
Marshall [1] Int., Mo	Columbia, Mo., VOR	[2] 3,400

[1] 4,000—Minimum reception altitude.
[2] 2,400—Minimum terrain clearance altitude.

23. Section 610.6005 *VOR Civil Airway 5* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga., VOR	Chattanooga, Tenn., VOR.	[1] 4,000

[1] 3,500—Minimum terrain clearance altitude.

24. Section 610.6008 *VOR Civil Airway 8* is amended to read in part:

From—	To—	Minimum altitude
Kingfish Int., Calif	Long Beach, Calif., VOR.	3,500

25. Section 610.6010 *VOR Civil Airway 10* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo., VOR.	Lawson Int., Mo	2,400
Lawson Int., Mo	Chillicothe [1] Int., Mo.	[2] 3,400
Chillicothe [1] Int	Kirksville, Mo., VOR	[2] 3,400

[1] 4,000—Minimum reception altitude.
[2] 2,400—Minimum terrain clearance altitude.

26. Section 610.6012 *VOR Civil Airway 12* is amended to read in part:

From—	To—	Minimum altitude
Johnstown, Pa., VOR, via S alter.	Burnt Cabins [1] Int., Pa., via S alter.	4,500
Burnt Cabins [1] Int., Pa., via S alter.	Harrisburg, Pa., VOR, via S alter.	4,000

[1] 6,000—Minimum reception altitude.

27. Section 610.6014 *VOR Civil Airway 14* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla., VOR via S alter.	Salina Int., Okla., via S alter.	2,600
Salina Int., Okla., via S alter.	Neosho, Mo., VOR via S alter.	2,000

28. Section 610.6015 *VOR Civil Airway 15* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex., VOR	College Station, Tex., VOR.	1,800

29. Section 610.6016 *VOR Civil Airway 16* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles, Calif., VOR.	Ontario, Calif., VOR	4,000
La Habra, Calif., FM	Los Angeles, Calif., VOR, Westbound only.	3,000

30. Section 610.6020 *VOR Civil Airway 20* is amended to read in part:

From—	To—	Minimum altitude
Palacios, Tex., VOR	Houston, Tex., VOR	2,100
LaGrange, Ga., VOR	Madras [1] Int., Ga.	2,000
Madras [1] Int., Ga.	Atlanta, Ga., VOR	2,000
Spartanburg, N. C., VOR.	Mooresville Int., N. C.	2,500
Mooresville Int., N. C.	Greensboro, N. C., VOR.	3,000

[1] 3,000—Minimum reception altitude.

31. Section 610.6021 *VOR Civil Airway 21* is amended to read in part:

From—	To—	Minimum altitude
Kingfish Int., Calif.	Long Beach, Calif., VOR.	3,500

32. Section 610.6022 *VOR Civil Airway 22* is amended by adding:

From—	To—	Minimum altitude
Marianna, Fla., VOR via N alter.	Tallahassee, Fla., VOR via N alter.	1,400

33. Section 610.6023 *VOR Civil Airway 23* is amended to read in part:

From—	To—	Minimum altitude
Long Beach, Calif., VOR.	Los Angeles,[1] Calif., VOR.	2,000
Los Angeles, Calif., VOR.	Pacoima Int., Calif.: North-bound	5,000
	South-bound	4,000
Pacoima Int., Calif.	Saugus [2] Int., Calif.	7,000
Saugus Int., Calif.	Bakersfield,[3] Calif., VOR.	10,000

[1] 3,000—Minimum crossing altitude at Los Angeles VOR, northbound.
[2] 8,000—Minimum crossing altitude at Saugus Int., northbound.
[3] 7,000—Minimum crossing altitude at Bakersfield VOR, southbound.

34. Section 610.6025 *VOR Civil Airway 25* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles,[1] Calif., VOR.	Filmore, Calif., VOR	5,000
Shoreline Int., Calif.	Los Angeles, Calif., VOR southeast-bound only.	3,000
Filmore,[2] Calif., VOR	Paso Robles, Calif., VOR.	[3]12,500

[1] 3,000—Minimum crossing altitude at Los Angeles VOR, Northwest-bound.
[2] 10,500—Minimum crossing altitude at Filmore VOR, Northwest-bound.
[3] 9,500—Minimum terrain clearance altitude.

35. Section 610.6031 *VOR Civil Airway 31* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y., VOR	Bellona Int., N. Y.	3,500
Bellona Int., N. Y.	Rochester, N. Y., VOR.	3,000

36. Section 610.6031 *VOR Civil Airway 31* is amended to delete:

From—	To—	Minimum altitude
Elmira, N. Y., VOR	Syracuse, N. Y., VOR.	3,500

37. Section 610.6035 *VOR Civil Airway 35* is amended to read in part:

From—	To—	Minimum altitude
Asheville, N. C., VOR.	Roan Mt. Int., N. C.	8,500
Roan Mt. Int., N. C.	Tri-City, N. C., VOR.	6,500

38. Section 610.6035 *VOR Civil Airway 35* is amended by adding:

From—	To—	Minimum altitude
Macon, Ga., VOR	Royston, Ga., VOR	*2,600

*2,000—Minimum terrain clearance altitude.

39. Section 610.6051 *VOR Civil Airway 51* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga., VOR	Chattanooga, Tenn., VOR.	*4,000

*3,500—Minimum terrain clearance altitude.

40. Section 610.6053 *VOR Civil Airway 53* is amended to read in part:

From—	To—	Minimum altitude
Charleston, S. C., VOR.	Columbia, S. C., VOR	1,400
Columbia, S. C., VOR.	Spartanburg, S. C., VOR.	2,300

41. Section 610.6054 *VOR Civil Airway 54* is amended to read in part:

From—	To—	Minimum altitude
Texarkana, Ark., VOR via N alter.	Benton Int., Ark., via N alter.	[1]3,000
Benton Int., Ark., via N alter.	Little Rock, Ark., VOR via N alter.	1,800
Little Rock, Ark., VOR via N alter.	Lonoke Int., Ark., via N alter.	1,500
Lonoke Int., Ark., via N alter.	Memphis, Tenn., VOR via N alter.	[2]2,500
Little Rock, Ark., VOR.	Hazen Int., Ark.	1,500
Hazen Int., Ark.	Memphis, Tenn., VOR.	[2]2,500

[1] 2,500—Minimum terrain clearance altitude.
[2] 1,700—Minimum terrain clearance altitude.

42. Section 610.6054 *VOR Civil Airway 54* is amended by adding:

From—	To—	Minimum altitude
Spartanburg, S. C., VOR.	Charlotte, N. C. VOR.	2,100

43. Section 610.6056 *VOR Civil Airway 56* is amended to read in part:

From—	To—	Minimum altitude
Macon, Ga., VOR	Augusta, Ga., VOR	[1]2,700
Augusta, Ga., VOR	Columbia, S. C., VOR.	2,000
Columbia, S. C., VOR.	Florence, S. C., VOR.	1,500

[1] 1,800—Minimum terrain clearance altitude.

44. Section 610.6056 *VOR Civil Airway 56* is amended by adding:

From—	To—	Minimum altitude
Columbia, S. C., VOR via N alter.	Blythewood [1] Int., S. C., via N alter.	2,000
Blythewood [1] Int., S. C., via N alter.	Florence, S. C., VOR via N alter.	[2]3,300

[1] 3,300—Minimum reception altitude.
[2] 1,800—Minimum terrain clearance altitude.

45. Section 610.6074 *VOR Civil Airway 74* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla., VOR via N alter.	Salina Int., Okla., via N alter.	2,600
Salina Int., Okla., via N alter.	Ft. Smith, Ark., VOR via N alter.	*4,000

*2,600—Minimum terrain clearance altitude.

46. Section 610.6097 *VOR Civil Airway 97* is amended to read in part:

From—	To—	Minimum altitude
Knoxville, Tenn., VOR.	Norris Int., Tenn.	3,000
Norris Int., Tenn.	Richmond Int., Ky.	5,000
Richmond Int., Ky.	Lexington, Ky., VOR.	3,100
Cincinnati, Ohio, VOR.	Acton [1] Int., Ind.	2,300
Acton [1] Int., Ind.	Indianapolis, Ind., VOR.	2,200

[1] 4,000—Minimum reception altitude.

47. Section 610.6097 *VOR Civil Airway 97* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga., VOR via E alter.	Norcross, Ga., VOR via E alter.	3,000
Norcross, Ga. VOR via E alter.	Silver City Int., Ga., via E alter.	[1] 4,000
Silver City Int., Ga., via E alter.	Knoxville, Tenn., VOR via E alter.	7,000

[1] 3,200—Minimum terrain clearance altitude.

48. Section 610.6105 *VOR Civil Airway 105* is amended by adding:

From—	To—	Minimum altitude
Prescott, Ariz., VOR.	Las Vegas, Nev., VOR.	11,000

49. Section 610.6107 *VOR Civil Airway 107* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles,[1] Calif., VOR.	Filmore, Calif., VOR.	5,000
Shoreline Int., Calif.	Los Angeles, Calif., VOR southeast bound only.	3,000
Filmore,[2] Calif., VOR.	Paso Robles, Calif., VOR.	[3]12,500

[1] 3,000—Minimum crossing altitude at Los Angeles VOR, Northwest-bound.
[2] 10,500—Minimum crossing altitude at Filmore VOR, Northwest-bound.
[3] 9,500—Minimum terrain clearance altitude.

50. Section 610.6115 *VOR Civil Airway 115* is amended by adding:

From—	To—	Minimum altitude
Knoxville, Tenn., VOR.	Charleston, W. Va., VOR.	6,000

51. Section 610.6117 *VOR Civil Airway 117* is amended to read in part:

From—	To—	Minimum altitude
El Centro, Calif., LFR.	Wister [1] Int., Calif.	3,000

[1] 4,000 Minimum crossing altitude at Wister Int., Northwest-bound.

52. Section 610.6133 *VOR Civil Airway 133* is amended to read in part:

From—	To—	Minimum altitude
Salem, Mich., VOR.	Flint Int., Mich.	2,600

53. Section 610.6137 *VOR Civil Airway 137* is amended to read in part:

From—	To—	Minimum altitude
Palmdale,[1] Calif., VOR.	Bakersfield,[2] Calif., VOR.	10,000

[1] 8,000—Minimum crossing altitude at Palmdale VOR, Westbound.
[2] 7,000—Minimum crossing altitude at Bakersfield VOR, Southbound.

54. Section 610.6143 *VOR Civil Airway 143* is amended by adding:

From—	To—	Minimum altitude
Charlotte, N. C., VOR.	Greensboro, N. C. VOR.	[1] 2,500
Charlotte, N. C., VOR via W alter.	Mooresville Int., N. C., via W alter.	2,300
Mooresville Int., N. C., via W alter.	Greensboro, N. C., VOR. via W alter.	3,000

[1] 2300—Minimum terrain clearance altitude.

55. Section 610.6147 *VOR Civil Airway 147* is amended to delete:

From—	To—	Minimum altitude
Elmira, N. Y., VOR via E alter.	Bellona Int., N. Y., via E alter.	3,500
Bellona Int., N. Y., via E alter.	Rochester, N. Y., VOR. via E alter.	3,000

56. Section 610.6153 *VOR Civil Airway 153* is amended to read:

From—	To—	Minimum altitude
Millington, Int., N. J.	Stroudsburg, Pa., VOR.	2,700
Stroudsburg, Pa., VOR.	Wilkes-Barre, Scranton, Pa., VOR.	3,500

57. Section 610.6164 *VOR Civil Airway 164* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa., VOR.	Crystal Lake Int., Pa.	4,500
Crystal Lake Int., Pa.	Stroudsburg, Pa., VOR.	3,500
Williamsport, Pa., VOR via S alter.	Stroudsburg, Pa., VOR via S alter.	4,000
Stroudsburg, Pa., VOR.	Lincoln Park Int., N. J.	2,600

58. Section 610.6185 *VOR Civil Airway 185* is amended to read in part:

From—	To—	Minimum altitude
Asheville, N. C., VOR.	Piedmont Int., Tenn.	8,000
Piedmont Int., Tenn.	Knoxville, Tenn., VOR.	6,000
Asheville, N. C., VOR via E alter.	Ottway Int., Tenn., via E alter.	8,000
Ottway Int., Tenn., via E alter.	Knoxville, Tenn., VOR via E alter.	6,000

59. Section 610.6188 *VOR Civil Airway 188* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa., VOR.	Crystal Lake Int., Pa.	4,500
Crystal Lake Int., Pa.	Stroudsburg, Pa., VOR.	3,500
Stroudsburg, Pa., VOR.	Caldwell, N. J., VOR.	2,600

60. Section 610.6193 *VOR Civil Airway 193* is amended to read in part:

From—	To—	Minimum altitude
White Cloud, Mich., VOR.	Traverse City, Mich., LFR.	2,700

61. Section 610.6194 *VOR Civil Airway 194* is amended by adding:

From—	To—	Minimum altitude
Homer Int., Ga.	Royston, Ga., VOR.	2,200
Royston, Ga., VOR.	Sedalia Int., S. C.	[1] 3,000
Sedalia Int., S. C.	Charlotte, N. C., VOR.	[2] 3,000

[1] 2,200—Minimum terrain clearance altitude.
[2] 2,000—Minimum terrain clearance altitude.

62. Section 610.6195 *VOR Civil Airway 195* is added to read:

From—	To—	Minimum altitude
Oakland, Calif., VOR.	Sacramento, Calif., VOR.	4,000
Sacramento, Calif., VOR.	Williams, Calif., VOR:	
	Northwest-bound	3,000
	Southeast-bound	2,000
Rio Int., Calif., via W alter.	Williams, Calif., VOR via W alter	5,000
Williams, Calif., VOR.	Red Bluff, Calif., VOR.	3,000
Via W alter	Via W alter	3,000

63. Section 610.6199 *VOR Civil Airway 199* is amended to read in part:

From—	To—	Minimum altitude
San Francisco,[1] Calif., VOR.	Los Banos Int., Calif..	7,000

[1] 4,500—Minimum crossing altitude at San Francisco VOR, Southbound.

64. Section 610.6200 *VOR Civil Airway 200* is added to read:

From—	To—	Minimum altitude
Ukiah, Calif., VOR	Williams, Calif., VOR.	5,000
Williams, Calif., VOR.	Mt. Lola Int., Calif.	13,000
Mt. Lola Int., Calif.	Reno, Nev., VOR	11,000
Williams, Calif., VOR. Via S alter.	Coloma Int., Calif; via S alter.:	
	Westbound	6,000
	Eastbound	7,000

65. Section 610.6200 *VOR Civil Airway 200* is added to read:

From—	To—	Minimum altitude
Coloma [1] Int., Calif., via S alter.	Reno,[2] Nev., VOR via S alter.	13,000

[1] 9,500—Minimum crossing altitude at Coloma Int., northeast-bound.
[2] 12,000—Minimum crossing altitude at Reno VOR, southwest-bound.

66. Section 610.6201 *VOR Civil Airway 201* is added to read:

From—	To—	Minimum altitude
Corbina Int., Calif.	Los Angeles,[1] Calif., VOR.	3,500
Los Angeles, Calif., VOR.	Berry Int., Calif.	9,000

[1] 6,000—Minimum crossing altitude at Los Angeles VOR, northeast-bound.

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

These rules shall become effective October 6, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-7493; Filed, Sept. 19, 1955; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

CORRECTION OF OBSOLETE REFERENCES

In order to correct certain obsolete references to "Rule 580" which appear in Rule XIII of the rules of practice, paragraphs (a), (g), and (h) of § 201.13 (Rule XIII) are amended by substituting the number "485" for the number "580".

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7585; Filed, Sept. 19, 1955; 8:48 a. m.]

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

SECURITIES TRANSACTIONS

This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940, and section 211 of the Investment Advisers Act of 1940.

Text of amendment. Paragraph (l) of § 203.3 (Rule 3) of the regulation regarding conduct of members and employees and former members and employees of the Commission is amended by substituting the phrase "Confidential—Securities Transactions" for the word "Confidential."

§ 203.3 *Securities transactions.* * * *

(l) Members and employees shall report every transaction in any security or commodity within three business days. (Reports submitted by employees in field offices must be placed in the mails within three days of the date of each transaction.) Other changes in holdings resulting from inheritance or from reclassifications, gifts, stock dividends or split-ups, for example, shall be reported promptly. These reports shall be prepared on the official form provided for this purpose, copies of which may be procured from the Division of Personnel (Form SE-P-3). These reports shall be transmitted to the Director of Personnel. The envelope should be marked "Confidential—Securities Transactions".

The Commission finds that the foregoing action consists of procedural changes that are necessary or appropriate in order to conform to Executive Order 10501 and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing action shall be effective immediately.

(Secs. 19, 23, 48 Stat. 85, 901 as amended; sec. 20, 49 Stat. 833, Sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7584; Filed, Sept. 19, 1955; 8:48 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DISCLOSURE DETRIMENTAL TO THE NATIONAL SECURITY; NONDISCLOSURE OF CONTRACT PROVISIONS

Purpose of amendments. Various rules of the Commission relating to confidential information are here amended in minor respects, in order to be consistent with Executive Order 10501, 18 F. R. 7049, which withdrew from this Commission any power to classify information in the interests of national defense, and in order to minimize any confusion between the use of the word "confidential" in national defense classifications and its use elsewhere.

Statutory basis. This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly Section 19 (a) of the Securities Act of 1933.

Text of amendments. 1. Section 230.171 (Rule 171) under the Securities Act of 1933 is amended to read as follows:

§ 230.171 *Disclosure detrimental to the national security.* (a) Any requirement to the contrary notwithstanding, no registration statement, prospectus, or other document filed with the Commission or used in connection with the offering or sale of any securities shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document is omitted pursuant to paragraph (a) of this section, there shall be filed, in lieu of such document, a statement from an appropriate department or agency of the United States to the effect that such document has been classified or that the status of such document is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

2. Paragraph (b) of § 230.485 (Rule 485) under the Securities Act of 1933 is amended by substituting the phrase "Confidential Treatment" for the word "Confidential".

§ 230.485 *Contracts in general.* * * *

(b) The registrant shall file with the registration statement, but not bound as part thereof, (1) three copies of the contract or portion thereof which it desires to keep undisclosed, clearly marked "Confidential Treatment," * * *

3. Section 230.486 (Rule 486) under the Securities Act of 1933 is repealed.

This Commission finds that the foregoing action consists of procedural changes that are necessary or appropriate in order to conform to Executive Order 10501 and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing action shall be effective immediately.

(Sec. 19, 48 Stat. 85; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7580; Filed, Sept. 19, 1955; 8:47 a. m.]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

DISCLOSURE DETRIMENTAL TO NATIONAL SECURITY; NONDISCLOSURE OF INFORMATION FILED WITH COMMISSION AND WITH AN EXCHANGE

This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 23 (a) of the Securities Exchange Act of 1934.

Text of amendments. 1. Section 240.6 (Rule X-6) under the Securities Exchange Act of 1934 is amended to read as follows:

§ 240.6 *Disclosure detrimental to the national security.* (a) Any requirement to the contrary notwithstanding, no application for registration, report, proxy statement or other document filed with the Commission or any securities exchange shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document is omitted pursuant to paragraph (a) of this section, there shall be filed, in lieu of such document, a statement from an appropriate department or agency of the United States to the effect that such document has been classified or that the status of such document is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject-matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

2. Paragraph (b) of § 240.24b-2 (Rule X-24B-2) under the Securities Exchange Act of 1934 is amended, by substituting the phrase "Confidential Treatment" for the word "confidential" in two places, so as to read as follows:

§ 240.24b-2 *Nondisclosure of information filed with the Commission and with an exchange.* * * *

(b) The person shall file with the copies of the application, report, or document filed with the Commission:

(1) As many copies of the confidential portion, each clearly marked "Confidential Treatment", as there are copies of the application, report, or document filed with the Commission and with each exchange. Each copy shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the application, report, or document.

(2) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain: (i) An identification of the portion of the application, report, or document which has been omitted; (ii) a statement of the grounds of objection; (iii) either a consent that the Commission shall determine the question of public disclosure upon the basis of the application and without a hearing, or a request for a hearing on the question of public disclosure, if that is desired; (iv) the name of each exchange with which the application, report, or document is filed.

The copies of the confidential portion and the application filed in accordance with this paragraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to The Chairman, Securities and Exchange Commission, Washington 25, D. C.

The Commission finds that the foregoing action consists of procedural changes that are necessary or appropriate in order to conform to Executive Order 10501 and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing action shall be effective immediately.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7581; Filed, Sept. 19, 1955; 8:47 a. m.]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF BROKERS AND DEALERS

On April 22, 1955, the Commission published a proposal to adopt certain procedural rules, designated as §§ 240.15b-9, 240.15al2-1 and 240.19a3-1, (Rules X-15B-9, X-15AL2-1 and X-19A3-1, applying to proceedings under sections 15 (b), 15 A (l) (2) and 19 (a) (3) of the Securities Exchange Act of 1934. No comments were received. The rules are hereby adopted in substantially the form proposed.

Section 240.15b-9 is intended to define the status of individuals associated with brokers and dealers in connection with administrative proceedings to deny or revoke broker-dealer registration under section 15 (b) or to suspend or expel from membership in a national securities association or securities exchange under section 15A (l) (2) or 19 (a) (3). The rule would codify the procedure followed by the Commission since the decision of the United States Court of Appeals for the District of Columbia Circuit in Wallach v. Securities and Exchange Commission, 202 F. 2d 462 (1953). The Court there held that the Commission could not, against his will, name a securities salesman as a party to an administrative proceeding against a broker-dealer under section 15 (b), but recognized that such a salesman was nevertheless entitled to intervene and be heard and that if he failed to take advantage of this opportunity he might "later find that he has seriously prejudiced his own interests by his inaction."

Without foreclosing the possibility of litigating the underlying legal questions further to the extent that they may directly or indirectly be involved in cases arising in the future, the Commission has ceased to name salesmen, or other individuals associated with a broker-dealer, in the caption of proceedings brought against such broker-dealer under section 15 (b). It has, however, continued to make such findings with respect to such individuals as are relevant to the issues under section 15 (b) and to the specification of the individuals who were a "cause" of any sanction imposed, as contemplated by section 15A (b) (4) of the act relating to disqualification for membership in a national securities association. This practice is codified in § 240.15b-9, which provides that associated individuals who may be affected by a broker-dealer proceeding shall not be named in the caption of the proceeding and shall not be deemed to be parties of record, unless they choose to be heard.

Sections 240.15al2-1 and 240.19a3-1 are simply cross-reference rules which provide, in effect, that the procedure just discussed shall apply also to administrative proceedings under sections 15A (l) (2) and 19 (a) (3) of the act, relating to membership in national securities associations and national securities exchanges.

Statutory basis. The rules are adopted pursuant to the provisions of the Secu-

rities Exchange Act of 1934, particularly sections 15 (b), 15A (b) (4), 15A (l) (2), 19 (a) (3) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

The text of rules is as follows:

§ 240.15b–9 *Proceedings under sections 15 (b), 15A (l) (2) and 19 (a) (3) of the act.* (a) Where the Commission denies or revokes the registration of a broker or dealer pursuant to section 15 (b) of the act or suspends or expels a member of a national securities association or national securities exchange pursuant to section 15A (l) (2) or section 19 (a) (3) of the act, the Commission may determine and announce for purposes of section 15A (b) (4) of the act whether any person associated with the member, broker or dealer was a cause of the imposition of such sanction; such determination may be made whether or not the member, broker or dealer admits the violation or consents to the imposition of the sanction. In such proceedings the Commission may also make such findings with respect to violation by associates of the member, broker or dealer, as may be relevant to the question of causation for purposes of section 15A (b) (4) or to the issues under sections 15 (b), 15A (l) (2) or 19 (a) (3).

(b) In proceedings under sections 15 (b), 15A (l) (2) or 19 (a) (3) of the act, the Commission will give appropriate notice and opportunity for hearing to the member, broker or dealer concerned and to any person associated with him whose interests may be affected by the proceedings. The member, broker or dealer will be named in the caption of the proceeding and shall be deemed a party of record. An associated person who may be aggrieved will not ordinarily be named in the caption of the proceeding but shall be entitled to participate as a party. If he participates generally in the proceeding or files a notice of appearance, he shall be deemed a party of record and will be given notices of intermediate developments in the proceeding. In any event he may inform himself of such developments by attendance at the hearings or examination of the record (whether the proceedings be public or private) or by arrangement with a party of record, so that he can determine whether he desires to be heard at any time. Section 201.17 of this chapter, other than paragraph (a) thereof, shall not apply to proceedings under this section.

(c) The terms "associated person" and "person associated" as used in this rule shall mean a person associated with a member, broker or dealer in any of the capacities specified in sections 15 (b) and 15A (b) (4) of the act.

§ 240.15al2–1 *Proceedings under section 15A (l) (2) of the act.* To the extent that a proceeding under section 15A (1) (2) of the act involves the conduct of any person other than a member of a national securities association, it shall be governed by the provisions of § 240.15b–9.

§ 240.19a3–1 *Proceedings under section 19 (a) (3) of the act.* To the extent that a proceeding under section 19 (a) (3) of the act involves the conduct of any person other than a member of a national securities exchange, it shall be governed by the provisions of § 240.15b–9.

The rules are adopted effective October 10, 1955.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1955.

[F. R. Doc. 55–7594; Filed, Sept. 19, 1955; 8:50 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

DISCLOSURE DETRIMENTAL TO NATIONAL SECURITY

This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 20 of the Public Utility Holding Company Act of 1935.

Text of amendments. 1. Paragraph (b) of § 250.104 (Rule U-104) under the Public Utility Holding Company Act of 1935 is amended by substituting the phrase "Confidential Treatment" for the word "confidential" in the first sentence thereof.

§ 250.104 *Public disclosure of information and objections thereto.* * * *

(b) *Confidential treatment.* If any person filing a notification, statement, application, declaration, report, or other document with the Commission under any provision of the act, or of any rules or order of the Commission thereunder, wishes to object to the public disclosure of any information contained therein, he shall file that portion thereof which contains such information separately from the remainder and shall plainly mark it "Confidential Treatment".

2. Section 250.105 (Rule U-105) under the Public Utility Holding Company Act of 1935 is amended to read as follows:

§ 250.105 *Disclosure detrimental to the national security.* (a) Any requirement to the contrary notwithstanding, no notification, statement, application, declaration, report or other document filed with the Commission shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document is omitted pursuant to paragraph (a) of this section, there shall be filed, in lieu of such document, a statement from an appropriate department or agency of the United States to the effect that such document has been classified or that the status of such document is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject-matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

The Commission finds that the foregoing action consists of procedural changes that are necessary or appropriate in order to conform to Executive Order 10501 and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing action shall be effective immediately.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1955.

[F. R. Doc. 55–7582; Filed, Sept. 19, 1955; 8:47 a. m.]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

CONFIDENTIAL TREATMENT OF NAMES AND ADDRESSES OF DEALERS OF REGISTERED INVESTMENT COMPANY SECURITIES

This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 38 of the Investment Company Act of 1940.

Paragraph (b) of § 270.45a–1 (Rule N-45A–1) under the Investment Company Act of 1940 is amended by substituting the phrase "Confidential Treatment" for the word "Confidential."

§ 270.45a–1 *Confidential treatment of names and addresses of dealers of registered investment company securities.* * * *

(b) The exhibits referred to in paragraph (a) of this section shall be filed in quadruplicate with the Commission at the time the registration statement or periodic report is filed. Such exhibits shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to the Chairman, Securities and Exchange Commission, Washington, D. C.

The Commission finds that the foregoing action consists of procedural changes that are necessary or appropriate in order to conform to Executive Order 10501 and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing action shall be effective immediately.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 8, 1955.

[F. R. Doc. 55-7583; Filed, Sept. 19, 1955; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 655—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS FOR SILK, RAYON, AND NYLON UNDERWEAR DIVISION, AND MISCELLANEOUS DIVISION

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the Act), the Secretary of Labor, by Administrative Order No. 443 (20 F. R. 4090) directed Special Industry Committee No. 17-A (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the silk, rayon, and nylon underwear division, and the miscellaneous division of the needlework and fabricated textile products industry.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5882), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. In this report the Committee divided the Miscellaneous Division into three separate divisions, for each of which it made separate recommendations in addition to its recommendations for the Silk, Rayon, and Nylon Underwear Division. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45A of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2), effective October 6, 1955, §§ 655.2 and 655.4 (b) of Title 29, Code of Federal Regulations, are amended as follows:

I. Section 655.2 (f) is amended to read as follows:

(f) (1) Wages at a rate of not less than 26 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand-sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 48 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

II. Section 655.2 (r) and (s), as presently in effect, is hereby superseded and § 655.2 is amended by the addition of the following paragraphs:

(r) (1) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act, as amended, by every employer to each of his employees in the general division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand embroidery operations, which are defined as hand embroidering, hand embellishing, ornamental stitching and other hand sewing operations involving decorative effects, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand embroidery operations, as defined in subparagraph (1) of this paragraph, and who is engaged in commerce or in the production of goods for commerce.

(s) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the suits, coats, skirts, fur garments and related products division of the needlework and fabricated textile products industry in Puerto Rico (as herein defined) who is engaged in commerce or in the production of goods for commerce.

(t) Wages at a rate of not less than 47½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous apparel products division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

III. Section 655.4 (b) (18) and (19), as presently in effect, are hereby superseded and § 655.4 (b) is amended by the addition of the following subparagraphs:

(18) *General division.* The manufacture of handbags (other than corde') and umbrellas; and the manufacture of all textile products (other than apparel) and the manufacture of all like articles (other than apparel) in which a synthetic material in sheet form is the basic component not included in any of the other divisions of the industry as defined.

(19) *Suits, coats, skirts, fur garments, and related products division.* The manufacture of suits, coats, skirts, fur garments, leather and sheep lined clothing, fabric rainwear, academic caps and gowns, vestments, theatrical costumes, millinery, and similar outerwear.

(20) *Miscellaneous apparel products division.* The manufacture of all apparel and apparel furnishings and accessories not included in any of the other divisions of the industry as defined.

(Sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208)

Signed at Washington, D. C., this 15th day of September 1955.

NEWELL BROWN, *Administrator, Wage and Hour Division.*

[F. R. Doc. 55-7598; Filed, Sept. 19, 1955; 8:51 a. m.]

PART 706—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On June 10, 1955, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act), the Secretary of Labor, by Administrative Order No. 443, (20 F. R. 4090) directed Special Industry Committee No. 17-B (hereinafter called the Committee) to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico engaged in commerce or in the production of goods for commerce in the Alcoholic Beverage and Industrial Alcohol Industry.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the August 12, 1955 issue of the FEDERAL REGISTER (20 F. R. 5882), the Committee filed with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the Act and General Order 45A of the Secretary—(1) these recommendations are hereby published in the following amendment to the Code of Federal Regulations; and (2), effective October 6, 1955, Part 706, Title 29, Code of Federal Regulations is amended to read as follows:

Sec.
706.1 Wage rates.
706.2 Notice of order.
706.3 Definitions of the alcoholic beverage and industrial alcohol industry in Puerto Rico and its divisions.

AUTHORITY: §§ 706.1 to 706.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply secs. 5 and 6, 52 Stat. 1062, as amended; 29 U. S. C. 205, 206.

§ 706.1 *Wage rates.* (a) Wages at a rate of not less than 75 cents an hour shal be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Malt Beverage Divisision of the Alcoholic Beverage and In-Industrial Alcohol Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of

1938, as amended, by every employer to each of his employees in the General Division of the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 706.2 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the division may prescribe.

§ 706.3 *Definitions of the alcoholic beverage and industrial alcohol industry in Puerto Rico and its divisions.* (a) (1) The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, cordials, liqueurs, wines, ales, beer and similar malt beverages with or without alcohol, and other alcoholic beverages; industrial alcohol, such as ethyl alcohol, butyl alcohol, and acetone; antifreeze, and any related by-products resulting from the manufacture of any of the foregoing products.

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) (1) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Malt beverage division.* This division includes the manufacture of beer, ale, and similar malt beverages with or without alcohol.

(2) *General division.* This division includes all products and activities included in the alcoholic beverage and industrial alcohol industry with the exception of those included under the malt beverage division.

Signed at Washington, D. C., this 15th day of September 1955.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-7597; Filed, Sept. 19, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 538—ALLOTMENTS OF PAY

MISCELLANEOUS AMENDMENTS

Sections 538.8, 538.10, and 538.11 are revised and § 538.9 is added, as follows:

§ 538.8 *Effective date, Class E allotments.* Ordinarily, class E allotments will be made effective the first of the month following that in which the authorization form is executed and payment will be made accordingly, provided the authorization form is received by the Allotment Operations before the 10th day of the month in which the allotment is to become effective. Exceptions will be made for Class E allotments covering commercial insurance premiums where because of circumstances beyond the control of the allotter an earlier effective date may be necessary. A class E allotment will not be made effective with the month in which an officer or enlited person enters on duty except when an enlisted person is commissioned, or is appointed a warrant officer; when an aviation cadet is commissioned; when a warrant officer is commissioned; or when a graduate, United States Military or Naval Academy, enters commissioned officer status.

§ 538.9 *Allotments to or in care of banks*—(a) *Joint bank accounts.* Class E allotments to joint bank accounts are acceptable provided the allotter has made satisfactory arrangements with the bank for the acceptance of the allotment. In such case, item 9 of Form 1341 will contain the name and address of the bank and the name of the allotter as the person to whose credit the allotment checks will be deposited, e. g.: First National Bank, 123 Main Street, Washington, Maryland, for credit to the account of John B. Smith, 0123456. Care must be exercised to give the full and correct name, branch, if any, and address of the banking institution where the account is maintained.

(b) *Dependents as allottee.* Where the allotter, for the purpose of convenience to his allottee, desires to have the check mailed to a bank, item 9 of Form 1341 will contain the name of the dependent as allottee and will be addressed in care of the bank, e. g.: Mrs. Mary M. Jones, c/o First National Bank, 123 Main Street, Washington, Maryland.

§ 538.10 *Effect of certain changes in status on allotments*—(a) *Death of allotter.* The Allotment Operations will make no further payment of an allotment after receipt of advice of the allotter's death, even though it is known that deductions were made from the allotter's pay and not paid to the allottee. Deaths of allotter's occurring outside the continental limits of the United States and Alaska will be reported to the Allotment Operations by The Adjutant General, Department of the Army. Allotments of deceased personnel will be discontinued.

(b) *Death of allottee.* Upon receipt of information of the death of any person to whom an allotment is payable, the Allotment Operations will discontinue the allotment and report the date of discontinuance to the allotter through his commanding officer. All unnegotiated allotment checks will be returned to the Allotment Operations. Unless the allotter has been separated from the service and has received final payment, the Allotment Operations will, upon receipt of the returned check, issue authority to credit the amount on the current military pay record.

§ 538.11 *Allotments to dependents of personnel missing, missing in action, beleaguered, besieged, interned in foreign country, or captured by hostile force*—(a) *Notification to dependents.* Whenever any person is officially reported to be missing, missing in action, beleaguered, besieged, interned in a foreign country, or captured by a hostile force (but not when change occurs from one such status to another), the emergency addressee will be promptly informed, by the office designated to do so of the:

(1) Provisions of the act of March 7, 1942 (56 Stat. 145), as amended, beneficial to the dependents, or the regulations governing allotments from the pay of such persons.

(2) Information required in or to accompany allotment applications.

(3) Name and address of the allotment office to which applications should be directed.

(b) *Emergency addressee.* The emergency addressee will be requested to notify interested relatives and dependents of the benefits and to advise insurers or other persons who may have knowledge of life insurance premiums that should be paid by allotment to communicate information thereof on both military and civilian personnel to the Settlements Division, Finance Center, U. S. Army, Indianapolis 49, Indiana.

(c) *Applications.* Applications for granting allotments or for increases in existing allotments will be submitted to the Settlements Division on Form 1341 which the dependent may obtain from personal affairs officers at military stations. Applications may be accepted if they satisfactorily establish identity, relationship, and dependency of the applicant and need for the increase or allotment requested. The application must indicate allotments, if any, currently being paid to dependents on whose behalf the application is submitted. It also must include or be accompanied by evidence establishing need for the allotment or increase requested. The specific amount needed and the date the allotment or increase is desired to be effective must be stated.

(d) *Accounts.* The military pay records of persons absent in a missing status are maintained by the Settlements Division. During the period of absence, all allotments paid on account of the absent person and all prescribed deductions from pay for class Q allotment paid on his account are charged against such pay and allowances. Allotment payments so charged shall be recredited in any case in which it is determined by the Secretary of the Army, or by such subordinate as the Secretary may designate, that such payments were induced by fraud or misrepresentation to which the absent person was not a party.

(e) *Effective date of allotment.* Allotments under this section ordinarily will be made effective for the month in which they are granted.

(f) *Termination of absence.* When absence of any person in a missing status is terminated by death or finding of death, all allotment payments will be discontinued and the account closed for settlement. When such status is terminated by a return to controllable jurisdiction of the Department of the Army, the person will be advised of allotments in effect which constitute charges to his

account and will be afforded the opportunity to execute such changes therein as he desires. In the absence of discontinuance or changes by him, allotments continued or established during the period of his absence will continue in effect.

[AR 35-1901, 20 July 1955] (Sec. 16, 30 Stat. 981, as amended; 10 U. S. C. 894)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-7572; Filed, Sept. 19, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 9703, 10742; FCC 55-923]

[Rules Amdts. 2-6, 11-14]

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

PART 11—INDUSTRIAL RADIO SERVICES

SPECIAL INDUSTRIAL RADIO SERVICE; TABLE OF FREQUENCY ALLOCATIONS

In the matter of revision of Subpart K of Part 11, Rules Governing the Special Industrial Radio Service; Docket No. 9703.

Amendment of § 2.104 *Table of frequency allocations* of part 2 of the Commission's rules; Docket No. 10742.

The proceeding. 1. This proceeding involves a complete revision of the Rules governing the Special Industrial Radio Service (Subpart K, §§ 11.501 through 11.504, of Part 11 of the Commission's Rules). It was initiated on June 21, 1950, by a Notice of Proposed Rule Making which on February 13, 1953, was supplemented by a further Notice. The latter was in turn superseded on November 4, 1953 by a Second Notice of Further Proposed Rule Making (18 F. R. 7250) proposing a new and detailed set of rules. Following the receipt and consideration of the comments filed in response to the Second Notice the Commission adopted, on October 29, 1954, a Proposed Report and Order (FCC 54-1369; 19 F. R. 7232) which contained the rules now under consideration.

2. Because several of the comments filed in response to the Second Notice touched upon difficult and controversial problems, the Commission issued its decision as a proposed, rather than a final Report and Order, to which interested persons were given an opportunity to file specific and particularized exceptions and, upon request, present their case in an oral argument before the Commission.

3. Exceptions were filed on behalf of more than eighty persons and covered a considerable number of issues. The provisions of the proposed rules to which no exceptions were made are hereby adopted, without further discussion, for the reasons and in the form set forth in the Proposed Report and Order.[1]

[1] See paragraph 60 (b) of the Proposed Report and Order.

4. Following the filing of exceptions, a conference was held, on January 10, 1955, with interested exceptors. The results of this conference, which eliminated several exceptions from the oral argument, were approved by the Commission in the Memorandum Opinion and Order adopted February 10, 1955 (FCC 55-148) and, where not reflected in the Rules adopted herein, are incorporated into this decision by reference. The remaining exceptions were, for convenience of presentation, grouped into 15 separate categories, which were the subject of the oral argument scheduled for and held on February 24, and 25, 1955.[2] In reaching our decision, we considered all exceptions, including those filed by persons who did not participate in the oral argument. However, since the contentions made in the oral argument covered substantially all the points raised in the written exceptions, we have limited our summary below to the former.

General considerations supporting the adoption of this revision of the Special Industrial Radio Service Rules at this time. 5. In adopting this Report and Order we desire to emphasize that in the face of the steadily increasing demand for access to private radiocommunications by every segment of the American industry this decision, which is basically founded on the framework and principles developed ten years ago, is only an interim measure designed to make the present Special Industrial Radio Service Rules more definite and detailed in order to facilitate licensing.

6. The basic framework of this Service rests on the showings and recommendations of industry made in an allocation proceeding ten years ago regarding the industry's then existing and anticipated needs for mobile communications. This framework embodies two general principles governing the availability of radio in the Safety and Special Radio Services field, and enunciated in 1949 when the licensing of the Special Industrial Radio Service and the other industrial services was placed on a regular basis, namely, that frequencies, the supply of which is limited, are primarily allocated for (1) uses where other alternatives such as wire lines were not a practicable substitute, and (2) that radio services which are necessary for the safety of life and property deserve more consideration than those services which are in the nature of convenience or luxury.[2a] The frequency allocations, channel spacing and the technical operational requirements were based in general on the state of the radio art and the capabilities of the equipment then (1949) prevailing. All these conditions necessitated the adoption of certain limitations on both the uses and the availability of the new radio service to the various interested industries. These limitations were reflected in the eligibility restrictions as well as restrictions on use. An illustration of the former is the exclusion of distribution and maintenance activities from eligibility in the Special Industrial Radio Service rules currently in effect. The proposal now adopted relaxes that restriction. An illustration of the latter is the provision limiting operations in the large metropolitan areas which are likewise somewhat relaxed by this amendment.

[2] Views regarding certain of the issues were also presented on the record by members of the Commission's staff on behalf of the Safety and Special Radio Services Bureau.

[2a] See Commission's Report and Order in Docket 8658 et al., FCC 49-492 for these two and the other four principles.

7. It was not long after the Special Industrial Radio Service was established that it became apparent that the demand for radio in this Service would far exceed the original expectations and that new classes of uses and eligibles would have to be accommodated. Coincidentally, great progress has been made in the design and performance capabilities of the transmitting and receiving equipment, opening new and wider opportunities for better and more efficient utilization of the available spectrum space. The steadily growing demand for the use of radio on the part of the industry generated, in turn, increasing demands for relaxation of the use and eligibility provisions, in some cases accompanied by requests for allocation of additional spectrum space (e. g., petition of the NAM Committee on Manufacturers Radio Use for establishment of a separate manufacturers' radio service and the allocation of frequencies thereto, which was denied by the Commission and followed by a petition for suballocation of the FM Broadcast band, presently pending).

8. This revision of the Special Industrial Radio Service Rules is an attempt to expand the use of radio in the public interest to meet the industry's growing needs therefor, without changing the basic framework of the Safety and Special Radio Service regulations. The Commission realizes that there remains the problem of seeking a means for meeting the increasing demand for radio through a general study and evaluation of the entire field.

9. During the past year progress has been made in the direction of exploring other approaches and other possibilities of better utilization of the spectrum space in the light of the recent improvements in the radio art. The Commission is hopeful that its studies will result in an expanded use of vehicular-radio in the public interest and permit further growth of the presently recognized categories of service and the accommodation of additional categories. These studies together with the Rule Making processes necessary for their consideration by the public will be of a continuing nature. In the meantime, there is an immediate requirement to stabilize the eligibility standards for the Special Industrial Radio Service so that licensing in this service may proceed concurrently with the aforementioned actions which have for their purpose an orderly growth in vehicular radio. This decision and the disposition of the exceptions that follows rest on these bases.

Exception to the proposed policy of licensing microwave systems on a case-by-case basis, as set forth in § 11.501. 10. The following argument was made against this proposed policy by the NAM, Committee on Manufacturers Radio Use: Persons eligible in the Power or Petro-

leum Service are eligible for a grant of a microwave system solely on the basis of their eligibility in one of those services. Licensees in the Special Industrial Radio Service should be treated similarly. The proposed policy would create uncertainty among the Special Industrial Radio Service licensees, many of whom are engaged in activities which are vital to the national defense, as to whether or not they would be able to obtain a microwave grant. These persons are entitled to know, when they file an application that they are eligible to receive a microwave grant. They should not be required to make special showings and be subjected to the uncertainties that go with all case-by-case determinations.

11. In our opinion § 11.501 should be adopted as proposed. The rules under which the licensing of microwave systems could be regularized are still in a formative stage. In fact, recently the Commission held a series of meetings with the industries and users concerned with a view to initating a rule-making proceeding to govern the use of microwave facilities. The extent to which Special Industrial licensees should be eligible to operate their own microwave point-to-point facilities was one of the problems discussed at these meetings. This, and similar difficult problems, may have to be resolved in a public rule-making proceeding. In view of this it would be premature to depart from the policy here in issue.

12. It should be noted that Section 11.501 is explicit in stating what an applicant must establish, in general, in support of his request for a microwave facility. Thus, the section contains standards to guide the Commission in its case-by-case disposition of applications, as well as, supplies applicants with a considerable degree of certainty in evaluating their prospects for a grant.[3] The exception is denied.

Exception to the standard metropolitan area concept. 13. The following is the substance of the argument, presented by the Special Industrial Radio Service Association, urging the abandonment of the Standard Metropolitan Area concept: The Standard Metropolitan Areas of 500,000 or more population concept is arbitrary, unrealistic and inequitable because the density of population has nothing to do with the classification of an area as a Standard Metropolitan Area by the U. S. Bureau of Census. Instead of this artificial cut-off line based on geographical considerations, the Commission should adopt criteria for the use of the Special Industrial Radio Service which would be based on (1) a priority list of eligible industries, (2) restrictions with respect to permissible communications and (3) the allocation of the 150–160 Mc frequencies for use in metropolitan areas and those in the 30–50 Mc band for use in the rural areas where long range communication requirements are prevalent.

[3] Section 16.253 of the recently adopted Motor Carrier Radio Service rules expresses the same policy and contains the same criteria as those set forth in 11.501, with respect to requests for microwave facilities in that service.

14. In our opinion the Standard Metropolitan Area of 500,000 or more population as a criterion of eligibility in the Special Industrial Radio Service must be retained. This criterion has been in existence since May 13, 1953 (see Report and Order in Docket 9703, 18 F. R. 2943; Volume 1, Part II Pike and Fischer RR 171). As carried into this proposal, it will enable persons engaged in the activities defined in §§ 11.503 through 11.509 to use radio outside of Standard Metropolitan Areas of 500,000 or more population, except where certain types of operations are expressly exempted from this limitation.[4] The Standard Metropolitan Area concept is one of a number of means the Commission employs to achieve the most orderly and efficient utilization of the available frequencies consistent with their technical characteristics and capabilities.

15. The majority of the frequencies available to the Special Industrial Radio Service are concentrated in the 30–50 Mc band. These frequencies are subject to considerable skip interference which intensifies as the peak of the sun spot cycle approaches. Additionally, their interference potential increases as the occupancy grows and heavy frequency loading will result in cumulative interference due to the skip characteristics. Statistics indicate that the frequency saturation in the Special Industrial Radio Service has already reached a greater degree than in any of the other industrial or public safety radio services. It is axiomatic that the opening of this service to large city uses would result in an influx of many new licensees. This in turn, would multiply the potential of destructive interference between licensees and degrade their service.[5]

16. These technical considerations, which have not been controverted by the opponents of the Standard Metropolitan Area concept, militate against the abandonment of this safeguard at this time. These same considerations persuade us that, until the aforementioned studies of this problem offer evidence warranting a relaxation of this safeguard, we are constrained to adopt the conservative approach to the frequency assignment problem which the Standard Metropolitan Area concept reflects.

17. In adopting this concept we desire to point out that persons who will be eligible only for limited, i. e., the "yard area" or "construction site", type of radio use within Standard Metropolitan Areas of 500,000 or more population, and those who will be totally excluded from operations in such areas in this service, are not left without radio communications. For the Citizens Radio Service remains available for use in connection with all mobile communication needs of such persons, including the dispatching of vehicles and pick-up and delivery services. Similarly, in the same 33 metropolitan areas of 500,000 or more population, mobile communication services suitable for the above-mentioned purposes are being offered by communication common carriers.

[4] See §§ 11.504 (c), 11.505 (c), 11.506 (c) (2), 11.508 (c).

[5] While frequencies in the Industrial Radio Services are not assigned for the exclusive use of any one licensee, but are subject to interference from operations of other licensees (see § 11.8 of the Commission's Rules), we deem it to be our duty, under the Communications Act, to allocate frequencies in such a manner that each service, on an overall basis, will be capable of meeting the need for which it was created.

18. As already mentioned, the Standard Metropolitan Area criterion is designed to prevent an overloading of frequencies by limiting the accessibility to this service in populous areas where the heaviest use of the frequencies might reasonably be expected to take place. To avoid, however, a rigid and, at times, inequitable application of this criterion where the boundaries of a standard metropolitan area include sparsely settled lands, we are providing for the making of exceptions to this limitation when it is shown that the transmitter would in fact be used in an area of low population density removed from the urbanized sections of the standard metropolitan areas involved.

19. The contention that the safeguard which the standard metropolitan area concept is intended to provide could be achieved by (1) devising a priority list of eligible industries, (2) restricting permissible communications, and (3) allocating the 150–160 Mc frequencies for use in metropolitan areas and those in the 30–50 Mc band for use in the rural areas where long range communication requirements are prevalent, does not, in our opinion, represent a satisfactory or promising solution. We are not aware of any general principle upon which an equitably drawn priority list of eligible industries could be based. An industry's national importance seems to be too imprecise a standard in an economy so complex and inter-dependent as ours. Restrictions on permissible communications, to the extent practicable and enforceable, are already generally in effect (see § 11.151) and are specifically included in § 11.512 of the instant proposal. Similarly, under § 11.8 (b), applicants are required to use the highest order of frequencies available, compatible with their operational requirements. In view of the foregoing the exception is denied.

20. The adoption of the standard metropolitan area concept as a criterion of eligibility in the Special Industrial Radio Service appears to dispose of those portions of the three exceptions discussed immediately below which request territorially unlimited operating privileges within such areas. For such privileges do not seem to be reconcilable with the rationale of the standard metropolitan area concept.

Exceptions to § 11.504 to the extent (a) that it limits radiocommunications to "on-the-job" communications; (b) restricts base station locations to one quarter mile from the construction site; (c) does not expressly permit one base station to serve several construction projects. 21. Union Building and Construction Corporation argued that: The restriction on the operation of heavy construction companies within standard metropolitan areas should be lifted. The rule is discriminatory against those companies who operate within standard

metropolitan areas of 500,000 or more population where they are restricted to on-the-job communications because no restrictions are placed upon construction companies operating outside such areas. Such limitations as are necessary on the use of radio may be imposed by means of tightening up on the permissible communications. There is no need to cut down on the use of radio by heavy construction contractors within standard metropolitan areas for fear of overcrowding the spectrum because the proposed elimination of specialized construction trades will insure enough spectrum space. Contractors who have access to radio save up to 10% of the construction cost—a saving which inures to the public. Construction projects of a public character and those which are constructed with public funds should be permitted to use radio within standard metropolitan areas, even if other contractors are excluded.

(a) The Special Industrial Radio Service Association argued that: A provision should be made for an exception to the one quarter mile limitation on the base station location wherever the terrain or physical obstructions make such limitation unfeasible. The present proposal lacks flexibility because in many cases it would be impossible to comply with the quarter mile limitation; the exception should be limited to engineering impracticability of locating a base station within a quarter mile from the construction site as distinguished from economic impracticability. Where a contractor has several projects, he should be allowed to use one base station for all his projects instead of, as proposed, having to have a separate base station for each project; requiring the use of a separate base station with each project will increase the overall time on the air and interference possibilities by increasing the number of base stations.

(b) Broadway Maintenance Corporation argued that: The limitations of § 11.504 should be abolished and persons engaged in electrical construction and maintenance of highway and street lights, etc. (which is the business of the Broadway Maintenance Corporation) should be allowed unrestricted operating privileges in standard metropolitan areas because power-light utility companies who operate their own radio stations have such privileges.

22. At the outset it must be pointed out that the rule provision here involved (and in § 11.506 discussed immediately below) permits operations of a territorially confined nature, i. e., confined to a construction site or yard [6] of a manufacturing plant, within the standard metropolitan areas of 500,000 or more population. This is, therefore, a specific exemption from the Standard Metropolitan Area limitation. The exemption is founded on the recognition that within a metropolitan area there are functions characterized by unique communication needs analogous to the activities for which radio is provided under the philosophy underlying the regulation of all the safety and special radio services.

23. The uniqueness is twofold. First, there are functions such as those necessary to logging, petroleum or power utility activities (see § 11.508) which are so inherently concerned with safety operations as to justify an exception on their behalf. Second, there is the unsuitability of the service offered by the communication common carriers for the function in question. The exceptions to the standard metropolitan area limitation for this type of need is based on the premise that within a plant yard or a heavy construction site, processes are occurring which are internal and peculiar to that operation. The means of communications upon which the public generally depends offer no relief in this situation. The same logic justified an exemption from the standard metropolitan area limitation for building contractors (see § 11.505), so long as their use of radio is confined to on-the-job functions. Technically, all these confined operations within standard metropolitan areas are capable of being met with relatively low power and antenna heights, as well as with the higher frequencies,[7] thus permitting repeated use of the same frequencies in a given metropolitan area and lessening the number of skip interference cases arising from the use of the frequencies in the 30–50 Mc band.

24. In view of the foregoing the quarter mile limitation is consistent with the theory of confined operations within standard metropolitan areas. Similarly, it follows logically that a base station must be used exclusively in connection with a single project; otherwise it would be impossible to contain the licensee's communications to a confined area, or to keep the power and antenna height low. In those cases where it is impossible to meet the quarter mile requirement, request may be made for a waiver thereof under the appropriate provisions of the Commission's Rules.

25. These same reasons, as well as those which prompted us to adopt the standard metropolitan area concept, militate against permitting construction or maintenance companies to operate anywhere within standard metropolitan areas of 500,000 or more population, as requested by the Union Building and Construction Corp. and Broadway Maintenance Corp. Accordingly, § 11.504 is adopted as proposed and the exception thereto denied.

Exception to the definition of "yard area" contained in § 11.506. 26. The National Association of Manufacturers, Committee on Manufacturers Radio Use argued that: The proposed definition of the yard area in § 11.506 (c) (2) is unclear: [8] it vests too much discretion in the staff to determine whether or not non-contiguous yard areas are lying within such a close proximity of each other so as to constitute one yard area. The criteria for making this determination, namely, the extent to which such sites are separated by streets, highways, railroads, rivers, etc., is not material. The material factor is the amount of communications that take place outside the yard area. The amount of such outside communications is small and would not exceed 10% of the total communications of the licensee. Such communications outside of the yard area and any place within standard metropolitan areas are necessary to the efficient utilization of both the radio system and the manufacturing concern which operates that radio system. To accomplish this, the term "yard area" should be defined to include one or more sites in the same immediate locality on which the applicant operates and the areas outside those sites which are regularly traversed as a part of or in direct connection with the manufacturing activities carried on within the yard area.

27. The proposed definition of the yard area is a relaxation of the existing one. It will allow a licensee to communicate with his mobile units anywhere within the expanded yard area. Thus in a yard area consisting of several sites—which today would be considered as separate yard areas, but which under the proposed definition would constitute a single yard area, if the sites are in a close proximity of each other—vehicles may be called while they are within any of the sites comprising the yard area, as well as while traveling between such sites.

28. What constitutes close proximity would, of course, be subject to interpretation; and each case would be decided on its facts. This seems unavoidable in a rule of general applicability which is designed to encompass many varied situations. The proposed definition of the yard area is consistent with the theory of permitting operations within standard metropolitan areas when these operations are of a confined nature.[9] The definition proposed by the excepter—which would also entail the exercise of administration discretion in determining what is "immediate locality"—is inconsistent with this theory of confined operations because it would permit an indiscriminate use of radio within a standard metropolitan area, at least to the extent of 10 percent of the applicant's communications. Such limitation is impossible to enforce and, therefore, impractical. In any event, to permit persons engaged in manufacturing activities to use radio anywhere within standard metropolitan areas to however small an extent would call for an extension of this privilege to all li-

[6] As this term is defined in § 11.506.

[7] See § 11.8 (b) of the rules.

[8] The definition reads as follows: The term "yard area" as used in this section may include one or more sites, whether contiguous or non-contiguous, on which plant or plants of the applicant are located, if the plant or plants are operated as an integrated manufacturing unit, and if the sites, when physically non-contiguous, lie within close proximity of each other. In determining whether non-contiguous areas lie within such close proximity of each other as to be considered a "yard area". The Commission will consider the extent to which such sites are separated by streets, highways, railroad tracks, rivers or similar obstacles.

[9] See paragraphs 22 and 23 above.

censees (including those presently excluded from any operations in standard metropolitan areas) who may have an analogous need for city-wide mobile communications. This would break down the theory on which the standard metropolitan area concept rests. For these reasons, as well as those discussed in connection with the two preceding exceptions, the proposed definition of the yard area is adopted, and the exception thereto denied.

Exception to the proposed prohibition in § 11.509 (c) on the use of radio within standard metropolitan areas of 500,000, or more population by persons delivering ready-mix concrete and hot asphalt. 29. It was argued on behalf of the Union Building and Construction Corporation and a number of other construction companies that: Hot asphalt and ready-mix concrete are perishable products and, because constructions using these products take place in large metropolitan centers, the standard metropolitan area restriction should not be applied to their deliveries. The exception to the standard metropolitan area which permits operations within the sparsely settled parts of such areas offers no relief to persons engaged in these activities to the extent that they deliver ready-mix concrete and hot asphalt in the congested parts of standard metropolitan areas. The rules should be revised to permit the Commission to consider requests for operations within standard metropolitan areas by persons engaged in the delivery of hot asphalt and ready-mix concrete on a case-by-case basis.[10] One of the standards for exceptions to the 500,000 population limitation should be the fact that persons engaged in the delivery of hot asphalt and ready-mix concrete serve these activities which are eligible in the Special Industrial Radio Service.

30. The considerations discussed in connection with the preceding three issues compel us to deny this exception. To permit persons delivering hot asphalt and ready-mix concrete to operate in standard metropolitan areas would not be consistent with the theory of making exceptions to this area; namely, that of confined operations, since these persons would obviously operate throughout a given metropolitan area. While it is true that the products involved are perishable, they are not instantly perishable and there is no safety consideration, which would support the making of an exception. Accordingly, § 11.509 (c) is adopted as proposed, and the exception thereto is denied.

Exception to § 11.505 to the extent that (a) it excludes specialized construction trades from eligibility thereunder; (b) it limits the use of radio to on-the-job communications; and (c) it prohibits permanently located base stations; and exception to § 11.511 to the extent that it does not make electrical construction and other specialized construction trades eligible thereunder. 31. On behalf of the Special Industrial Radio Service Association; Arrow Electrical Company; the Miller Electrical Company, and several electrical and plumbing contractors, it was argued that: The proposed exclusion of electrical and plumbing contractors is unustified because these trades perform important economic functions and often have to render emergency services. It is inequitable to grant radio service to general building contractors and deny it to the subcontractors such as the electricians and plumbers. The proposal favors big contractors and discriminates against the small electrician and plumber. The proposed exclusion cannot be justified on the basis of shortage of frequencies because, at least in West Palm Beach, Florida where the Arrow Electric Company operates, there are unoccupied frequencies allocated to the Special Industrial Radio Services. The Commission's survey of land-mobile radio services shows that the channel utilization in the United States in the Special Industrial Radio Services is light and, therefore, there is no frequency shortage. Because of economic considerations radio would be used only by these electric and plumbing concerns who can afford it and are able economically to justify the added expenditure for radio equipment. If electricians and plumbers are included in the proposed eligibility provisions to § 11.505, they should not be limited to the use of radio for on-the-job communications only; but they should be allowed to control their vehicles from a central office where the managerial know-how reposes.

32. The exclusion of specialized trades is based on the fact that these trades are so varied and numerous that there is no principle under which they could be recognized without setting in motion an inordinate demand for frequency use. There are virtually thousands of these operations in most areas and there is no readily recognizable basis for preferring one over the other; for example, an electrician over a carpenter, or for distinguishing aspects of such trades which merit preferential treatment from those accorded other aspects. To the extent that persons engaged in these trades work on construction projects, it is inconceivable that any particular project would be large enough to use more than low power for which they are eligible in the Low Power Industrial Radio Service. If they need radiocommunications to cordinate the movements of their repair and service vehicles, it is simply a matter of using radio for general business functions for which the Citizens Radio band is available. Furthermore, the communication common carriers offer a mobile service which appears to be suitable for such needs.

33. We are aware that in certain areas there are unoccupied Special Industrial frequencies. No nation-wide expansion of eligibility can be predicated, however, on that basis. For, as already pointed out (par. 15 above), the frequency saturation in this service is greater, on a nation-wide basis, than in any other service. This is reconcilable with the land mobile survey's finding of light channel occupancy: Admittedly, the assigned frequencies in this service are used intermittently. Hence, although an individual licensee's use may add up only to a small fraction of a day, the aggregate use of that frequency by all licensees in a given area may show its complete saturation each day. For the foregoing reasons the exception is denied.

34. Our decision not to recognize specialized construction trades as a basis of eligibility, is intended to have prospective effect only, and should be so construed. That is, persons engaged in specialized construction trades, as this term is defined in §§ 11.504 and 11.505, who were found eligible under the present provisions of § 11.501 and who hold valid authorizations in the Special Industrial Radio Service will not be required to discontinue operations, but may continue to operate under their current licenses. Such licenses, upon proper application, may be renewed, modified, and, in the event of a change in the ownership of the licensee's business, assigned or transferred with the business. We do not believe it advisable to cut off such existing licensees (even though after the expiration of an amortization period) at a time when other pending proceedings of the types described above may be expected to augment the supply of frequencies available for assignment in this service. Since this policy is intended solely for the benefit of existing licensees, no applications for authorizations in the present Special Industrial Radio Service from persons ineligible under this amendment will be accepted by the Commission after the adoption of this Report and Order. Otherwise, this policy might generate, during the interim between the adoption of this decision and its effiective date, a rush of applications from such persons to take advantage of a provision not intended for their benefit.

Exception to § 11.507 (a) to the extent that it does not make the drilling of water wells a basis for eligibility thereunder; and § 11.508 (a) (4) to the extent that it does not include activities incident to the drilling of water. 35. On behalf of the National Water Well Association, Inc. and Dowell, Inc. it was contended that: Water well drillers should be expressly included in the section covering mining activities since it is analogous to the other activities covered thereunder. Among the functions performed by water well drillers none is more important than the drilling for water to serve new communities. Classifying water well drillers with heavy construction activities in § 11.504 does not meet their requirements since they would be limited to "on-the-job" communications within Standard Metropolitan Areas which is an impractical limitation in their case in the few instances where they have jobs in such areas. By and large, however, water well drilling activities take place in outlying and sparsely populated areas. Their communication needs primarily relate to the

[10] Union Building and Construction Corp. contended that the decision of the U. S. Court of Appeals for the D. C. Circuit in Storer Broadcasting Co. v. U. S., 11 Pike and Fischer RR 2053, which invalidated, in part, the Commission's multiple ownership rules, appears to cast doubt on the validity of the standard metropolitan area of 500,000 or more population limitation. The Storer decision is presently before the U. S. Supreme Court on petition for a writ of certiorari to review the judgment of the Court of Appeals.

movement of equipment as distinguished from the "on-the-job" communications. As a corollary to the eligibility of water well drillers, provisions should be made in § 11.508 (a) (4) to provide for the use of radio by those who service and maintain water wells; provisions should also be made in §§ 11.507 and 11.508 (a) (4) for the drilling of disposal wells for the disposal of various industrial waste materials such as atomic waste, etc.

36. We find merit in the argument that the communication needs of water well drillers should be recognized outside of standard metropolitan areas. Their primary need appears to exist in these outlying areas. In any event, since these persons do not appear to have a requirement for on-the-job communications, to permit them to operate within standard metropolitan areas of 500,000 or more population, even though such operation would be infrequent, would tend to break down the principle against unconfined or indiscriminate operation in such areas on which these rules are based. We further find that provisions should be made for communications in connection with the maintenance of water wells and the drillings and maintaining of disposal wells. Appropriate revisions to reflect the foregoing have been made in §§ 11.507 and 11.508 and the exceptions are granted to that extent; in all other respects they are denied.

Exception to § 11.508 to the extent that it does not recognize "emergency repair of radiocommunication facilities which are licensed under Part 11" as an activity for which a Special Industrial radio station may be authorized; and exception to § 11.509 to the extent that it does not make eligible persons engaged in repairing radiocommunication systems. 37. On behalf of the Special Industrial Radio Service Association and the Communications Engineering Company it was argued that: The restoration of established radio facilities is often of greater importance than the initial installation because industrial operations become rapidly geared to the use of radio and, when radio becomes unavailable, the operating efficiency of the business is often reduced below the level of that obtaining before the radio was installed. There are adequate frequencies to permit such use of radio; the available source of frequencies consist, however, of frequencies other than those proposed to be allocated to the Special Industrial Radio Service in this proceeding. A more efficient utilization of the available frequencies could be achieved by strictly enforcing the provisions of the rules which require the applicant to select the highest frequencies consistent with his operational needs, as well as to operate with the lowest power and antenna heights that are able to satisfy such operational needs. Eligibility of persons engaged in repairing radio facilities should be confined to the repairs of radio facilities licensed under Part 11 of the rules. This activity should be included in § 11.508 and be free from the Standard Metropolitan Area limitation or, if the Commission decides against so doing, it should then be included under § 11.509.

38. The foregoing argument seems indistinguishable in principle from that made for the inclusion in this service of specialized trades (see pars. 32–33 above). In fact, this is another specialized trade group seeking recognition. The designation of its activity as "emergency repair" of industrial radio stations does not vest it with a preferential standing. For, in effect, it appears that "emergency repair" would include every routine service call. Furthermore we know of no basis upon which this claimed need for radiocommunications, if recognized, could be limited to the servicing of Part 11 stations only. Accordingly, the exception is denied.

Exception to § 11.510 to the extent that it provides that no permanently located base station or operational-fixed station will be authorized thereunder. 39. On behalf of Clair A. Hill & Associates it was argued that: This civil engineering firm needs radio for communications between survey parties and the main or branch office because frequently the records essential to the work are available only there. There is no need for the proposed restriction based on a frequency shortage because these operations take place in very remote areas and, in any event, there will be new frequencies available as a result of the proposed channel splitting. The use of permanently located base stations should be allowed at least everywhere outside of areas of 50,000 or more population.

40. This section permits operations anywhere, without the Standard Metropolitan Area restrictions, on the theory that such operations will be confined to survey site. To permit communications between such sites and a permanently located base station would be inconsistent with the theory of confined operations in the Standard Metropolitan Areas. However, we find that such communications should be permitted in areas outside of cities of 50,000 or more population. Accordingly, § 11.510 is amended to reflect this finding; in all other respects the exception is denied.

Exception to § 11.511 to the extent it would exclude liquefied petroleum gas dealers from operating within cities of 50,000 or more population. 41. It was argued on behalf of the American Petroleum Institute; the Special Industrial Radio Services Association; and the Liquefied Petroleum Gas Association that the proposed 50,000 population restriction on dealers of liquefied petroleum gas should be abolished because liquefied petroleum gas is inherently a dangerous product subject to the hazards of fire and explosion. This hazard is more prevalent when the deliveries take place in populated areas. Although liquefied petroleum gas is largely used by rural users, there are many large city housing projects that use liquefied gas and the safety factor there is very important. A number of large cities depend on liquefied petroleum as a supplemental source of heat and cooking fuel which is used to augment the natural gas supply. The Federal Civil Defense Administration has plans for utilizing liquefied petroleum gas as a source of heat and cooking fuel in a war emergency.

42. The above argument, in effect, contends that the liquefied petroleum gas dealers should be treated differently than the other fuel dealers to whom § 11.511 also applies. Admittedly, the majority of liquefied petroleum gas dealers operate in rural areas where the 50,000 population restriction does not apply. The small portion of their operation which comes within this restriction does not warrant a special exception on their behalf. The FCDA–LPG industry war emergency program involves the subject of mobilization planning which is beyond the scope of this proceeding. For these reasons the exception is denied.

Exception to § 11.513 to the extent it confines the licensing of Mobile Relay stations to frequencies above 450 Mc. 43. (a) The following argument was made against this provision: In many cases mobile relay operation is one of the most practical and economical types of operation both from the licensee's standpoint and from the standpoint of efficient spectrum usage. The Special In-Industrial Radio Service is being discriminated against because there is no similar restriction on the use of Mobile Relay Stations in the other industrial services. This recommendation will impose an unnecessary and unjustified burden on the existing licensees who now operate on the frequencies below 450 Mc. The present provisions governing the use of Mobile Relay Stations contained in §§ 11.517 (b) and 11.151 are adequate and should be retained.

(b) It was stated on behalf of several large farming operators that they would accept the existing limitations, provided they would not apply to operations outside of cities of 50,000 or more population. The farmers need Mobile Relay in order to increase the efficiency of their spraying and harvesting equipment, the efficient use of which frequently depends on the weather conditions.

44. A prohibition against the licensing of Mobile Relay Stations was originally proposed because such operations must employ two frequencies and, therefore, are inherently wasteful of spectrum space. This proposal was later modified to confine the prohibition to the frequencies below 450 Mc on the theory that the Ultra High Frequencies are better able to stand the load resulting from these operations than the VHF. We adhere to this view and deny the exception. At the same time, we recognize, however, that compliance with this requirement will necessitate replacing presently licensed mobile relay station equipment, because a shift from this type of VHF operation to a UHF operation cannot be accomplished by a comparatively inexpensive exchange of crystals. For the reasons mentioned in paragraph 34 above, we do not wish to impose this burden on the affected licensees. We will not, therefore, at this time require them to shift frequencies but will permit them to continue their present operations, and to modify, renew, or, in the event of a change in the ownership of the licensee's business, assign or transfer their licenses with the business. (See §§ 11.513 (a) and 11.519.)

Exception to § 11.514 to the extent it limits the operations of temporary base stations to certain specified frequencies. 45. This argument was presented on be-

half of the Special Industrial Radio Services Association and Texas Standard Gulf Company: The frequencies which have been proposed for assignment to stations operating at temporary locations do not include frequencies in the 30 Mc band. If two frequencies in the 30 Mc band were substitued for two of the other frequencies, certain licensees who presently operate in that band would be able to convert to the assigned frequencies with very little expenditure: otherwise, these licensees would have to incur substantial expense in order to comply with this rule.

46. No 30 Mc frequencies have been allocated for operations at temporary locations because these frequencies are more subject to skip interference than the 40 Mc frequencies and, therefore, technically less desirable for assignment for this type of operation. To replace two of the 40 Mc frequencies by a pair of 30 Mc frequencies may spare the exceptors an expense involved in a frequency shift, but will, at the same time, provide an inferior service not only to them, but also to many others to whom these frequencies would have to be assigned. For these reasons the exception is denied.

Exception to §§ 11.515 and 11.516 to the extent that the frequency 154.47 Mc is deleted and the proposal to reallocate 173.375 Mc abandoned. 47. The NAM, Manufacturers Committee on Radio Use stated that it had no objection to the Commission's abandonment of the reallocation proposal with respect to the frequency 173.375. Accordingly, this issue was eliminated from the proceeding. With respect to the disposition of the frequency 154.57 Mc which presently is shared between the Special Industrial Radio Service and the Low Power Radio Service, it was argued that the Commission should not take away any frequency from the rapidly growing Special Industrial Radio Service.

48. It seems inconsistent with the objective of efficient utilization of frequencies to allocate the same frequencies to be shared between a high power service, such as the Special Industrial Radio Service, and a low power service, such as the Low Power Industrial Radio Service, because the use by the former of the same frequencies would obliterate the communications of the latter in the same locality. Accordingly, the exception is denied.

Exception to the proposal to the extent that it does not provide for airport vehicular activities. 49. Aeronautical Radio, Inc. (ARINC) argued that provisions should be made in the Special Industrial Radio Service to permit dispatching of the assorted types of vehicles used on an airport, such as gas trucks, supply trucks, etc.; that to permit this type of operation on an airport would be inconsistent with the Standard Metropolitan Area concept of confined operations within such standard metropolitan areas; that the type of operation for which Aeronautical Radio, Inc. needs radio on airports is not compatible with other types of industrial operation on the same channel; hence, ARINC would like to have a clear channel. At the conclusion of its argument, ARINC stated, however, that it would be satisfied if the Commission rules in its decision that ARINC is eligible for the above type of operation in the Low Power Industrial Radio Service or the Citizens Radio Service.

50. In paragraph 56 of the Proposed Report and Order herein we stated that ARINC's above-described communication requirements can be met under the rules governing the Citizens Radio Service. Also, ARINC already has been issued authorization to operate its "vehicular service" in the Low Power Industrial Radio Service. We hereby confirm ARINC's eligibility in either of these two radio services. Consequently, we find it unnecessary to pass on the merits of ARINC's argument.

51. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended, that, effective November 1, 1955, Parts 11 and 2 of the Commission's rules are amended as set forth, respectively, below; and

It is further ordered, That, for the reasons set forth in paragraph 34 hereof, effective immediately, no applications for authorization in the existing Special Industrial Radio Service from persons ineligible under this amendment will be accepted by the Commission; and

It is further ordered, That the decision herein disposes of the pending petitions of the National Ready-Mix Concrete Association, the National Sand and Gravel Association, Federal Communications Consulting Engineers Association, and the Hawaiian Commercial and Sugar Company, Ltd.; and the proceedings in Docket 9703 and 10742 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 7, 1955.

Released: September 13, 1955.

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

a. Amend Part 11, rules governing Industrial Radio Services, as follows:

1. Insert the following new paragraph in § 11.3 *Definition of terms:*

(x) *Standard Metropolitan Area.* Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U. S. Census of Population, 1950; Vol. I, Number of Inhabitants; Chapter 1, U. S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on Page 1–66.) The publication is sold by the U. S. Government Printing Office, Washington 25, D. C.

2. Delete the present index reference and test of Subpart K, Special Industrial Radio Service, and substitute the following new index reference and text:

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

Sec.
11.501 Scope of service.
11.502 Availability of service.
11.503 Agricultural activities.
11.504 Heavy construction activities.
11.505 Building construction activities.
11.506 Manufacturing activities.
11.507 Mining activities.
11.508 Specialized industrial service and trade activities.
11.509 General industrial service and trade activities.
11.510 Engineering service activities.
11.511 Miscellaneous public service activities.
11.512 Permissible communications.
11.513 Station limitations.
11.514 Mobile service frequencies for use at temporary locations.
11.515 Frequencies available for Base and Mobile stations.
11.516 Frequencies available for Operational Fixed Stations.
11.517 Frequencies available for Base, Mobile and Operational Fixed Stations.
11.518 License renewals, modifications, assignments or transfers.
11.519 Modifications of license to shift frequencies.

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radiocommunication systems which can contribute materially to the safety and efficiency of the operations involved. The limited number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radiocommunication, particularly in or near large population centers. Accordingly, the Commission has been obliged to adopt strict eligibility limitations on industrial radio usage in such areas and, in addition, other limitations have been placed on the use of licensed stations. Nevertheless, those persons who do qualify for their own radio systems in this service are cautioned that a substantial amount of interference can be expected and are urged to cooperate in the solution of mutual interference problems.

(b) Certain frequencies are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of Fixed Stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located Base Station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote

placement of a Base Station has been justified.

(c) The initial application from a person claiming eligibility under the provisions of this subpart shall be accompanied by a full description of the type, location and extent of the particular activity in which engaged and the proposed use of radio in connection therewith, together with a full description of any other activities in connection with which the radio-equipped vehicles will be used and the extent of such use.

§ 11.502 *Availability of service.* (a) Authorizations to operate stations in the Special Industrial Radio Service are available only to the extent and for the purposes set forth in this subpart. To the extent that the provisions of this subpart may be at variance with those contained in Subpart A, B, C, D, or E of this part, the provisions of this subpart shall be controlling.

(b) Authorizations to operate stations in the Special Industrial Radio Service are not available to conduct operations for which specific provision is made elsewhere in this chapter.

(c) A subsidiary corporation furnishing a non-profit communications service to its parent corporation or its subsidiaries may be considered eligible in the Special Industrial Radio Service, if the parent or its subsidiaries are engaged in one of the activities set forth in this subpart. The use of any radio system authorized pursuant to this paragraph will be subject to all the limitations and conditions applicable to the particular activity upon which eligibility is predicated.

(d) The classification of certain industries and activities into specified categories for the purposes of this subpart is based upon the general classification of all industrial activities contained in the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Nonmanufacturing Industries, 1949) with certain specific additions to and exclusions from the general categories for the purposes of these rules. To determine whether or not a particular industrial activity falls within one of the categories delineated in this subpart, reference to that manual is recommended. (The manual is available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 11.503 *Agricultural activities*—(a) *Definition.* For the purposes of this part, agricultural activities are defined as the activities directly involved in the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Included as farms are such agricultural enterprises as orchards, vineyards, nurseries, greenhouses, hothouses, fur farms, mushroom cellars, apiaries, cranberry bogs, fish ponds, fish hatcheries, oyster farms and frog farms. The processing (curing, packing, canning, smoking, freezing, etc.) of food or other agricultural products on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm.

(b) *Eligibility.* Persons engaged in agricultural activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio wlil be exclusively in connection with the conduct of the agricultural activities involved.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the standard metropolitan area involved.

§ 11.504 *Heavy construction activities*—(a) *Definition.* For the purposes of this part, heavy construction activities are defined as the activities directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, utility rights-of-way, irrigation projects, flood control projects and marine construction, and miscellaneous types of construction work other than buildings. Not included as heavy construction activities are the functions performed by general contractors engaged in the construction of residential, farm, and industrial, commercial, public, or other similar building, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades. Although marine construction is included as a heavy construction activity, dredging solely for the recovery of sand, gravel, fuels, minerals or metals shall be classed as a mining activity.

(b) *Eligibility.* Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project within such Standard Metropolitan Area.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization so issued, for the operations of Base Stations or mobile units within such Standard Metropolitan Areas of 500,000 or more population, will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.505 *Building construction activities*—(a) *Definition.* For the purposes of this part, building construction activities are defined as the functions directly performed by general building contractors primarily engaged in construction (including new work, additions, alterations, and repair) of buildings such as houses; apartment buildings; farm buildings; industrial, commercial, institutional, and public buildings; light and power plants; natural gas compressing stations; oil pumping stations; and refuse disposal plants. Not included as building construction activities are the functions performed by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades.

(b) *Eligibility.* Persons engaged in building construction activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of building construction activities, (2) that the use of radio will be exclusively for on-the-job communications at the site of and between members working on a single project, and (3) that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the building construction activity involved.

(c) *Limitation on station locations.* No Base Station for operation at any location and no Operational Fixed Station of any class shall be authorized in accordance with the provisions of this section. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that not more than one Base Station, to be associated with a specified building construction project and to be located within one quarter mile thereof, is necessary for the conduct of that project; however, each authorization so issued for the operation of a Base Station will be limited in term to one year renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities*—(a) *Definitions.* For the purposes of this part, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed

improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be within the yard area for mobile service communications within such Standard Metropolitan Area and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

(2) Each Base Station authorized in accordance with the provisions of paragraph (b) (2) of this section shall be permanently located at a point within the yard area to be served by it, and the mobile units associated therewith shall not be operated beyond the boundaries of that yard area except that, upon specific authorization by the Commission after adequate showing that such operation is necessary in the interest of national defense, mobile units may be operated outside of such yard area for the purpose of maintaining plant security only. The term "yard area" as used in this section may include one or more sites, whether contiguous or non-contiguous, on which plant or plants of the applicant are located, if the plant or plants are operated as an integrated manufacturing unit, and if the sites, when physically non-contiguous, lie within close proximity of each other. In determining whether non-contiguous areas lie within such close proximity of each other as to be considered a "yard area", the Commission will consider the extent to which such sites are separated by streets, highways, railroad tracks, rivers or similar obstacles. Where the "yard area" in which the applicant wishes to communicate includes more than one plant, each plant to be included shall be listed on the application and the instrument of authorization.

§ 11.507 *Mining activities*—(a) *Definition.* For the purposes of this part, mining activities are defined as the activities directly involved in the process of recovery of solid fuels, minerals or metals or water, from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar processes. The operations involved in the exploration for and development of mining properties are considered mining activities. The process of crushing, washing, sorting, grading, dressing, or other beneficiation or preparation for delivery as raw material to smelting, refining or other manufacturing processes or to the wholesale market is considered a part of the mining activity only when carried on by the same person who recovers the basic materials from the earth or from the sea. The operations involved in the drilling of disposal wells for the disposal of industrial waste materials are considered mining activities.

(b) *Eligibility.* Persons engaged in mining activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the mining activities involved.

(c) *Limitation on station location.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.508 *Specialized industrial service and trade activities*—(a) *Definition.* For the purposes of this part, specialized industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to persons who are themselves eligible in the Industrial Radio Services to use radio in connection with the performance of the same functions. Activities normally classed as building trade or special construction trade activities are not included. Only the following are recognized as specialized industrial service and trade activities in accordance with the foregoing:

(1) Plowing, spraying, dusting, soil conditioning, seeding, fertilizing, or harvesting for agricultural or forestry activities.

(2) Livestock breeding service.

(3) Cleaning and repair of oil, gas, water or other transmission pipe lines, or tank cars.

(4) Acidizing, cementing, logging, perforating, or shooting activities, and services of a similar nature incident to the drilling of new oil or gas wells, or the maintenance of production from established wells.

(5) Activities incident to the drilling of water or industrial waste disposal wells or the maintenance of such wells.

(6) Supplying of chemicals, mud, tools, pipe and other special materials or equipment to the petroleum production industry, other than to refining, cracking or processing plants.

(7) Clearing and maintaining rights-of-way for public utilities.

(8) Crushing, washing, sorting, grading, dressing or other beneficiation or preparation of ores, minerals or solid fuels, when performed by a person who is not engaged in either a mining or a manufacturing activity and when all such operations, including all use of radio in connection therewith, are confined to a single yard area.

(b) *Eligibility.* Persons engaged in specialized industrial service and trade activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such specialized industrial service and trade activities, (2) that every basic industrial activity served would be eligible for a station authorization in the Industrial Radio Services at the station locations proposed by the applicants in this service, (3) that the persons engaged in the specialized industrial service and trade activities are not otherwise eligible under this Part for the use of radio in connection with those activities except in the Low Power Industrial Radio Services, and (4) that the use of the Low Power Industrial Radio Service would not meet the operational requirements of these activities.

(c) *Limitation on station locations.* Except for stations which exclusively serve the Petroleum, Power, Forest Products or Motion Picture Industries, as defined in subparts F, G, H, or I of this part, each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.509 *General industrial service and trade activities*—(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of miscellaneous industrial or agricultural processes. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing.

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services.

(2) Delivering and pouring ready-mixed concrete, hot asphalt mix, and similar perishable mixtures.

(b) *Eligibility.* Persons engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall

be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, unless otherwise authorized by the Commission upon a showing that transmitting equipment will in fact be used in an area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved.

§ 11.510 *Engineering service activities*—(a) *Definition.* For the purposes of this part, engineering service activities are defined as those activities directly involved in the conduct of certain engineering field activities by professional engineers or consulting engineering firms. Only the following are recognized as engineering service activities in accordance with the foregoing:

(1) The conduct of geophysical, geomagnetic, natural resource, topographical, geological or similar surveys.

(2) Surveys and tests in connection with the siting, construction and adjustment of the antennas of commercial, educational, Federal, State or Local Government radio transmitting and receiving stations, including field intensity and proof of performance surveys of such stations.

(b) *Eligibility.* Persons engaged in engineering service activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such engineering service activities, and (2) that the use of radio will be exclusively for on-the-job communications between members of the same engineering field party working on a single project.

(c) *Limitation on station locations.* Except in areas outside of the city limits of cities of 50,000 or more population, no Base Station or Operational Fixed Station shall be authorized in accordance with the provisions of this section for operation at any permanent location.

§ 11.511 *Miscellaneous public service activities*—(a) *Definition.* For the purposes of this part, miscellaneous public service activities are defined as those activities directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classes among those commercial or industrial activities for which other specific provision has been made in the Commission's rules. Only the following are recognized as miscellaneous public service activities.

(1) The servicing and repair of heating or refrigerating equipment.

(2) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipelines or railroad.

(3) The spraying or dusting of insecticides, herbacides or fungicides but not including the fumigation or other treatment of buildings (or other structures) of their contents for the control of rodents, pests, parasites or plant diseases.

(b) *Eligibility.* Persons engaged in miscellaneous public service activities, or in a combination of those activities with general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of those activities which take place exclusively outside the city limits of cities of 50,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times outside the city limits of cities of 50,000 or more population.

§ 11.512 *Permissible communications.* (a) Except for the transmission of communications relating directly to the safety of life or to the protection of property, stations licensed to persons in the Special Industrial Radio Service may be used only for the transmission of communications relating to the specific activity or activities in connection with which eligibility has been established.

(b) Communications relating directly or indirectly to the following shall not be transmitted by any base or mobile stations licensed in the Special Industrial Radio Services:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts, or inventory control; or

(3) Any message or information where the time element is not of immediate importance.

§ 11.513 *Station limitations.* (a) After November 1, 1955, Mobile Relay stations will not be licensed in the Special Industrial Radio Service within the continental limits of the United States, except when such stations and all associated base and mobile stations applied for are proposed to be operated exclusively on frequencies above 450 Mc; *Provided, however,* that the provision of this subjection shall not apply to Mobile Relay stations authorized prior to November 1, 1955.

(b) Where a radio station authorization in the Special Industrial Radio Service is held by a person or organization engaged in activities beyond those indicated in the eligibility provisions of this service, the operation of such station shall be confined to those activities on which eligibility has been established, except for messages relating to the safety of life or to the protection of property.

(c) Except for the transmission of communications relating directly to the safety of life or to the protection of property, or except upon specific authorization by the Commission, no base station in the Special Industrial Radio Service shall be used for the transmission of communications addressed to, or to be relayed by, any other base station. Requests for authority for such nonsafety interbase communications must show either (1) that the nature of the applicant's operations requires an occasional transmission of messages between base stations for the express purpose of communicating with mobile units beyond the communication range of the station originating the call and that such communications will be limited to those of an urgent nature requiring immediate transmission by radio, or (2) that, for each base station involved, the applicant has a need for base-to-base communications in accordance with the provisions of § 11.151 (c) (2) (ii) and that other communication facilities between the points invloved are not available and are impractical to construct from an engineering standpoint.

§ 11.514 *Mobile Service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54 of this part, authorization to operate a Base Station in this Service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc: *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located Base Stations operated by the same licensee.

(b) A Mobile Station not associated with one or more Base Stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70 or 152.87 Mc only.

§ 11.515 *Frequencies available for Base and Mobile Stations.* (a) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service only:

Mc	Mc	Mc	Mc
27.31	30.62	35.94	49.86
27.35	35.74	43.02	49.90
27.39	35.78	43.06	49.94
27.43	35.82	43.10	49.98
27.47	35.86	43.14	154.49
30.58	35.90	43.18	

(b) The following frequencies are available for assignment to Base Stations and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services:

kc.	Mc	Mc
[1] 2292	49.54	49.78
[1] 2398	49.58	49.82
[2] [3] 4637.5	49.62	152.87
	49.66	152.93
	49.70	152.99
	49.74	

[1] Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final
the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(c) Frequencies in the bands listed below are available for assignment to Base and Mobile Stations in the Special Industrial Radio Service on a shared basis with other services under the terms of a developmental grant only; the exact

frequency and the authorized bandwidth will be specified in the authorization:

Mc	Mc
[1] [2] 2450–2500	[2] 6425–6575
[2] 3500–3700	[2] 11700–12200

[1] Use of frequencies in the band 2450–2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 kc.

[2] Subject to the proceedings in Docket No. 10797.

(d) In addition to the frequencies listed in this section, mobile service frequencies above 152 Mc listed elsewhere in this part as available to the Petroleum, Forest Products, Motion Picture or Relay Press Radio Services also are available for assignment in this Service for use outside the continental limits of the United States and waters adjacent thereto: *Provided, however,* That operation on such frequencies is subject to the condition that harmful interference shall not be caused to licensees operating in the other Services.

§ 11.516 *Frequencies available for Operational Fixed Stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services:

Mc	Mc	Mc	Mc
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

(b) Frequencies in the bands listed below are available for assignment to Operational Fixed Stations in the Special Industrial Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

Mc	Mc
[1] [2] 890–940	6575–6875
952–960	9800–9900
1850–1990	12200–12700
2110–2200	[1] 16000–18000
[1] 2450–2500	26000–30000
2500–2700	

[1] Use of frequencies in the bands 890–940, 2450–2500, and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 1800 Mc.

[2] Subject to the proceedings in Docket No. 10797.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations; *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed Stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile Station or Base Station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc	Mc	Mc	Mc
169.425	170.375	171.925	[1] 412.550
169.475	171.025	171.975	[1] 412.650
169.525	171.075	[1] 406.050	[1] 412.750
169.575	171.125	[1] 406.150	[2] 40.68
170.225	171.725	[1] 406.250	
170.275	171.825	[1] 406.350	
170.325	171.875	[1] 412.450	

[1] Primarily for use by Fixed Relay Stations.

[2] Use of the frequency 40.68 Mc is limited to stations located in the states of Pennsylvania and West Virginia only, and is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the same frequency.

§ 11.517 *Frequencies available for Base, Mobile, and Operational Fixed Stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Special Industrial Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are available primarily for assignment to Base and Mobile Stations, and secondarily for assignment to certain classes of Operational Fixed Stations (Fixed Relay and Control Stations only). Not more than one pair of those frequencies, to consist of one frequency in the band 451–452 Mc and one frequency in the band 456–457 Mc (normally to be separated by exactly 5.0 Mc), will be assigned for use by the stations of any single mobile service radio system, except upon adequate showing of need. Only one frequency of such pair will ordinarily be assigned to any Mobile Station, and the lower frequency of that pair will not be assigned to such Mobile Station unless the system is designed for the single frequency method of operation and the same frequency is also assigned to an associated Base Station. Base Stations in this service will not be assigned frequencies in the band 456–457 Mc. An Operational Fixed Station to be operated as a part of a mobile service radio system may be assigned either of the paired frequencies available to the Base or Mobile Stations of the same mobile service radio system, subject however, to the following additional restrictions and limitations on assignment and use:

(1) All use by Operational Fixed Stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc band in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those Operational Fixed Stations which function as integral and essential parts of a mobile service radio system. Such Operational Fixed Stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a Mobile Station without interruption for manual relaying at intermediate points.

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows:

Base and Mobile		*Mobile*	
451.05	451.55	456.05	456.55
451.15	451.65	456.15	456.65
451.25	451.75	456.25	456.75
451.35	451.85	456.35	456.85
451.45	451.95	456.45	456.95

(d) The frequency 27.255 Mc is available for assignment to Base, Mobile and Operational Fixed stations in this service, on a shared basis with other services, subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 27.12 Mc.

§ 11.518 *License renewals, modifications, assignments and transfers.* No renewal or modification of license or consent to assignment or transfer shall be granted unless the applicant is able to establish eligibility under this subpart: *Provided, however,* That persons eligible and properly authorized to operate in this service prior to November 1, 1955, but unable to meet the eligibility provisions of this subpart, may continue to operate under the term of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

§ 11.519 *Modification of licenses to shift frequencies.* After November 1, 1956, or after the expiration date appearing in any authorization issued prior to November 1, 1955, whichever date occurs later, no licensee shall operate in the Special Industrial Radio Service, except on the frequencies specified in this Subpart for the type of operation involved. Applications for license modification, or for combined modification and renewal shall be made not later than 60 days prior to the date on which

this frequency change must be accomplished: *Provided, however,* That the provisions of this section shall not apply to Mobile Relay stations authorized prior to November 1, 1955. The licensees of such stations may continue to operate under the terms of their current authorizations. All such valid authorizations shall be subject, upon proper application therefor, to renewal, modification and, in the event of a change in the ownership of the licensee's business, assignment or transfer with the business for which they were granted.

b. Amend Part 2, rules governing Frequency Allocations and Radio Treaty Matters, in the following particulars: In the table of frequency allocations contained in § 2.104 (a) (5), change the entries for the band 35.70–35.98 Mc to read as follows in columns 10 and 11:

10	11
35.70	Land transportation.
35.74–35.94 (NG46)	Industrial.
35.98	Land transportation.

[F. R. Doc. 55–7599; Filed, Sept. 19, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 249]

[Economic Regs., Draft Release 76]

PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA

NOTICE OF PROPOSED RULE-MAKING

SEPTEMBER 13, 1955.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed revision of Part 249 of the Economic Regulations (14 CFR Part 249). The proposed revision incorporates a number of major changes in present Part 249.

The principal features of the revision are explained in the attached Explanatory Statement.

The proposed revised Part 249 is set forth below.

This regulation is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before October 18, 1955, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. The Accounts and Records Committee, of the Airlines Finance and Accounting Conference, has proposed that Part 249 of the Economic Regulations, which has never been comprehensively revised, be rewritten in order to minimize the burden of indexing and storing records. The Committee submitted a draft of a proposed regulation designed to implement this objective by eliminating entirely the requirement for retention of certain records and by reducing the retention period for other records. Review of this proposal, by the Board's staff, has indicated that many of the suggested changes may be in the public interest. Accordingly, they have been largely incorporated in the proposed revision.

However, experience derived from administration of the provisions of the present Part 249 has established that this part is deficient in other respects. The Audit Division of the Board's Office of Carrier Accounts and Statistics is occasionally confronted with an abnormally heavy workload which renders it impossible to perform a final audit before the expiration of any retention period, of reasonable duration, which may be prescribed. The proposed regulation makes specific provision for dealing with this difficulty. It requires that all records be retained, despite the expiration of the prescribed retention period, until the Board's staff has completed a final audit covering the fiscal year to which the records relate. It has also become apparent, particularly in the processing of mail rate proceedings, that fixed retention periods do not adequately preserve necessary records where extended litigation results from court review of Board actions or the inherent complexity of a proceeding. Consequently, the proposed regulation establishes appropriate procedures whereby carriers may be required to continue to preserve relevant records until final adjudication of a related proceeding pending either before the Board or the courts.

Another proposed modification of the present Part 249 has been required by the recent delegation to the Board, under Reorganization Plan 10 of 1953, of the function of making subsidy payments to air carriers. The amount of subsidy mail pay due under a final future subsidy rate depends upon the operation of the mail rate formula employed. Proper evaluation of mail pay claims arising under such rates calls for an audit for each carrier's operational records in the offices of the carriers. Such audit may often require a review and scrutiny of matters not covered in the normal final audit—which may have been completed earlier. These circumstances require that air carriers retain all records used in the computation of subsidy mail pay earned under the formula until the final payment for the carrier concerned has been determined by the Carrier Payments Unit, Office of the Secretary of the Board. Therefore, the proposed revision provides that those air carriers whose final mail pay may ultimately depend upon the operation of a subsidy rate formula shall retain certain categories of records until authorized to destroy them by a notice issued by the Secretary.

Proposed Part 249 extends the record retention requirements currently imposed upon air freight forwarders, by the provisions of this part, to international air freight forwarders. It also imposes new record retention requirements upon those Alaskan air carriers—principally pilot-owners—which are subject only to the reporting requirements of Part 243. It also provides for the retention of records used as substitutes for other records subject to a fixed retention period. Likewise, it provides for the retention of newly created records dealing with presently unforeseeable activities of carriers.

The proposed revision to Part 249 will not change Part 249 in any other significant respects. It is proposed to make this revised part applicable to all categories of records now in the custody of air carriers if the applicable retention period specified in the present Part 249 has not expired on, or before, the effective date of the proposed Part 249.

It is intended that this part shall include all requirements of the Board relating to the retention of all types of records. Consequently, the Board is highly desirous of obtaining the views of interested carriers with respect to the safety record aspect of this proposal as well as the economic records aspect. Comment is also desired on the utility of publishing an informative note, appended to the applicable parts of the Civil Air Regulations, setting forth the safety items required to be kept by Part 249, and the applicable retention periods.

Proposed rule. It is proposed to revise Part 249 of the Economic Regulations (14 CFR Part 249) to read as follows:

§ 249.1 *Definitions.* For the purposes of this part:

(a) "Records" means air carrier records [1] which belong to the categories set forth in any section of this subchapter. The term "records" embraces accounts and memoranda and includes material coming into the possession of an air carrier through consolidation or merger. It also encompasses "certified reproductions" which have been substituted for records pursuant to § 249.2.

(b) "Records relating to an accounting year" means "records" which record transactions or events either occurring or necessitating accounting entries to be made, in any twelve-month period an air carrier has been authorized to use for purposes of reporting to the Board.

[1] Relating to a particular segment, operating division, or entire system of the carrier's operations.

(c) "Certified description" means an instrument which (1) identifies records by date and related accounting years; (2) describes such records in accordance with the applicable section of this subchapter prescribing retention categories; and (3) has been certified to be correct in an instrument, executed by a responsible officer of an air carrier.

(d) "Certified reproduction" means a photographic reproduction of records, which has been certified to be correct in a certificate executed by a responsible officer of an air carrier, made pursuant to an authorization issued by the Chief, Office of Carrier Accounts and Statistics of the Board in the form of an approval of an "application for substitution" filed with him by an air carrier.

(e) "Application for substitution" means an application setting forth:

(1) A "certified description" of records relating to an accounting year for which the Board has completed its audit;

(2) A description of the photographic process proposed for reproducing such records;

(3) A request for approval of the substitution of such reproduction for such records.

(f) "Pending proceeding" means any formally docketed proceeding the Board is empowered to conduct, under section 205 (a) or any other applicable section of the act, still subject to final adjudication.

(g) "Final adjudication" shall be deemed to have occurred upon the first applicable date specified below:

(1) Where no petition for judicial review of a final Board order disposing of a pending proceeding has been filed, under section 1005 (a) of the act, midnight of the last day prescribed for the filing of such a petition.[2]

(2) Where such a petition has been filed, the day of issuance of a final decision, by the highest court to have entertained the proceeding, fully disposing of such petition for review and of all further review proceedings arising therefrom.

(3) Where such a petition has been filed, and the proceeding has been remanded to the Board for further action, the applicable date specified in subparagraph (2) of this paragraph or in this subparagraph.

(h) "Open mail rate period" means the whole or any part of the time interval between the date of institution of a new mail rate proceeding,[3] under Rule 303 of the rules of practice, or of the inauguration of service over a new route or routes, for which no mail rate has previously been fixed, and the date upon which a Board order prescribing the unit rate of final mail compensation, payable for periods subsequent to the date of adoption thereof, becomes legally effective under sections 1005 and 1006 of the act.

(i) "Final future service mail rate" means the unit rate of final mail compensation, prescribed in an order of the Board and payable for periods subsequent to the date of adoption of the order, when:

(1) Such mail compensation does not include any subsidy element; and

(2) The order has not been superseded by the institution of a new mail rate proceeding under Rule 303 of the rules of practice.

§ 249.2 *Substitution.* An air carrier may substitute a "certified reproduction" for the records reproduced.

§ 249.3 *Accidental loss or destruction of records.* If, during the prescribed period of preservation, records shall become unavailable through loss, destruction, or otherwise, the air carrier shall promptly submit to the Board an explanatory statement and a "certified description" of such records.

§ 249.4 *Preservation of records and certified reproduction of records.* All records shall be preserved by each air carrier in accordance with the retention requirements respectively prescribed in the applicable section of this subchapter. Records which are used in lieu of those specified in any of such sections shall be preserved for the periods prescribed with respect to records used for substantially similar purposes. Records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall be preserved in conformity with the principles embodied in this part and the applicable section or sections of this subchapter prescribing appropriate retention requirements. However, nothing contained in either this part or subchapter is intended to excuse noncompliance with the applicable requirements of any other governmental body, Federal or State, prescribing a longer retention period for any particular category of records.

§ 249.5 *Permissive destruction of records.* Upon the expiration of the period of preservation prescribed in any applicable section of this subchapter, records may be destroyed at the option of the air carrier: *Provided, however,* That each certificated air carrier subject to the reporting requirements of Part 241 of this subchapter shall execute a "certified description" before destroying any such records.

§ 249.6 *Effect of authorized destruction of records.* Any air carrier which exercises the authorization contained in any section of this part or subchapter to destroy records shall be deemed to have waived any right to contend, in any proceeding before the Board, that if such records were available they would have supported its contentions concerning their contents.

§ 249.7 *Time for preservation of records by certificated air carriers.* Each certificated air carrier subject to the reporting requirements of Part 241 of this subchapter shall retain its records in accordance with the provisions of this section.

(a) All records of the categories specified in this section shall be preserved by each air carrier for the duration of the retention periods herein specified. Notwithstanding the expiration of such retention periods, each air carrier shall continue to preserve "records relating to an accounting year", until the Audit Division of the Board's Office of Carrier Accounts and Statistics has completed a final audit for such year. Each air carrier is authorized to destroy records relating to an accounting year which has been the subject of a final audit when the otherwise applicable retention period has expired unless, prior thereto, the air carrier has been named as a party to a pending proceeding. In the latter event, it shall retain all records in accordance with the applicable provisions of either this paragraph or paragraph (b) of this section.

(b) Each air carrier shall retain, in acordance with the provisions of this paragraph, all records remaining in its custody as of the beginning of an "open mail rate period", and all records which are subsequently acquired. Each air carrier shall preserve any records which relate to an accounting year included in an "open mail rate period" [4] until the occurrence of either of the following specified contingencies, whichever is first:

(1) Final adjudication of a Board order fixing the final mail compensation payable for services rendered during an open mail rate period.

(2) Receipt of a notice issued by the Board, pursuant to a written application filed by the air carrier,[5] authorizing the destruction of specifically identified categories of records.

(c) The retention of records by an air carrier, during periods when it has been joined as a party to a pending proceeding, arising under any section of the act other than section 406, shall be governed by the provisions of this paragraph. Each air carrier shall preserve all records remaining in its custody as of the date of inauguration of such a pending proceeding, and all subsequently acquired records until the conditions specified in paragraph (a) of this section have been satisfied. Thereafter, it may destroy such records unless prior to the occurrence of such authorized destruction the air carrier has received a written notice, issued by the Board, directing that specifically identified categories of

[2] For the purposes of this part, the statutory period prescribed for the filing of a petition for judicial review shall be deemed to have expired as follows: (a) Where no timely petition for reconsideration has been filed with the Board, in accordance with its rules of practice, on the sixtieth day following entry of final Board order disposing of all issues in a pending proceeding; and (b) where a timely petition for reconsideration has been filed with the Board, in accordance with its rules of practice, on the sixtieth day following the entry of an order denying the relief requested in such a petition.

[3] Relating to either its entire system or any geographic subdivision thereof which may have been treated as a separate rate-making unit.

[4] As used in this part, an accounting year shall be deemed to be included in an open mail rate period if any portion thereof falls within such period.

[5] Such an application should be filed whenever the carrier believes that certain categories of records are not relevant to the proper processing of a pending mail proceeding. The application should list those categories of records which the carrier desires to destroy and its reasons for believing that such records are not necessary or useful in the determination of its statutory mail pay.

records be preserved until final adjudication of the pending proceeding. In such event, the air carrier shall continue to preserve such records until final adjudication thereof.

PERIODS OF TIME PRESCRIBED FOR THE PRESERVATION OF RESPECTIVE CATEGORIES OF AIR CARRIER RECORDS

ADMINISTRATIVE AND FINANCIAL

1. Minute books of directors', executive committees', and stockholders' meetings: Permanent.
2. Records applicable to capital stock and bonds issued and transferred: Permanent.
3. Reports to stockholders: 5 years.
4. Management reports and other periodic statements and supporting work papers of general balance sheet, income, profit and loss accounts: 3 years.
5. Retired securities: 2 years.
6. Ledgers or ledger accounts:
A. General:
(1) Balance sheet accounts: Permanent.
(2) Revenue and expense: Permanent.
B. Special:
(1) Materials and supplies: 3 years.
(2) Bank balances: 2 years.
(3) Expense and working fund advances: 1 year.
(4) Accounts receivable (general): 4 years.
(5) Accounts payable (general): 4 years.
(6) Accounts receivable (traffic): 2 years.
(7) Accounts payable (traffic): 2 years.
(8) Investments and securities: 5 years.
(9) Property and equipment: 10 years.
7. Journals and registers supporting ledger entries: 10 years.
A. Journals (including authorizations, work sheets, or summaries needed to explain journal entries):
(1) Journal vouchers (general).
(2) Cash receipts.
(3) Cash disbursements.
B. Registers:
(1) Voucher.
(2) Check.
(3) Insurance.
(4) Deferred charges.
(5) Sales.
(6) Payroll.
(7) Tax.
8. Deeds and franchises: Until disposition of property or rights.
9. Title papers: Until disposition of property or equipment.
10. Contracts and agreements, releases:
A. Contracts and agreements:
(1) Involving an interest in realty: Until termination of such interest.
(2) With governmental bodies: Until final termination.
(3) Involving purchase or sale of equipment: 4 years.
(4) Leases: 2 years after termination.
(5) Of agency: Until termination.
(6) Air travel plan: 1 year after termination.
(7) Miscellaneous: Until termination.
B. Releases from direct or contingent liability arising out of actions in tort: 2 years.
11. Tax records:
A. Ad Valorem:
(1) Real estate (statements, receipts, and assessment appeals): 2 years after disposition of property.
(2) Personal property (statements, receipts, reports, and assessment appeals): 5 years.
B. Privilege taxes-statements, receipts, returns or reports, supporting summaries, and assessment appeals (franchise, capital stock, licenses): 5 years.
C. Excise taxes on manufacture, sale or consumption (transportation, sales, gasoline and oil):
(1) Statements, receipts, returns or reports, report summaries and assessment appeals: 5 years.
(2) Details, supporting report summaries: 2 years.
D. Social Security taxes:
(1) State and Federal unemployment insurance:
(a) Receipts; returns or reports; report summaries; assessment appeals: 5 years.
(b) Details supporting report summaries; removal notice forms: 2 years.
(2) Federal old age benefits:
(a) Receipts; returns or reports; report summaries; assessment appeals: 5 years.
(b) Details supporting report summaries: 5 years.
E. Income: Until 3 years after final settlement.
(1) Federal, State, and municipal income tax returns, information returns, supporting papers, receipts, papers supporting refunds or legal actions relating to income taxes.
(2) Details supporting forms to Federal, State and municipal information returns.
12. Fidelity bonds of employees:
A. Individual bonds: 1 year after termination of employment.
B. Blanket bonds: 1 year after expiration of bond.
13. Bulletins, orders, regulations, and other communications from Federal and State regulatory bodies pertaining to the air carrier. 1 year after becoming ineffective or inapplicable.
14. Treasurer's records:
A. Statements and summaries of balances on hand and with depositories or other periodical statements of working cash balances: 30 days after reconciliation.
B. Statements from depositories of funds received, disbursed, and transferred: 2 years.
C. Authorities for transfer of funds from one depository to another: 1 year after expiration.
D. Daily or other periodical statements of the receipts and disbursements of funds: 30 days.
E. Bank deposit books and check book stubs: Until reconciliation.
F. Papers which support postings of miscellaneous receipts and payments of funds: 2 years.
G. Copies of deposit slips and advices of transfer from one depository to another: Until reconciliation.
15. Audit reports:
A. Reports, examinations, and audits prepared and certified by independent public accountants: 5 years.
B. Reports of examinations and audits by internal auditors and others: 3 years.

INSURANCE COVERAGE AND CLAIM RECORDS

16. Insurance coverage and claim records:
A. Insurance: 2 years after expiration of policy.
(1) Policies.
(2) Underwriters' inspection reports of condition of property.
B. Claim files including memoranda and reports in connection with loss, damage, personal injury, fire, etc., *except* claims for refund of transportation charges: 2 years after settlement or rejection.
C. Assignments, attachments, and garnishments involving: 2 years or until release.
(1) employees' salaries or
(2) direct liability of carrier.

REVENUES

17. Sales and ticket reports and other similar reports from stations, offices and agents: 3 years.
18. Tickets and ticket records:
A. Audited ticket coupons: 3 years.
B. Perpetual inventory ticket stock: 2 years.
C. Requisitions and receipts for tickets furnished agents and ticket selling employees: 2 years.
D. Records and reports incident to ticket refund claims: 3 years.
E. Lost ticket memoranda, certification of loss and receipt for refund: 3 years.
19. Volume travel plan records:
A. Receipts for air travel cards: 1 month after expiration or return of card.
B. Receipts for one-trip travel orders: 3 months after orders are accounted for.
20. Invoices, bills, accounts receivable statements: 1 year after settlement.
A. Transportation receipts and one trip travel orders.
B. Copies of invoices and supporting papers.
C. Credit memoranda.
D. Statements (except when used as ledger).

EXPENDITURES

21. Payroll and personnel records:
A. Pay records in general: 2 years.
(1) Control.
(2) Individual employee earnings records.
(3) Canceled checks or receipts for payment.
(4) Payroll authorization, removal, adjustment notices.
(5) Payroll certification.
(6) Overtime certification.
(7) Absent reports.
B. Other records:
(1) Employees' payroll deduction authorization: 1 year after termination of authority.
(2) Clock cards and flight crews' time records: 3 months after termination of employment.
(3) Job expense distribution cards: 2 years.
C. Personnel records: 1 year after termination of employment.
(1) Applications.
(2) Contract or employment agreements.
(3) Bond record.
(4) History.
22. Vouchers:
A. File of voucher jackets or other (alphabetical etc.) indexes to vouchers: 3 years.
B. File of voucher jackets with supporting papers attached:
(1) Vouchers involving purchase of property and/or equipment having unit values of $500 or more: 10 years.
(2) Other vouchers: 5 years.
C. Paid drafts, checks and receipts for cash paid out except as otherwise herein provided: 2 years.
23. Other equipment and property records: 5 years after retirement of applicable property.
A. Approved authorization for retirements.
B. Depreciation schedules.
24. Authorizations for expenditures:
A. Equipment and property: 5 years.
B. Other: 2 years.
25. Periodical schedules or statements of material and supplies received, issued, and on hand by locations: 2 years.
26. Materials and supplies, physical inventory data:
A. Records of inventories on hand: 3 years.
B. Reconciliation of physical inventory with book balances by account classification: 3 years.
C. Detail inventory cards supporting records of inventories on hand: 1 year.
27. Stores record of materials received: 2 years.
28. Perpetual inventory records and sources of information from which journals for distribution of materials and supplies to expense are prepared:
A. Perpetual inventory cards showing receipts, issues, balances, etc.: 1 year after transfer.
B. Requisitions: 1 year.

C. Notices of stores issues and transfers: 1 year.
D. Records and meroranda of consigned materials: 1 year after settlement.
29. Gasoline and oil: 1 year.
A. Requisitions (requests for issue).
B. Notices of issues, transfers, etc.
C. Daily consumption records and motor readings.
D. Periodical station summaries.

MAINTENANCE AND OVERHAUL

30. Job or work orders:
A. Property or equipment: 5 years.
B. Other: 2 years.
31. Records and reports concerning repairs (excluding job expense distribution detail):
A. Flight equipment:
(1) Maintenance work: 2 years.
(a) Line check and work-performed reports.
(b) Intermediate line engine check and work-performed reports.
(2) Overhaul work: Until equipment is sold or 3 years after retirement.
(a) Intermediate main base engine check and work-performed reports.
(b) Major overhaul check and work-performed reports.
(3) Log books: Until equipment is sold or 3 years after retirement.
B. Ground equipment and property: 2 years.
32. Maintenance statistics:
A. Vital statistics required by Civil Air Regulations relative to individual units of flight equipment: Until disposal of equipment.
B. Other maintenance statistics: 1 year.

TRANSPORTATION

33. System report of airplane movements by trip number showing: 3 years.
A. Arrivals.
B. Departures.
C. Delays.
D. Related information.
34. Individual trip reports:
A. Operations data:
(1) Dispatchers clearance forms: 3 months.
(2) Weather forecasts (terminal and intermediate): 3 months.
(3) Flight plan: 3 months.
(4) Radio contacts by or with pilots en route: 3 months.
(5) Pilot's flight logs: 3 years.
(6) Flight engineer's, radio operator's and navigator's flight logs: 3 months.
(7) Weight and balance reports: 3 months.
B. Other data:
(1) Records of crews by trip numbers: 3 months.
(2) Passenger manifests: 3 years.
(3) Mail manifests, report of mail pouches received and distributed: 3 months.
(4) Cargo manifests: 2 years.
(5) Records and reports of irregularities and delays in handling of passengers, mail, and other cargo: 3 years.
35. Records and reports (internal) and memoranda incident to airplane accidents:
A. Major accidents: 6 years.
B. Minor accidents: 2 years.
36. Air Express and Air Freight (records and reports of express and freight received and delivered; delays and irregularities, waybills and related matters): 2 years.

PASSENGER SERVICE AND RESERVATIONS

37. Reservations reports and records:
A. Cards and charts constituting original source of passengers' names, telephone numbers, etc.: 1 month.
B. Telegrams and radio messages relating to the clearance of space, passenger dispatches, etc.: 1 month.
C. Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.: 1 year.

MISCELLANEOUS

38. Purchase records:
A. Purchase orders:
(1) Property and equipment: 5 years.
(2) Other: 2 years.
B. Requisitions for purchase orders: 1 year.
39. Tariff and other rate authorities:
A. Official tariffs and amendments thereto: Permanent.
B. Authorizations, records, reports, and supporting papers incident to the transportation of persons at reduced rates or free: 3 years.
C. Correspondence (including bulletins and circulars) and working papers in connection with the making of rates and compilation and interpretation of tariffs: 1 year after cancellation of tariff.
40. Reports to Civil Aeronautics Board, its predecessor (the Civil Aeronautics Authority), and other regulatory bodies:
A. Periodic financial, operating, and statistical reports and supporting papers: 5 years.
B. Reports of accidents involving aircraft, mechanical interruption in flight, powerplant failure, and aircraft structural failure and defects; and supporting papers therefor: 2 years.
C. Records and reports of petitions and hearings: 2 years.
41. Engineering records (maps, profiles, specifications; estimates of work, records of engineering studies; records pertaining to extensions, additions, and betterment projects):
A. Projects completed: 3 years after completion.
B. Projects abandoned: 3 years after abandonment.
42. Employees welfare records:
A. Medical:
(1) By individual employee: 1 year.
B. Retirement plan: 2 years after termination of employment.
C. Workmen's compensation:
(1) Accident reports: 5 years.
(2) Payroll audits: 2 years.
D. Employees relief, hospital insurance, other than records pertaining to the receipt and disbursement of funds: 1 year.
(1) Records pertaining to the receipts and disbursement of funds: Same periods as provided for similar records elsewhere herein.
43. Records and reports of damage to buildings and equipment not covered by insurance: 3 years.
44. Correspondence:
A. Correspondence (including interoffice memoranda without which the records specified in provisions considered herein would not be complete): Period prescribed for primary records.
45. Data relating to the destruction of records as provided in this section; authorizations and certificates executed in connection with the reproduction or destruction of records: Permanent.

§ 249.8 *Time for preservation of records required to compute mail payments.* Notwithstanding the provisions of § 249.6, each certificated air carrier authorized to transport mail shall preserve all records of the categories specified in this paragraph in accordance with this section. Each air carrier shall preserve all records (except those relating to mail compensation for months in which the carrier is operating under a "final future service mail rate") until each air carrier receives a written notice, issued by the Secretary of the Board, which specifically authorizes destruction of such records.

RECORDS RELEVANT TO THE COMPUTATION OF SUBSIDY MAIL PAY

(a) All monthly records of operations, such as tabulations and summaries of miles flown and passenger miles flown, which pertain to or are a part of operational records relevant to the computation of subsidy mail pay.
(b) All monthly and other basic documents, such as pilots flight logs, aircraft weight and balance reports, passenger manifests, which are relevant to a determination of the validity of the carrier's operational records described in paragraph (a) of this section.

§ 249.9 *Time for preservation of records by air freight forwarders.* (a) All air freight forwarders and all international air freight forwarders, as defined in Parts 296 and 297 of this subchapter, shall retain and preserve the following records and documents for a period of 1 year, unless the Board orders them to be retained for a longer period:
(1) Shipping documents: Air waybills, bills of lading, cargo manifests, receipts, exchange orders, invoices, and similar evidences of shipping transactions;
(2) Information to agents and representatives—bulletins, circulars and all instructions to traffic-soliciting personnel;
(3) Information to the public: Press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins;
(4) Agreements: Agreements, contracts, releases, documents, and memoranda evidencing any arrangements with its agents and representatives, direct air carriers, foreign air carriers, other freight forwarders, or with their respective agents and representatives;
(5) Correspondence: All correspondence relating to any of the foregoing.
(b) All air freight forwarders shall retain their administrative and financial records and insurance and claim records specified in § 249.7 in accordance with the provisions thereof.

§ 249.10 *Time for preservation of records by Alaskan air carriers.* All Alaskan air carriers, as defined in Part 292 of this subchapter, which are subject to the reporting requirements of § 243.1 of this subchapter, shall retain and preserve all accounts, records, and memoranda (including accounting records and memoranda of the movement of traffic as well as of the receipts and expenditures of money) which are needed in order to accomplish full compliance with the reporting requirements of Part 243 of this subchapter. Such accounts, records, and memoranda shall be preserved for three years.

§ 249.11 *Applicability.* This part shall apply to each air carrier, as defined in Section 1 (2) of the Civil Aeronautics Act of 1938, which holds a certificate of public convenience and necessity and to each irregular air carrier, noncertificated cargo carrier, Alaskan air carrier, air freight forwarder, and international air freight forwarder operating under the authorizations respectively provided in Parts 291, 292, 295, 296, and 297 of this subchapter.

[F. R. Doc. 55-7611; Filed, Sept. 19, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4, 6, 10, 16]

[Docket No. 11498; FCC 55-927]

PUERTO RICO AND VIRGIN ISLANDS

ADDITIONAL FIXED PUBLIC AND REMOTE PICKUP FREQUENCY ALLOCATIONS IN CERTAIN BANDS

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

2. The Commission has had under consideration a petition dated July 12, 1955, filed by All America Cables and Radio, Inc., and Radio Corporation of Puerto Rico requesting an allocation of frequencies in the band 152–162 Mc, in the Commonwealth of Puerto Rico and in the Virgin Islands, for the exclusive use of stations in the International Fixed Public and Domestic Fixed Public Service.

3. The Commission has also had under consideration a petition dated June 22, 1955, filed by Radio Americas Corporation requesting an allocation of frequencies in the 152–162 Mc band for use by remote pickup stations in the Commonwealth of Puerto Rico.

4. Consideration of the above petitions indicates that it would be in the public interest to grant the petition of All America Cables and Radio, Inc. and Radio Corporation of Puerto Rico and to grant, in part, the petition of the Radio Americas Corporation. In view of the foregoing, the Commission is proposing to amend Parts 2, 4, 6, 10, and 16 of its Rules and Regulations to provide for the reallocation of certain portions of the 152–162 Mc band as indicated below.

5. The proposed amendments are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 21, 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.

7. 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: September 7, 1955.

Released: September 12, 1955.

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

The Commission proposes to amend Parts 2, 4, 6, 10, and 16 of its rules and regulations so as to provide for the new allocations set forth below for the Commonwealth of Puerto Rico and in the Virgin Islands. For convenient reference, the present allocation of the subject frequency bands is shown in columns 1 and 2.

Present Allocation		Proposed Allocation	
Freq Mc 1	Service 2	Freq. Mc 3	Service 4
154.07–154.43 (NG48)	Public Safety (land mobile)	154.04 154.46	(a) Domestic fixed public. (b) International fixed public. (Spacing between assignments to be unspecified, band allocation 154.04–154.46 Mc) (NG48 deleted).
159.51–159.99 (NG48)	(a) Land transportation (land mobile). (b) Public Safety (land mobile). (On a noninterference basis to Land transportation.)	159.51–159.99 (NG48)	(a) Land transportation (land mobile). (b) Remote pickup (Puerto Rico only) (land mobile). (Remote pickup on a noninterference basis to land transportation.) (Public Safety sharing deleted.)
161.43–161.85 (NG48)	(a) Land transportation (land mobile). (b) Public Safety (land mobile). (On a noninterference basis to land transportation).	161.40–161.85	(a) Domestic fixed public. (b) International fixed public. (Spacing between assignments to be unspecified; band allocation 161.40–161.85 Mc.) (Public Safety sharing deleted) (NG48 deleted).

NG48 The spacing between frequency assignments in this band shall be 60 kc. The first and last assignable frequencies are those indicated.

[F. R. Doc. 55–7600; Filed, Sept. 19, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

ORDER OF SUCCESSION

Section 2.30 of the Statement of Organization and Delegations of Authority of the Department (20 F. R. 1996) is amended to read as follows:

SEC. 2.30 *Order of succession.* (a) During the absence or disability of the Secretary and Under Secretary or in the event of simultaneous vacancy in the Offices of Secretary and Under Secretary, the Assistant Secretary who is senior according to date of his commission shall act as Secretary.

(b) Pursuant to the authority vested in me by Section 6 of Reorganization Plan No. 1 of 1953, during the absence, disability or vacancy in the Offices of the Secretary, the Under Secretary and both Assistant Secretaries, the General Counsel shall perform all functions and exercise all authority of the Secretary. Documents executed pursuant to the provisions of this section shall be signed "Acting Secretary."

Dated: August 26, 1955.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 55–7596; Filed, Sept. 19, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

ACCEPTANCE OF LANDS SITUATED IN KENTUCKY, TENNESSEE, AND VIRGINIA, FOR ESTABLISHMENT OF CUMBERLAND GAP NATIONAL HISTORICAL PARK

Notice is hereby given that on September 14, 1955, there were accepted, on behalf of the United States, under authority contained in the act of Congress approved June 11, 1940 (54 Stat. 262), as amended by the act of May 26, 1943 (57 Stat. 85; 16 U. S. C., 1952 ed., secs. 261–264), the following conveyances of lands which have been determined as necessary or desirable for national historical park purposes:

1. (a) Conveyance made by the Commonwealth of Kentucky of a certain parcel of land in Bell and Harlan Counties, Kentucky, by deed dated June 9, 1955, and recorded in the records of Bell County, Kentucky, in Deed Book No. 161 at page 435, and in the records of Harlan County, Kentucky, in Deed Book No. 129, page 193.

(b) Conveyance made by the Commonwealth of Kentucky of three certain parcels of land in Bell County, Kentucky, by deed dated June 9, 1955, and recorded in the records of Bell County, Kentucky, in Deed Book No. 161 at pages 444–461.

2. Conveyance made by the State of Tennessee of a certain parcel of land in Claiborne County, Tennessee, by deed

dated June 15, 1953, and recorded in the records of Claiborne County in Deed Book No. 81, Volume 3, pages 562–565, and re-recorded in Deed Book No. 83, Volume 3, pages 117–119.

3. Conveyance made by the Commonwealth of Virginia of three certain parcels of land in Lee County, Virginia, by deed dated December 1, 1953, and recorded in the records of Lee County in Deed Book No. 146, pages 499–516.

Upon the acceptance of the said deeds, the lands conveyed thereby were established, dedicated, and set apart as a public park for the benefit and inspiration of the people to be known as the "Cumberland Gap National Historical Park."

The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., secs. 1 et seq.), entitled "An Act to establish a National Park Service, and for other purposes."

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55–7573; Filed, Sept. 19, 1955; 8:45 a. m.]

[Lake Mead National Recreation Area Order No. 2]

ADMINISTRATIVE OFFICER AND SUPPLY CLERK

DELEGATION OF AUTHORITY TO APPROVE CONTRACTS

AUGUST 16, 1955.

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

SEC. 2. *Supply Clerk.* The Supply Clerk may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supply Clerk in behalf of any coordinated area.

SEC. 3. *Appeals.* Any party aggrieved by any action or decision of the Administrative Officer or Supply Clerk shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Administrative Officer or Supply Clerk.

SEC. 4. *Revocation.* This order supersedes Lake Mead National Recreation Area Order No. 1.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2, Region Three Order No. 2 (19 F. R. 8825))

[SEAL] CHARLES A. RICHEY,
Superintendent,
Lake Mead National Recreation Area.

[F. R. Doc. 55–7574; Filed, Sept. 19, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CERTAIN STATES

EXTENSION OF DESIGNATION OF COUNTIES FOR PURPOSE OF MAKING PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), the period for making initial Production Emergency loans authorized in the counties and States listed below on the respective dates indicated is extended without limitation until further notice.

COLORADO

2–17–54 (19 F. R. 913)
8–6–54 (19 F. R. 4967)
9–22–54 (19 F. R. 6087)

Adams.
Arapahoe.
Baca.
Bent.
Boulder.
Cheyenne.
Crowley.
Elbert.
El Paso.
Huerfano.
Kiowa.
Kit Carson.
Larimer.
Las Animas.
Lincoln.
Morgan.
Otero.
Prowers.
Pueblo.
Washington.
Weld.
Yuma.

KANSAS

8–16–51 (16 F. R. 8145)

Barber.
Cheyenne.
Clark.
Comanche.
Decatur.
Edwards.
Finney.
Ford.
Gove.
Grant.
Gray.
Greeley.
Hamilton.
Haskell.
Hodgeman.
Kearny.
Kiowa.
Lane.
Logan.
Meade.
Morton.
Ness.
Pawnee.
Pratt.
Rawlins.
Rush.
Scott.
Seward.
Sheridan.
Sherman.
Stafford.
Stanton.
Stevens.
Thomas.
Trego.
Wallace.
Wichita.

NEW MEXICO

8–16–51 (16 F. R. 8146)

Colfax.
Curry.
De Baca.
Guadalupe.
Harding.
Lea.
Nora.
Quay.
Roosevelt.
San Miguel.
Torrance.
Union.

OKLAHOMA

3–3–54 (19 F. R. 1190)

Beaver.
Beckham.
Cimarron.
Custer.
Dewey.
Ellis.
Greer.
Harmon.
Harper.
Roger Mills.
Texas.
Woods.
Woodward.
Major.

TEXAS

8–16–51 (16 F. R. 8146)
3–25–52 (17 F. R. 2579)
4–18–52 (17 F. R. 3461)

Andrews.
Armstrong.
Bailey.
Borden.
Briscoe.
Carson.
Castro.
Childress.
Cochran.
Collingsworth.
Cottle.
Crosby.
Dallam.
Dawson.
Deaf Smith.
Dickens.
Donley.
Fisher.
Floyd.
Gaines.
Garza.
Gray.
Hale.
Hall.
Hansford.
Hardeman.
Hartley.
Hemphill.
Hockley.
Howard.
Hutchinson.
Kent.
King.
Lamb.
Lipscomb.
Lubbock.
Lynn.
Martin.
Mitchell.
Moore.
Motley.
Nolan.
Ochiltree.
Oldham.
Parmer.
Potter.
Randall.
Roberts.
Runnels.
Scurry.
Sherman.
Stonewall.
Swisher.
Taylor.
Terry.
Wheeler.
Yoakum.

WYOMING

9–18–54 (19 F. R. 6051)

Goshen.
Platte.
Laramie.

Done at Washington, D. C., this 15th day of September 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55–7610; Filed, Sept. 19, 1955; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7261; Order No. E–9568]

NORTH CENTRAL AIRLINES, INC.

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 14th day of September 1955.

Statement of Tentative Findings and Conclusions and Order To Show Cause.[1] North Central Airlines, Inc. (North Central) on June 28, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue North Central a certificate of public convenience and necessity of unlimited duration for route No. 86 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

carrier, furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification at such time."

North Central alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by North Central in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

North Central further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953 to the date of its application under a temporary certificate of public convenience and necessity for route No. 86 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that North Central has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to North Central that the service rendered by North Central during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed June 28, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from December 13, 1951, the date of North Central's last certificate, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

North Central further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Chicago, Ill.
Milwaukee, Wis.
Madison, Wis.
Wisconsin Rapids-Stevens Point, Wis.
Wausau, Wis.
Rhinelander, Wis.
Land O'Lakes, Wis.[3]
Ironwood, Mich.
Duluth, Minn-Superior, Wis.
Oshkosh, Wis.
Manitowoc, Wis.
Green Bay, Wis.
Marinette, Wis.-Menomine, Mich.
Escanaba, Mich.
Iron Mountain, Mich.
Marquette, Mich.
Hancock-Houghton, Mich.
Minneapolis-St. Paul, Minn.
Chisholm-Hibbing, Minn.
International Falls, Minn.
Clintonville, Wis.
Eau Claire, Wis.
Beloit-Janesville, Wis.
La Crosse, Wis.
Winona, Minn.
Detroit, Mich.
Lansing, Mich.
Grand Rapids, Mich.
South Bend, Ind.
Kalamazoo, Mich.
Battle Creek, Mich.
Jackson, Mich.
Ann Arbor, Mich.
Brainerd, Minn.
Bemidji, Minn.
Thief River Falls, Minn.
Grand Forks, N. Dak.

North Central is authorized by its present temporary certificate of public convenience and necessity to provide air service to Land O'Lakes, Wisconsin, on segment 1 of route No. 86 during the period June 1 through September 30 of each year. Although Land O'Lakes was not continuously served during the period May 19, 1955, to the date of North Central's application, we believe the point is eligible for certification in the present proceeding as a point continuously served during the period of its seasonal authorization. Since the purpose of the amendment to the Act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points continuously served on a seasonal basis during particular months of the year which do not coincide with the grandfather period established by the Act, namely May 19, 1955, to June 28, 1955. See Mayflower Airlines, Inc.—Grandfather Certificate, 2 C. A. B. 175 (1940).

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to June 28, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to North Central (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendixes A and B grants North Central permanent authority at those intermediate stations shown in Appendixes C, D, E, and G[3] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by North Central during the period May 19, 1955, to June 28, 1955. Appendixes C and D set forth in tabular form the average number of daily passengers enplaned at each North Central intermediate point for the calendar year 1954 and for the twelve months ended March 31, 1955.[4] The average number of passengers enplaned at intermediate points generating less than five passenger per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve months ended March 31, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they

[3] Seasonal operation.

[3] Filed as part of the original document.

[4] Traffic data for the year ended June 30, 1955, is shown in Appendix G.

should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board further tentatively concludes that where since the last certificate issued to this carrier the Board has authorized North Central by exemption, to provide service to additional points, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemptions during the period from May 19, 1955, to June 28, 1955.

Thus, the Board proposes to require the carrier to show cause why the service between Grand Forks, North Dakota, and Minneapolis/St. Paul, Minnesota, should not be certificated in the manner service was performed during the period from May 19, 1955, to June 28, 1955.

In the Chicago-Detroit Route 7 Local Service Case, Docket No. 6411, (Order E–8975, February 28, 1955, Supplemental Order and Opinion, Order E–9128, April 22, 1955), the Board authorized North Central to provide service over a new segment between the terminal point Chicago, Ill., the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson and Ann Arbor, Michigan and the terminal point Detroit, Mich., designated as segment 7 of Route No. 86. Subsequently, a proceeding seeking review of the Board's orders in that case was instituted by Lake Central Airlines, Inc. in the United States Court of Appeals for the District of Columbia, Lake Central Airlines, Inc. v. Civil Aeronautics Board, CADC, No. 12,665. In order not to delay issuance to North Central of a certificate of unlimited duration pursuant to section 401 (e) (3) of the act, the Board will defer certification of said segment 7 under section 401 (e) (3) until final disposition of the court proceeding involving that particular segment. The certificate we propose to issue in this proceeding will, therefore, carry forward North Central's present authority with respect to said segment 7.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to North Central may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to North Central pursuant to Parts 202.4 or 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting onsegment changes in the service pattern should be incorporated in a certificate issued to North Central pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by North Central during the period from May 19, 1955 to June 28, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring North Central to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth as Appendixes A and B. After allowing interested persons a reasonable period within which to submit objections to the Board's order, North Central's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. North Central and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[5] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, F, and G [3], which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. North Central is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to June 28, 1955 North Central was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which North Central had no control).

3. North Central has continuously served the following terminal and intermediate points during the period from May 19, 1955 to June 28, 1955:

Chicago, Ill.
Milwaukee, Wis.
Madison, Wis.
Wisconsin Rapids-Stephens Point, Wis.
Wausau, Wis.
Rhinelander, Wis.
Ironwood, Mich.
Duluth, Minn.-Superior, Wis.
Oshkosh, Wis.
Manitowoc, Wis.
Green Bay, Wis.
Marinette, Wis.-Menominee, Mich.
Escanaba, Mich.
Iron Mountain, Mich.
Marquette, Mich.
Hancock-Houghton, Mich.
Minneapolis-St. Paul, Minn.
Chisholm-Hibbing, Minn.
International Falls, Minn.
Clintonville, Wis.
Eau Claire, Wis.
Beloit-Janesville, Wis.
La Crosse, Wis.
Winona, Minn.
Detroit, Mich.
Lansing, Mich.
Grand Rapids, Mich.
South Bend, Ind.
Kalamazoo, Mich.
Battle Creek, Mich.
Jackson, Mich.
Ann Arbor, Mich.
Brainerd, Minn.
Bemidji, Minn.
Thief River Falls, Minn.
Grand Forks, N. Dak.

4. North Central has continuously served the intermediate point Land O'Lakes, Wisconsin, during the period of its seasonal authorization and Land O'Lakes is a point eligible for certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. North Central has continuously served the terminal point Grand Forks, North Dakota, the intermediate points Thief River Falls, Bemidji and Brainerd, Minnesota and the terminal point Minneapolis-St. Paul, Minnesota during the period from May 19, 1955, to June 28, 1955, pursuant to temporary exemption authority granted by the Board and the points are therefore eligible for certification pursuant to section 401 (e) (3) of the act.

6. The service rendered by North Central during the period from December 13, 1951, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

7. The following intermediate points, which, on the basis of the most recent available data, have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On North Central's segment 1, the intermediate points Milwaukee, Madison, Wisconsin Rapids-Stevens Point, Wausau, Eau Claire, Rhinelander and Land O'Lakes, Wisc.;

(b) On segment 2, the intermediate points Oshkosh, Manitowoc and Green Bay, Wisc., Marinette, Wisc.-Menominee, Mich., Escanaba, Iron Mountain and Marquette, Mich.;

(c) On segment 3, the intermediate points Duluth, Minn.-Superior, Wisc., and Chisholm-Hibbing, Minn.;

[3] Filed as part of the original document.

[5] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

(d) On segment 4, the intermediate points Wisconsin Rapids-Stevens Point, Wausau and Eau Claire, Wisc.;

(e) On segment 5, the intermediate points Beloit-Janesville, Madison, La Crosse and Eau Claire, Wisc.;

(f) On segment 6, the intermediate points Lansing and Grand Rapids, Mich., Green Bay, Wisc., Marinette, Wisc.-Menominee, Mich., Escanaba, Iron Mountain and Marquette, Mich.

8. On the basis of the most recent available data the following intermediate points have generated less than 5 enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of 3 years is warranted:

(a) On North Central's segment 1, the intermediate point Ironwood, Mich.;

(b) On segment 4, the intermediate point Clintonville, Wisc.;

(c) On segment 5, the intermediate point Winona, Minn.;

(d) On segment 8, the intermediate points Thief River Falls, Bemidji and Brainerd, Minn.

9. Action with respect to the certification pursuant to the provisions of section 401 (e) (3) of the act of terminal and intermediate points on segment 7 of North Central's present temporary certificate of convenience and necessity should be deferred pending final decision in Lake Central Airlines, Inc. v. Civil Aeronautics Board, C. A. D. C. No. 12,665.

Therefore it is ordered, That:

1. North Central is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form attached hereto as Appendix A, and further issue the proposed supplementary order in the form attached hereto as Appendix B;

2. North Central and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on North Central, the Mayor of each city served by North Central during the period May 19, 1955, to June 28, 1955, and every certificated air carrier serving a point served by North Central during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

No. 183——5

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

North Central Airlines, Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Chicago, Ill., the intermediate points Milwaukee, Madison, Wisconsin Rapids-Stevens Point and Wausau, Wis., and (a) beyond Wausau, Wis., the intermediate point Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn., and (b) beyond Wausau, Wis., the intermediate points Rhinelander and Land O'Lakes, Wis., Ironwood, Mich., and the terminal point Duluth, Minn.-Superior, Wis.;

2. Between the terminal point Milwaukee, Wis., the intermediate points Oshkosh, Manitowoc, and Green Bay, Wis., Marinette, Wis.-Menominee, Mich., and Escanaba, Iron Mountain and Marquette, Mich., and the terminal point Hancock-Houghton, Mich.;

3. Between the terminal point Minneapolis-St. Paul, Minn., the intermediate points Duluth, Minn.-Superior, Wis., Chisholm-Hibbing, Minn., and the terminal point International Falls, Minn.;

4. Between the terminal point Green Bay, Wis., the intermediate points Clintonville, Wisconsin Rapids-Stevens Point, Wausau, and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

5. Between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, La Crosse, Wis., Winona, Minn., and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

6. Between the terminal point Detroit, Mich., the intermediate points Lansing and Grand Rapids, Mich., Green Bay, Wis., Marinette, Wis.-Menominee, Mich., Escanaba, Iron Mountain and Marquette, Mich., and the terminal point Hancock-Houghton, Mich.;

7. Between the terminal point Chicago, Ill., the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich., and the terminal point Detroit, Mich.,

8. Between the terminal point Grand Forks, N. D., the intermediate points Thief River Falls, Bemidji and Brainerd, Minn., and the terminal point Minneapolis-St. Paul, Minn.,

to be known as route No. 86.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the eight numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two round trips a day, in which case he may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the restrictions set forth in paragraphs (4) through (9) below.

(4) On each trip scheduled between Minneapolis-St. Paul, Minn., on the one hand, and Madison, Wis., and Milwaukee, Wis., on the other, the holder shall schedule service to a minimum of two intermediate points between such points.

(5) On each trip scheduled between Minneapolis-St. Paul, Minn., and Chicago, Ill., the holder shall schedule service to a minimum of four intermediate points between such points.

(6) On each trip scheduled between Duluth, Minn.-Superior, Wis., and Chicago, Ill., the holder shall schedule service to a minimum of four intermediate points between such points.

(7) On each trip scheduled between Duluth, Minn.-Superior, Wis., and Madison, Wis., the holder shall schedule service to a minimum of two intermediate points between such points.

(8) On each trip scheduled between Madison, Wis., and Chicago, Ill., the holder shall schedule service to a minimum of one intermediate point between such points.

(9) On each trip scheduled between Chicago, Ill., and Detroit, Mich., or between Chicago, Ill., and Ann Arbor, Mich., the holder shall schedule service to a minimum of one intermediate point between such points.

(10) The authorization to serve Land O'Lakes, Wisc., on Segment "1" shall be effective only between June 1 and September 30 (both dates inclusive) of each year.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on _____, 1955: *Provided, however*, That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____, 1955 (Order E-_____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authorization to serve Ironwood, Mich., Clintonville, Wis., and Winona, Thief River Falls, Bemidji and Brainard, Minn., shall continue in effect up to and including _____. The authorization to serve the terminal and intermediate points on segment 7 and condition No. (9),

above, shall continue in effect up to and including September 30, 1955.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the _____ day of _____, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATION

The Board has by Order E-_____, dated _____ 1955, granted a certificate of public convenience and necessity of unlimited duration to North Central Airlines, Inc. (North Central) authorizing North Central to engage in air transportation of persons, property and mail over route No. 86. In the past, North Central has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 86.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 86 or at the end of a stated period. The reasons for issuance of the temporary authorizations appear to be still applicable to North Central in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to Parts 202.4 and 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the act and of North Central's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon North Central by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest; and

2. That the enforcement of the condition in North Central's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 86 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with North Central's performance of a local or feeder air transportation service and is not required by nor is it in the public interest; and

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to North Central and are otherwise in the public interest;

4. Order E-8388, May 28, 1954, temporarily exempted North Central from the provisions of the Act and the terms and conditions of its certificate insofar as they would otherwise prevent service by North Central between Chicago, Illinois, and Duluth, Minnesota-Superior, Wisconsin, via Milwaukee and Rhinelander, Wisconsin and Ironwood, Michigan on one round trip per day. This temporary exemption order (Order E-8388) amended ordering paragraph 1 of Order E-7782, October 1, 1953, which authorized North Central to serve between Chicago, Illinois and Duluth, Minnesota-Superior, Wisconsin via Milwaukee, Green Bay and Rhinelander, Wisconsin and Ironwood, Michigan on one round trip per day. Ordering paragraph 1 of Order E-7782 is, therefore, no longer effective.

Ordering paragraph 2 of Order E-7782 authorized North Central to suspend service on segment 1 of route No. 86 between Madison and Wisconsin Rapids-Stevens Point, Wisconsin during the time the authority granted by ordering paragraph 1 of Order E-8388 described above continues in effect. The authority granted by Order E-8388 and by the second ordering paragraph of Order E-7782 should and will be extended and the effectiveness of Orders E-8388 and E-7782 will be terminated;

5. The authority granted by Order E-9163, April 29, 1955, to serve between Chicago and Duluth via Milwaukee and Green Bay on one round trip per day until 60 days after Board decision in Docket No. 6771, et al. should and will be extended. Order E-9163, instituted an investigation, Docket No. 7122, (which was consolidated with Docket No. 6771) to determine, inter alia, whether the public convenience and necessity require the alteration, amendment or modification of that portion of North Central's certificate of public convenience and necessity authorizing service between the terminal points Chicago, Illinois and Duluth, Minnesota-Superior, Wisconsin via various intermediate points so as to permit North Central to schedule such service to a minimum of less than four intermediate points. Therefore, the authority granted by ordering paragraph 1 of Order E-9163 will be continued until 60 days after Board decision on the issues under investigation in Docket No. 7122;

6. The authority granted by Orders E-8700, October 14, 1954, and E-8810, December 9, 1954, insofar as they authorized service between Grand Forks, N. D., and Minneapolis-St. Paul, Minn., via Thief River Falls, Bemidji and Brainerd, Minn. should and will be terminated because this segment is included as segment 8 of the certificate being issued to North Central concurrently with this order;

7. The authority granted by Order E-9486, August 12, 1955, to temporarily exempt North Central from the provisions of section 401 (a) of the Act, insofar as said provisions would otherwise prevent North Central from overflying Green Bay, Wisconsin on flights scheduled between Wausau, Wisconsin and Chicago, Illinois via the intermediate points, Milwaukee and Oshkosh, Wisconsin, is effective for one year from the date of that order and should be continued for that period.

It is ordered, That:

1. North Central be and hereby is temporarily exempted from section 401 (a) of the Act and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise prevent service by North Central between Chicago, Illinois, and Duluth, Minnesota-Superior, Wisconsin, via Milwaukee and Rhinelander, Wisconsin and Ironwood, Michigan on one round trip per day (previously authorized by Order E-8388);

2. North Central be and hereby is authorized to temporarily suspend service on segment 1 of route No. 86 between Madison and Wisconsin Rapids-Stevens Point, Wisconsin during the time the authority granted in ordering paragraph 1 above continues in effect (previously authorized by ordering paragraph 2 of Order E-7782);

3. North Central be and hereby is temporarily exempted until 60 days after Board decision on the issues under investigation in Docket No. 7122, from section 401 (a) of the Act and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise prevent service by North Central between Chicago, Illinois and Duluth, Minnesota-Superior, Wisconsin via Milwaukee and Green Bay, Wisconsin, on one round trip per day (previously authorized by Order E-9163);

4. North Central be and hereby is authorized to overfly Eau Claire on flights between Winona and Minneapolis-St. Paul, provided that at least one daily round trip is operated between Winona and Minneapolis-St. Paul via Eau Claire, and is authorized to overfly Eau Claire on flights between Wausau and Minneapolis-St. Paul, provided that at least one daily round trip is operated between Wausau and Minneapolis-St. Paul via Eau Claire (previously authorized by Order E-7803);

5. North Central be and hereby is temporarily exempted from the provisions of section 401 (a) of the act, insofar as said provisions would otherwise prevent North Central from engaging in the local air transportation of persons, property and mail between the Detroit City Airport and the Willow Run Airport at Detroit, Michigan, on segments 6 and 7 of its route No. 86: *Provided,* That the authorization granted herein shall not be construed as a determination for mail rate purposes of the economic soundness of any operations conducted hereunder (previously authorized by Order E-9047);

6. North Central be and hereby is authorized to render flag stop service by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircaft destined for such point, and no such traffic available at such point for the flight at the scheduled time of departure: *Provided further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-3203 and E-6139);

7. North Central be and is hereby temporarily exempted from the provisions of section 401 (a) of the act, insofar as said provisions would otherwise prevent North Central from overflying Green Bay, Wisconsin on flights scheduled between Wausau, Wisconsin and Chicago, Illinois via the intermediate points, Milwaukee and Oshkosh, Wisconsin for a period of one year from August 12, 1955 (previously authorized by Order E-9486);

8. The authority previously granted to North Central by Orders E-8388, E-7782, ordering paragraph 1 of E-9163, E-7803, E-3203 and E-6139 insofar as they pertain to North Central, E-8700, E-8810, E-9047 and E-9486 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 86 being issued to North Central concurrently with the issuance of this order become effective;

9. The change in service pattern and temporary suspension and temporary exemption authorizations granted herein shall become effective , , concurrently with the effective date of the certificate issued to North Central in Docket No. 7261; and,

10. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-7612; Filed, Sept. 19, 1955; 8:53 a. m.]

[Docket No. 7191]

FRONTIER AIRLINES, INC.; PERMANENT CERTIFICATION CASE

NOTICE OF HEARING

In the matter of the application of Frontier Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 73.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 26, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., September 15, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-7613; Filed, Sept. 19, 1955; 8:54 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Cabbage, preserved.
Cucumber, sweet, canned.
Radish, dried.
Rose Wine (Mai Kwai Lu).

[SEAL] EDWIN F. RAINS,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-7614; Filed, Sept. 19, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11268 etc.; FCC 55M-777]

WISCONSIN TELEPHONE CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300-F1-P-H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301-F1-P-H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745-F1-P-H; for new VHF Public Class III-B coast stations at Milwaukee, Cleveland and Toledo, respectively, and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832-F1-P-H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833-F1-P-H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834-F1-P-H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835-F1-P-H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836-F1-P-H; for new VHF Public Class III-B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively, and Wisconsin Telephone Company, Docket No. 11380, File No. 5299-F1-P-H; for new VHF Public Class III-B coast station at Green Bay (Glenmore), Wisconsin.

It is ordered, This 9th day of September 1955, that the prehearing conference in the above-entitled matter now scheduled for September 12, 1955, is hereby continued without date until further order.

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

[F. R. Doc. 55-7601; Filed, Sept. 19, 1955; 8:51 a. m.]

[Docket Nos. 11419, 11420; FCC 55M-762]

WALTER N. NELSKOG ET. AL.

ORDER CONTINUING HEARING

In re applications of Walter N. Nelskog, Everett, Washington, Docket No. 11419, File No. BP-9282; C. H. Fisher and Edna E. Fisher, a partnership d/b as Skagit Broadcasting Company, Anacortes, Washington, Docket No. 11420, File No. BP-9706; for construction permit.

It is ordered, This 6th day of September 1955, on the Chief Hearing Examiner's own motion, that the hearing in the above-entitled matter, which is presently scheduled to commence September 7, 1955, is continued indefinitely.

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

[F. R. Doc. 55-7602; Filed, Sept. 19, 1955; 8:52 a. m.]

[Docket No. 11427; FCC 55M-789]

BI-STONE BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of J. B. McNutt, Jr. tr/as Bi-Stone Broadcasting Company, Mexia, Texas, Docket No. 11427, File No. BP-9644; for construction permit.

It appearing, that hearing on the above-entitled application is scheduled for September 20, 1955; and

It further appearing, that on August 30, 1955, the applicant filed a Petition for Removal from Hearing Docket; that the Commission has not, as yet, had opportunity to act upon the petition; that under the Commission's Rules, interested parties have ten (10) days within which to file answer to the petition; and that grant of the petition would obviate hearing;

Accordingly, it is ordered, This 13th day of September 1955, on the Examiner's own motion, that the hearing be continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 55-7603; Filed, Sept. 19, 1955; 8:52 a. m.]

[Docket No. 11461; FCC 55M-785]

VALR, INC.

ORDER CONTINUING HEARING

In the matter of VALR, Incorporated, Licensee of Station KSDA, Redding, California, Docket No. 11461; order to show cause why the license for Standard Broadcast Station KSDA should not be revoked.

The Hearing Examiner having under consideration the pendency of a "Petition for Dismissal of Show Cause Order," filed by the licensee on September 9, 1955, now awaiting action by the Commission, and the hearing now scheduled for October 5, 1955;

It appearing, that the Commission may not act on the petition prior to the scheduled hearing date;

It is ordered, This 12th day of September 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for October 5, 1955, is continued indefinitely.

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

[F. R. Doc. 55-7604; Filed, Sept. 19, 1955; 8:52 a. m.]

[Docket No. 11481]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11481 (File No. P-C-3633), for a certificate under Section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of A. J. Carpenter and Helen Carpenter, his wife, d/b as The Allen Telephone Company, Allen, Texas.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties of A. J. Carpenter and Helen Carpenter, his wife, d/b as The Allen Telephone Company, furnishing telephone service in and around Allen, Texas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 12th day of September 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 3:00 p. m., on the 11th day of October 1955, and that a copy of this Order shall be served upon the Governor of the State of Texas, Southwestern Bell Telephone Company, A. J. Carpenter and Helen Carpenter, his wife, d/b as The Allen Telephone Company, and the Postmaster of Allen, Texas;

It is further ordered. That within ten days after the receipt from the Commission of a copy of this Order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in and around Allen, Texas, and shall furnish proof of such publication at the hearing herein.

Released: September 13, 1955.

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

[F. R. Doc. 55-7605; Filed, Sept. 19, 1955; 8:52 a. m.]

[Change List 95]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

AUGUST 29, 1955.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, Proposed changes, and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of comencement of operation
		900 kilocycles				
CKJL	St. Jerome, Province of Quebec (assignment of call letters).	1 kw	DA-1	U	II	
		910 kilocycles				
CKLY	Lindsay, Ontario (assignment of call letters).	1 kw	DA-1	U	III	
		1350 kilocycles				
CKEN	Kentville, Nova Scotia (PO: 1490 kc 250 w ND).	1 kw	DA-N	U	III	E. I. O. 15.8.55.
		1440 kilocycles				
CKRD	Red Deer, Alberta	1 kw	DA-1	U	III	Delete assignment vide: 850 kc.
		1560 kilocycles				
New	Simcoe, Ontario	0.25 kw	ND	D	II	E. I. O. 15.8.55.

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

[F. R. Doc. 55-7606; Filed, Sept. 19, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6635]

FRONTIER POWER CO. AND SPRINGER ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER AUTHORIZING CONSOLIDATION OF CERTAIN FACILITIES

SEPTEMBER 13, 1955.

Notice is hereby given that on September 1, 1955, the Federal Power Commission issued its order adopted August 31, 1955, authorizing merger or consolidation of certain facilities, disposition of certain facilities and merger or consolidation of certain facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7575; Filed, Sept. 19, 1955; 8:46 a. m.]

[Docket Nos. G-4872 etc.]

AMERICAN REPUBLICS CORP. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 13, 1955.

In the matters of American Republics Corporation, Docket Nos. G-4872, G-4873, G-4941, G-4942, G-5161, G-5162, G-5163, G-5164, G-5726, G-5727, G-5728, and G-8494; Sinclair Oil & Gas Company, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, Fifty-First Associates, Inc., Docket No. G-8493.

Notice is hereby given that on September 6, 1955, the Federal Power Commission issued its findings and order adopted August 31, 1955, in the above-entitled matters, issuing a certificate of public convenience and necessity to Sinclair Oil & Gas Company, Docket No. G-8493, and permitting abandonment of facilities and dismissing applications of American Republics Corporation, Docket Nos. G-4872, et al.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7576; Filed, Sept. 19, 1955; 8:46 a. m.]

[Docket Nos. G-8737, G-9022]

LATERAL GAS PIPELINE CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 13, 1955.

Notice is hereby given that on September 7, 1955, the Federal Power Commission issued its order adopted August 31, 1955, in the above-entitled matters, issuing a certificate of public convenience and necessity to Lateral Gas Pipeline Company, Docket No. G-8737, and authorizing abandonment of facilities of Iowa Electric Light and Power Company, Docket No. G-9022.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7577; Filed, Sept. 19, 1955; 8:46 a. m.]

[Docket Nos. ID-504 etc.]

CHARLES E. KOHLHEPP ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

SEPTEMBER 13, 1955.

In the matters of Charles E. Kohlhepp, Docket No. ID-504; Harold L. Dalbeck, Docket No. ID-1148; Henry H. Startzman, Docket No. ID-1241; S. Sidney Bradford, Docket No. ID-1242; Hugh C. Thuerk, Docket No. ID—1267.

Notice is hereby given that on September 6, 1955, the Federal Power Commission issued its orders adopted August 31, 1955, authorizing applicants to hold certain positions pursuant to Section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7578; Filed, Sept. 19, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1689]

AMERICAN VISCOSE CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities

Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $25 Par Value, of American Viscose Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7586; Filed, Sept. 19, 1955; 8:48 a. m.]

[File No. 7-1690]

LIGGETT & MYERS TOBACCO CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $25 Par Value, of Liggett & Myers Tobacco Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7587; Filed, Sept. 19, 1955; 8:48 a. m.]

[File No. 7-1691]

MERCK & CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, 16⅔¢ Par Value, of Merck & Company, Incorporated, a security listed and registered on the New York, Philadelphia-Baltimore Stock Exchanges. Rule X-12F-1 provides that that applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7588; Filed, Sept. 19, 1955; 8:48 a. m.]

[File No. 7-1692]

PHILIP MORRIS, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Philip Morris, Incorporated, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7589; Filed, Sept. 19, 1955; 8:49 a. m.]

[File No. 7-1693]

NATIONAL GYPSUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Common Stock, $1 Par Value, of National Gypsum Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the

official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7590; Filed, Sept. 19, 1955; 8:49 a. m.]

[File No. 7-1694]

PACIFIC GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September 1955.

The Midwest Stock Exchange pursuant to Section 12 (f), (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $25 Par Value, of Pacific Gas & Electric Company, a security listed and registered on the New York, San Francisco and Los Angeles Stock Exchanges. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested persons may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application wil be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7591; Filed, Sept. 19, 1955; 8:49 a. m.]

[File No. 7-1695]

SYLVANIA ELECTRIC PRODUCTS, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $7.50 Par Value, of Sylvania Electric Products, Incorporated, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7592; Filed, Sept. 19, 1955; 8:49 a. m.]

[File No. 7-1696]

UNITED AIRCRAFT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, 1955.

The Midwest Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of United Aircraft Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 29, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7593; Filed, Sept. 19, 1955; 8:49 a. m.]

[File Nos. 54-72, 54-173, 54-191, 54-199]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER APPROVING AND RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

SEPTEMBER 14, 1955.

The above-entitled proceedings involved plans filed pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") to enable the system of Standard Power and Light Corporation, Standard Gas and Electric Company ("Standard Gas"), and Philadelphia Company, all registered holding companies, to effectuate compliance with Section 11 (b) of the Act. In each of the proceedings orders have been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by these companies for services rendered in connection with such plans and related proceedings.

In or about June 1953, applications for allowances of fees and expenses were filed with the Commission by various participants in these proceedings, including a joint application filed by Guggenheimer & Untermyer; Guggenheimer, Untermyer, Goodrich & Amram; and Connolly, Cooch & Bove (said applicants being hereinafter referred to collectively as "Guggenheimer & Untermyer"). Pursuant to order of the Commission, a public hearing was held to consider the application of Guggenheimer & Untermyer. Subsequently, a settlement was reached between Guggenheimer & Untermyer and Standard Gas, which settlement was approved by the Commission on May 13, 1955. Standard Gas has now filed with the Commission a petition in which the company states that in connection with the proceedings on the Guggenheimer & Untermyer application, it employed the law firm of Cahill, Gordon, Reindel & Ohl as special counsel and George Roberts and Francis P. T. Plimpton as legal experts. The petition further states that the company has paid fees of $1,000 and $500 to George Roberts and Francis P. T. Plimpton, respectively, and has agreed to pay to Cahill, Gordon, Reindel & Ohl a fee of $42,500 and expenses of $4,938.03 for services rendered in connection with the Guggenheimer & Untermyer claim. Standard Gas requests that the Commission approve the amounts paid or proposed to be paid and release the jurisdiction heretofore reserved with respect thereto.

The Commission having considered the petition of Standard Gas and the statements filed in support of the fees and expenses paid or proposed to be paid and being of the opinion that such amounts are reasonable and are for necessary services and that an order should be

entered approving such amounts and directing the payment thereof to the extent not already paid:

It is ordered That the fees and expenses as above indicated are hereby approved and Standard Gas is directed to pay such fees and expenses to the extent not heretofore paid.

It is further ordered That the jurisdiction heretofore reserved with respect to the allowances herein approved be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-7595; Filed, Sept. 19, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 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. 31100: *Iron and Steel Articles—Official Territory to the East.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from specified points in central, trunk-line and New England territories east of the Illinois-Indiana State line to specified points in Colorado, Iowa, and Wyoming.

Grounds for relief: Rates made with relation class rates constructed on basis of short-line distance formula and circuity.

Tariff: Supplement 10 to Agent Hinsch's I. C. C. 4650.

FSA No. 31101: *Coke, Breeze and Dust—Chicago, Ill., to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, breeze and dust, carloads from Chicago, Ill., and points grouped therewith to Keokuk, Iowa.

Grounds for relief: Competition of water carriers and circuity.

Tariff: Supplement 35 to Agent Raasch's I. C. C. 767.

FSA No. 31102: *Scrap Paper—Calhoun, Tenn., to Corona, N. Y.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap or waste paper, carloads from Calhoun, Tenn., to Corona, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's I. C. C. 1496.

FSA No. 31103: *Dairy Products—Missouri River Cities to Illinois and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dairy products, namely, butter, eggs, poultry, rabbits, etc., carloads from Atchison, Kans., Council Bluffs, Iowa, Kansas City, Mo., Omaha, Nebr., and other specified Missouri River cities in Kansas, Missouri and Nebraska to Alton, Chicago, Danville, and East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 42 to Agent Prueter's I. C. C. A-4038.

FSA No. 31104: *Fertilizer and Materials Within Illinois Territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, carloads between points in Illinois territory.

Grounds for relief: Short-line distance formula, motor truck competition and circuity.

Tariff: Agent R. G. Raasch's tariff I. C. C. 846.

FSA No. 31105: *Petroleum Coke and Products—St. Louis, Mo., Area to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum, coke, breeze, dust and screenings, carloads from East St. Louis, Ill., and St. Louis, Mo., to Keokuk, Iowa.

Grounds for relief: Competition of water carriers and circuity.

Tariff: Supplement 35 to Agent Raasch's I. C. C. 767.

FSA No. 31106: *Commodities—From and To Official Territory.* Filed by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities, in carloads, as described in exhibit "A" of the application from and to specified points in central, trunk-line, and New England territories.

Grounds for relief: Competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-7579; Filed, Sept. 19, 1955; 8:47 a. m.]