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Washington, Thursday, February 3, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10594

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9979 of July 20, 1948, No. 9988 of August 20, 1948, No. 10001 of September 17, 1948, No. 10292 of September 25, 1951, and No. 10344 of April 17, 1952, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. (a) Section 1604.41 of Part 1604, *Selective Service Officers,* is amended to read as follows:

§ 1604.41 *Appointment and duties.* Advisors to registrants may be appointed by the Director of Selective Service upon recommendation of the State Director of Selective Service to advise and assist registrants in the preparation of questionnaires and other selective service forms and to advise registrants on other matters relating to their liabilities under the selective service law. Every person so appointed should be at least 30 years of age. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

(b) Subparagraph (1) of paragraph (d) of § 1604.71 of Part 1604 is amended to read as follows:

(1) To appeal, as prescribed by the regulations in this chapter, from any classification of a registrant by the local board which is brought to his attention and, in his opinion, should be reviewed by the appeal board.

2. (a) Section 1617.1 of Part 1617, *Registration Certificates,* is amended to read as follows:

§ 1617.1 *Effect of failure to have registration certificate in personal possession.* Every person required to present himself for and submit to registration must have a Registration Certificate (SSS Form No. 2) in his personal possession at all times. The failure of any person to have a Registration Certificate (SSS Form No. 2) in his personal possession shall be prima-facie evidence of his failure to register. When such person is inducted into the armed forces or enters upon active duty in the armed forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Registration Certificate (SSS Form No. 2) to the commanding officer of the joint examining and induction station or to the responsible officer at the place to which he reports for active duty, who shall destroy such certificate.

(b) The following new section is added to Part 1617 immediately preceding § 1617.11:

§ 1617.10 *Duty of registrant separated from active duty in armed forces.* Every registrant who is separated from active duty in the armed forces and who does not have a Registration Certificate (SSS Form No. 2) shall, within 10 days after the date of his separation, make application for the issuance by his local board of a duplicate Registration Certificate (SSS Form No. 2) by completing and filing with his own or any other local board an Application for Issuance of Duplicate Registration Certificate (SSS Form No. 5).

3. Paragraph (c) of § 1622.13 of Part 1622, *Classification Rules and Principles,* is amended to read as follows:

(c) In Class I-D shall be placed any registrant who on February 1, 1951, was a member of an organized unit of the federally recognized National Guard, the federally recognized Air National Guard, the Army Reserve, the Air Force Reserve, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, and thereafter has continued to be such member and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

4. (a) Paragraph (a) of § 1623.4 of Part 1623, *Classification Procedure,* is amended to read as follows:

(a) As soon as practicable after the local board has classified or reclassified a registrant (except a registrant who is

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

classified in Class I-C because of his entering active service in the armed forces) it shall mail a notice thereof on a Notice of Classification (SSS Form No. 110) to the registrant. When a registrant is classified in Class I-S, Class II-A, Class II-C, or Class II-S the date of the termination of the deferment shall be entered on the Notice of Classification (SSS Form No. 110).

(b) Section 1623.5 of Part 1623 is amended to read as follows:

§ 1623.5 *Persons required to have Notice of Classification (SSS Form No. 110) in personal possession.* Every person who has been classified by a local board must have in his personal posses-

sion at all times, in addition to his Registration Certificate (SSS Form No. 2), a valid Notice of Classification (SSS Form No. 110) issued to him showing his current classification. When any such person is inducted into the armed forces or enters upon active duty in the armed forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Notice of Classification (SSS Form No. 110) to the commanding officer of the joint examining and induction station or to the responsible officer at the place to which he reports for active duty, who shall destroy such notice.

(c) Section 1623.11 of Part 1623 is amended to read as follows:

§ 1623.11 *Registrant separated from active duty in armed forces.* (a) Immediately upon receipt by the local board of information that a registrant has been separated from active duty in the armed forces, the local board shall review the registrant's classification to determine whether he should be placed or retained in Class I–C.

(b) If upon such review, the local board places or retains the registrant in Class I–C, it shall immediately mail a Notice of Classification (SSS Form No. 110) to the registrant on which shall be entered following the classification the identification "Disc." or "Res." as the case may be.

5. Section 1625.2 of Part 1625, *Reopening and Considering Anew Registrant's Classification,* is amended to read as follows:

§ 1625.2 *When registrant's classification may be reopened and considered anew.* The local board may reopen and consider anew the classification of a registrant (a) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any person who has on file a written request for the current deferment of the registrant in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified, which, if true, would justify a change in the registrant's classification; or (b) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction (SSS Form No. 252) or an Order to Report for Civilian Work and Statement of Employer (SSS Form No. 153) unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

6. (a) Section 1629.1 of Part 1629, *Disqualifying Obvious Defects and Manifest Conditions,* is amended by deleting from the list of obvious defects and manifest conditions appearing therein the following:

Asthma, severe, obvious to medical advisor.
Carcinoma, or other malignant tumor or disease of any organ or part of the body.
Epilepsy, positive certification of.
Feet, flat, when accompanied by marked symptoms and deformity.
Flat feet, when accompanied by marked symptoms and deformity.
Malignant disease or neoplasm of any organ or part of body.
Osteomyelitis, active, of any bone or a substantiated history of osteomyelitis of any of the long bones of the extremities at any time.
Pulmonary tuberculosis, active within five years.
Tuberculosis, pulmonary, active within five years.

(b) Section 1629.1 of Part 1629 is further amended by inserting in the list of obvious defects and manifest conditions, so as to appear therein in alphabetical order, the following:

Asthma, severe, uncontrollable by medication.
Carcinoma, unless successfully treated five or more years previously.
Cerebral palsy, with marked residuals, speech defect, atrophy, contractures, or eye disturbances.
Epilepsy, grand mal or petit mal, if not controllable by medication.
Feet, flat, markedly symptomatic.
Harelip, unless successfully repaired by surgery.
Height, less than 60 inches or more than 78 inches.
Malignant disease or neoplasm, unless successfully treated five or more years previously.
Osteomyelitis, active, or a substantiated history of osteomyelitis of any of the long bones of the extremities at any time unless successfully treated two or more years previously.
Overweight, when markedly disproportionate and would interfere with the wearing of the uniform.
Palsy, cerebral, with marked residuals, speech defect, atrophy, contractures, or eye disturbances.
Pulmonary tuberculosis, active within two years.
Tuberculosis, pulmonary, active within two years.
Weight, less than 105 pounds, except for Puerto Ricans, Filipinos, and other individuals of oriental descent, 101 pounds is acceptable.

7. Subparagraphs (2), (3), and (4) of paragraph (b) of § 1655.6 of Part 1655, *Registration of United States Citizens Outside of the United States and Classification of Such Registrants,* are amended to read as follows:

(2) Assign a selective service number to the registrant and complete the required entries in the local board records in the manner provided in the case of a late registration.

(3) Prepare a Registration Certificate (SSS Form No. 2) from the information contained on the Registration Questionnaire—Foreign (SSS Form No. 50). The date on which the registrant was registered as certified on the Registration Questionnaire—Foreign (SSS Form No. 50) shall be inserted as the date of registration on the Registration Certificate (SSS Form No. 2). The registrant's selective service number shall be entered on the Registration Certificate (SSS Form No. 2), which form, when completed, shall be signed by a member or the clerk of the local board.

(4) Mail the completed Registration Certificate (SSS Form No. 2) to the registrant at his present mailing address as given on line 3 of the Registration Questionnaire—Foreign (SSS Form No. 50); provided, that if such mailing address is outside of the several States of the United States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico, such form shall be mailed to the Director of Selective Service for transmittal to the registrant.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 31, 1955.

[F. R. Doc. 55–1034; Filed, Feb. 1, 1955; 12:37 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

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

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

FINDINGS AND DETERMINATION WITH RESPECT TO DISPOSITION OF 1953 SURPLUS TONNAGE OF MUSCAT RAISINS

This action involves § 989.68 (a) of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). It is provided in said section that the Raisin Administrative Committee, the administrative agency for the operation of this program, may dispose of surplus tonnage raisins by sale, gift or otherwise, except that such disposition shall be limited to outlets which it finds will not interfere with the normal marketing of raisins or raisin variety grapes.

At an official meeting of the Raisin Administrative Committee which was held on January 11, 1955, the following findings and determination with respect to the disposition of surplus Muscat raisins of the 1953 crop were made and set forth in a resolution adopted by it:

Whereas the Committee has considered the disposition of some 2,018 sweat box tons of Muscat raisins currently held in the 1953–54 surplus pool; and

Whereas the supply of Muscat raisins available to meet market demands during

the 1954–55 marketing season is less than the anticipated demand for such raisins in the said period and will not permit a carryover with which to meet market demands at the beginning of the 1955–56 crop year until new crop Muscats become available; and

Whereas the release of approximately 2,018 tons of Muscats in the 1953–54 surplus pool is needed to supplement the short 1954–55 Muscat supply and provide for meeting market demands for such raisins in an orderly manner; and

Whereas the total supply of Muscat raisins, with the addition of the 2,018 tons, from the 1953–54 surplus pool will permit the industry to supply normal trade demands; and

Whereas it is estimated that the total tonnage so made available for the 1954–55 marketing year will be readily absorbed and there will be less than normal holdings on September 1 with which to supply the market until new crop Muscat raisins become available;

Now therefore be it resolved that the Committee does hereby find that the disposition of the 1953–54 surplus pool Muscat raisins held by the Committee, to packers for use in supplying the demand for free tonnage Muscats in regular marketing outlets, will not interfere with the normal marketing of raisins or raisin variety grapes.

The findings and determinaton set forth in the above quotation are hereby approved, it being agreed that the sale of such surplus Muscat raisins of the 1953 crop to packers to meet the indicated shortage in the supply of free tonnage Muscat raisins will be consistent with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

It is hereby further found and determined that, insofar as requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) may be applicable to this action, it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, or postpone the effective date of this document later than the time of its publication in the FEDERAL REGISTER. In order to maximize returns to producers it is necessary to make 1953 surplus Muscat raisins immediately available for sale to packers to meet the shortage in the free tonnage supply of such raisins.

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

Issued this 28th day of January 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-995; Filed, Feb. 2, 1955; 8:47 a. m.]

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

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

OTHER REPORTS

Notice was published in the January 4, 1955, issue of the FEDERAL REGISTER (20 F. R. 67) that the Secretary of Agriculture was considering the approval of a proposed amendment (submitted by the Raisin Administrative Committee) of the administrative rules and regulations, as amended (19 F. R. 3443), issued pursuant to the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto. No such data, views, or arguments were filed within the period provided therefor.

After consideration of all relevant matters pertaining thereto, it is concluded that the amendment hereinafter set forth of the administrative rules and regulations, as amended, would tend to effectuate the declared policy of the act and should be approved.

It is therefore, ordered, That subparagraph (2) of § 989.173 (a) of the aforesaid administrative rules and regulations, as amended (as set forth in 19 F. R. 3443), be amended to read as follows:

§ 989.173 *Other reports*—(a) *Acquisitions.* * * *

(2) Each handler shall, except during any period when the provisions of the first two sentences of § 989.73 are suspended, file with the committee, on forms furnished by it, a certified report for each week with respect to raisins received (other than by acquisition or other than as inter-handler transfers) by him, including raisins received for memorandum receipt, storage, bailment, or warehousing. Said report shall show the following information stated separately as to each varietal type of raisins:

(i) The quantity of such raisins so received during the week;

(ii) The quantity of raisins acquired during the week from his holdings of such raisins so received, and included with other acquisitions on reports to the committee in conformity with § 989.73 and subparagraph (1) of this paragraph;

(iii) The quantity of such raisins so received which he returned to producers and dehydrators during the week; and

(iv) The quantity of such raisins so received which at the end of the week were in the handler's possession or control.

Each such report shall be filed not later than Wednesday of the week following the week which is covered by the report. Copies of the weight certificates, door tags, or receipts, or other evidence as to the weight of raisins returned to the producers and dehydrators as set forth in the report pursuant to subdivision (iii) of this subparagraph shall be submitted to the committee concurrently with such report. Each handler shall maintain records with respect to the identity of the producers and dehydrators whose raisins were reported as being received other than by acquisition or inter-handler transfer and the net weight of the raisins involved.

It is hereby found and determined that good cause exists for not postponing the effective date of said amendment of the administrative rules and regulations, as amended, later than the seventh day after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The amendment is designed to permit more effective administration of this part and should become effective as soon as practicable; and (2) any preparation necessary for compliance with this amendment should not require more time than that required for the committee to make revised reporting forms available to handlers, and 6 days will be ample time for such preparation.

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

Issued this 28th day of January 1955, to become effective on the seventh day after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-996; Filed, Feb. 2, 1955; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 384, Amdt. 7]

PART 79—SCRAPIE IN SHEEP

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 79.2 as amended, Part 79, Title 9, Code of Federal Regulations (19 F. R. 7338), which contains a notice of the existence in certain areas of the disease of sheep known as scrapie and which quarantines such areas because of such disease, is hereby further amended by deleting paragraph (a) relating to Litchfield County in Connecticut.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes, from the notice and quarantine relating to scrapie, that area in Connecticut in which scrapie has been found to exist and in which a quarantine has been established. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR, 1953 Supp., Part 79, as amended, apply with respect to movements of sheep from such area.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and

contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 120, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 31st day of January 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–1007; Filed, Feb. 2, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6206]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

YANKEE SHOEMAKERS

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name*—Goods: § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale, or distribution in commerce, of respondent's shoes designated "Little Yankee Shoes", "Little Yankee Normal-Izers", and "Little Yankee Toddlers", or of any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto: (1) Representing directly or by implication that "Little Yankee Shoes": (a) Will keep or help keep the feet strong, healthy or normal; assure foot health; guard or safeguard foot health; promote or save foot health; contain health features or are affirmatively conducive to the health of the feet; (b) will prevent or help prevent foot troubles, weak ankles or arches; insure or promote straight or sturdy growth of the feet; keep the feet straight or strong; give proper posture control or promote or effect good posture or provide correct balance; (2) representing directly or by implication that the "Little Yankee Normal-Izers" shoe is a corrective shoe or provides orthopedic correction, improves posture or promotes normal posture; corrects or prevents flat feet, weak arches, poor posture, defects, deformities or abnormalities of the feet; that said shoes can be relied upon to restore proper position of the heel bones or to correct or prevent inturned ankles; (3) representing directly or by implication that the "Little Yankee Toddlers" shoe prevents the development of weak feet or promotes normal foot growth; (4) using the word "Normal-Izers", or any other word or words of similar import or meaning alone or in combination with any other word or words, to describe, designate, or refer to its shoes; and (5) representing directly or by implication that fitters employed by dealers selling respondent's shoes or the dealers themselves are qualified as experts to diagnose foot conditions or to prescribe corrective or preventive measures for defects of weight placement, gait or posture or corrective or preventive measures for defects, deformities, or abnormalities of the feet; prohibited, subject to the proviso, as respects aforesaid prohibition numbered "(2)" with regard to the "Little Yankee Normal-Izers" shoe, that nothing therein contained shall prevent respondent from representing that said shoes embody devices or factors which are often approved by physicians as beneficial in preventing the persistence of displaced heel bones and inturned ankles and alleviating the symptoms of such conditions when such measures are found to be individually indicated.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Sam Smith Shoe Corporation t. a. The Yankee Shoemakers, Newmarket, N. H., Docket 6206, January 18, 1955.]

In the Matter of Sam Smith Shoe Corporation, a Corporation, Trading as The Yankee Shoemakers

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission which charged respondent with certain misrepresentations in connection with the offer and sale of its "Little Yankee Shoes", "Little Yankee Normal-Izers", and "Little Yankee Toddlers", in violation of the provisions of the Federal Trade Commission Act; and upon a stipulation between the parties which provided for entry of a consent order.

By the terms of said stipulation, both parties agreed that the complaint and stipulation should constitute the entire record in the matter; that respondent admitted all of the jurisdictional allegations set forth in the complaint; that both parties waived the making of findings of fact or conclusions of law by the hearing examiner or by the Commission; and that respondent waived the right to file exceptions or to demand oral argument before the Commission, as well as all further and other procedure before the examiner or the Commission to which, but for the execution of said stipulation, respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and it was further provided therein that said complaint might be used in construing the terms of the order concerned, which might be altered, modified, or set aside in the manner provided by statute for other orders by the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and concluded on the basis thereof that the proceeding was in the public interest and, in conformity with the action contemplated and agreed, made the order therein set forth.

Thereafter, the matter having come on to be heard by the Commission upon said initial decision and request of counsel supporting the complaint that such initial decision be changed to conform to a stipulation between respondent and counsel supporting the complaint, executed subsequent to the filing of said initial decision, by substituting, as specified, the word "of" for the word "or", in the order in said initial decision, the matter was disposed of by the Commission's "Order Modifying Initial Decision, Adopting Initial Decision, as Modified, as Commission's Decision and Directing that Report of Compliance be Filed", as follows:

This matter having come on to be heard by the Commission upon the initial decision of the hearing examiner herein, and request of counsel supporting the complaint that the initial decision be changed to conform to a stipulation between respondent and counsel supporting the complaint, executed subsequent to the filing of said initial decision, by substituting the word "of" for the word "or" immediately following the word "defects" in Paragraph 5 of the order in said initial decision; and

The Commission having duly considered the initial decision, request of counsel supporting the complaint, and the record herein, and being of the opinion that the initial decision should be modified by making the change requested, and that with such modification said initial decision is adequate and appropriate to dispose of this proceeding:

It is ordered, That the initial decision of the hearing examiner herein be, and it hereby is, modified by substituting the word "of" for the word "or" immediately following the word "defects" in Paragraph 5 of the order in said initial decision.

It is further ordered, That the initial decision[1] of the hearing examiner, as herein modified, shall, on the 18th day of January 1955, become the decision of the Commission.

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

The order, compliance with which, subject to the aforesaid modification, was required, is as follows:

It is ordered, That the respondent, Sam Smith Shoe Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's shoes now designated "Little Yankee Shoes," "Little Yankee Normal-Izers" and "Little Yankee Toddlers," or of any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

[1] Filed as part of the original document.

(1) Representing directly or by implication that "Little Yankee Shoes":

(a) Will keep or help keep the feet strong, healthy or normal; assure foot health; guard or safeguard foot health; promote or save foot health; contain health features or are affirmatively conducive to the health of the feet;

(b) Will prevent or help prevent foot troubles, weak ankles or arches; insure or promote straight or sturdy growth of the feet; keep the feet straight or strong; give proper posture control or promote or effect good posture or provide correct balance.

(2) Representing directly or by implication that the "Little Yankee Normal-Izers" shoe is a corrective shoe or provides orthopedic correction, improves posture or promotes normal posture; corrects or prevents flat feet, weak arches, poor posture, defects, deformities or abnormalities of the feet; that said shoes can be relied upon to restore proper position of the heel bones or to correct or prevent inturned ankles, provided, however, that nothing herein contained shall prevent respondent from representing that said shoes embody devices or factors which are often approved by physicians as beneficial in preventing the persistence of displaced heel bones and inturned ankles and alleviating the symptoms of these conditions when such measures are found to be individually indicated;

(3) Representing directly or by implication that the "Little Yankee Toddlers" shoe prevents the development of weak feet or promotes normal foot growth;

(4) Using the word "Normal-Izers," or any other word or words of similar import or meaning alone or in combination with any other word or words, to describe, designate, or refer to its shoes;

(5) Representing directly or by implication that fitters employed by dealers selling respondent's shoes or the dealers themselves are qualified as experts to diagnose foot conditions or to prescribe corrective or preventive measures for defects or weight placement, gait or posture or corrective or preventive measures for defects, deformities or abnormalities of the feet.

Issued: January 18, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-993; Filed, Feb. 2, 1955; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 204—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

UNDERTAKING OF INDEMNITY

Part 204, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 327 (Revised) dated December 3, 1945, as amended) is hereby amended by revising paragraph (a) of § 204.2 to read as follows:

(a) An undertaking of indemnity (Form 2244) in a penal sum equal to the amount of the check or, in an appropriate case, an application (Form 2244a), in substantially the form prescribed, must be executed by the claimant and submitted to the Chief Disbursing Officer, Treasury Department, Washington 25, D. C.: *Provided*, That in respect to requests for the issuance of substitute checks by persons residing within the United States, its Territories and possessions, individual or corporate sureties will not be required (1) in any case where the original check was not more than $30 in amount or (2) in any case where the original check was not more than $50 in amount; was drawn in favor of the applicant for the issuance of the substitute check; and represented a repetitive payment on account of a salary, allotment, pension, annuity, social security benefit, or other periodic payment. In the event the claimant is someone other than the payee of the original check he should present clear and satisfactory evidence of his ownership.

(R. S. 3646, as amended; 31 U. S. C. 528)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

JANUARY 28, 1955.

[F. R. Doc. 55-1003; Filed, Feb. 2, 1955; 8:48 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 4]

PART 99—STOCKPILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON: ACCESS TO BOOKS AND RECORDS

The above captioned regulation, as corrected and amended (16 F. R. 8680, 8848, 8894; 17 F. R. 7125, 18 F. R. 2846; 18 F. R. 5678), is hereby further amended by the addition of a new section immediately following § 99.108, as follows:

§ 99.109 *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

(Sec. 205, 63 Stat. 389, as amended, 40 U. S. C. 486. Interprets or applies sec. 3, 53 Stat. 811, as amended; 50 U. S. C. 98b)

Dated: January 31, 1955.

EDMUND F. MANSURE,
Administrator of General Services.

[F. R. Doc. 55-1050; Filed, Feb. 1, 1955; 4:50 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1604—SELECTIVE SERVICE OFFICERS

PART 1617—REGISTRATION CERTIFICATE

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1623—CLASSIFICATION PROCEDURE

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

PART 1629—DISQUALIFYING OBVIOUS DEFECTS AND MANIFEST CONDITIONS

PART 1655—REGISTRATION OF UNITED STATES CITIZENS OUTSIDE OF THE UNITED STATES AND CLASSIFICATION OF SUCH REGISTRANTS

CROSS REFERENCE: For amendments to the Selective Service Regulations affecting the above mentioned parts, see Title 3, Executive Order 10594, *supra*.

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter A—Rules of Practice

PART 501—SUBPOENAS, DEPOSITIONS AND OATHS

Subchapter B—Receipt, Administration and Payment of Claims Under the War Claims Act of 1948, as Amended

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

PART 506—PROVISIONS OF GENERAL APPLICATION

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 54-10462, appearing at page 9390 of the issue for Friday, December 31, 1954, the following corrections are hereby made:

1. Section 301.4 is hereby amended by striking out "301.4" and inserting in lieu thereof "501.4".

2. Section 505.1 (b) is hereby amended by striking out the words "section 6 (a) through (e) as amended" and inserting in lieu thereof "section 6 (e)."

3. Section 505.2 (c) is hereby amended by striking out the words "section 5 (a) through (e)" and inserting in lieu thereof "section 6 (e)."

4. Section 505.3 (c) is hereby amended by striking out the words "section 6 (c)" and inserting in lieu thereof "section 6 (e)."

5. Section 505.5 is hereby amended by changing the word "section" in the first sentence to "sections" and by striking out "6" and inserting in lieu thereof "6 (e)".

6. Section 506.1 (g) is hereby amended by striking out "sections 6" and inserting in lieu thereof "section 6 (b) and (d)."

7. Section 506.2 (a) is hereby amended by striking out "6" and inserting "6 (e)."

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. 2001)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 55-1054; Filed, Feb. 1, 1955; 3:49 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket 11225; FCC 55-111]

[Rules Amdts. 7-12, 8-17]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCIES IN CERTAIN BANDS LOCATED IN CALIFORNIA AND MASSACHUSETTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding frequencies in the band 2000-2850 kc in the areas: San Franscisco-Eureka, California and Boston, Massachusetts. Docket No. 11225.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of January 1955;

The Commission having under consideration its proposal to make available for assignment for full time use in the Boston, Massachusetts and San Francisco-Eureka, California areas the ship frequency 2406 kc to replace the frequency 2110 kc;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on December 8, 1954 (19 F. R. 8067), and that the period provided for the filing of comments has now expired; and

It further appearing, that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 4 (i), 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Parts 7 and 8 of the Commission's rules are amended as set forth below.

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

Released: January 31, 1955.

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

A. Part 7 is amended as follows:

1. Section 7.306 (a) (1) is amended by changing footnotes 2 and 3 to read as follows:

[2] Available until May 26, 1955, only.

[3] Available beginning May 26, 1955, as replacement for 2110 kc.

2. Section 7.306 (b) is amended by changing the Boston, Massachusetts, portion of the table of frequencies to read:

Boston, Mass.	2506	None	2110	Available until May 26, 1955, only.
			2406	Available beginning May 26, 1955, as replacement for 2110 kc.
	2550	Day only; available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.[4]	2158	Day only; available on temporary basis.[4]
	2450	Available beginning on a date to be designated, as replacement for 2550 kc.[2]	2366	Available, beginning on a date to be designated, as replacement for 2158 kc.[3]

3. Section 7.306 (b) is further amended by changing the San Francisco-Eureka, California, portion of the table of frequencies to read:

San Francisco, Calif., and Eureka, Calif.	2506	None	2110	Available until May 26, 1955, only.
			2406	Available beginning May 26, 1955, as replacement for 2110 kc.
	2450	Available on condition that harmful interference is not caused to police radio service in Kansas, Wisconsin, or New York.	2003	None.
	2538	7 a. m. to 7 p. m. P. s. t. only	2142	7 a. m. to 7 p. m. P. s. t. only.
	4372.4	None	4067	None.

B. Part 8 is amended as follows:

1. In § 8.351 (a) delete present footnote 2 and footnote designator 2; insert a new footnote designator 2 after the frequency 2110, and add a new footnote 2 to read:

[2] Available until May 26, 1955 only.

2. Section 8.354 (a) (1) is amended by changing the Boston, Massachusetts, portion of the table of frequencies to read:

Boston, Mass.	2110	Available until May 26, 1955, only	2506	None.
	2406	Available beginning May 26, 1955, as replacement for 2110 kc.		
	2158	Day only; available on a temporary basis on condition that harmful interference is not caused to the service of any government station operating on this frequency or any adjacent frequency.[4]	2550	Day only, available on a temporary basis.[4]
	2366	Available beginning on a date to be designated, as replacement for 2158 kc.[3]	2450	Available beginning on a date to be designated as replacement for 2550 kc.[3]

3. Section 8.354 (a) (1) is further amended by changing the San Francisco-Eureka, California, portion of the table of frequencies to read:

San Franscisco, Calif., and Eureka, Calif.	2110	Available until May 26, 1955, only	2506	None.
	2406	Available beginning May 26, 1955, as replacement for 2110 kc.		
	2003	Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc to a coast station located in the vicinity of either of those ports.	2450	None.
	2142	7 a. m. to 7 p. m. P. s. t. only	2538	7 a. m. to 7 p. m. P. s. t. only.
	4067	None	4372.4	None.

[F. R. Doc. 55-1005; Filed, Feb. 2, 1955; 8:49 a. m.]

[Docket No. 11031; FCC 55-113]

[Rules Amdt. 18-6]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

OPERATION OF ULTRASONIC EQUIPMENT

In the matter of amendment of Part 18 of the Commission's rules and regulations relating to the operation of ultrasonic equipment. Docket No. 11031.

1. On May 24, 1954, in response to a petition filed by the Electro-Medical Manufacturers Association, the Commission released a notice of proposed rule making in this proceeding, which was duly published in the FEDERAL REGISTER on May 27, 1954. This notice set forth proposed rules which included a new limitation on direct radiation from ultrasonic equipment and provided a type approval and certification procedure for ultrasonic equipment designed to operate on frequencies outside of the industrial, scientific and medical frequency bands. Also, a revised definition for "miscellaneous equipment" was proposed.

2. Formal comments in response to the notice of proposed rule making have been submitted by eight parties. Four parties are primarily interested in the

medical applications of ultrasonic equipment, the other four parties in the industrial applications. Those parties primarily interested in medical applications of ultrasonic equipment are in substantial agreement with the proposal. One member of this group, the Birtcher Corporation, suggested that the effective date of these rules be postponed to permit manufacturers to dispose of their inventories and to provide time to modify their designs and production. Until these new rules become effective, Birtcher proposed that ultrasonic equipments comply with the requirements for miscellaneous equipment. Finally, Birtcher suggested that ultrasonic equipment placed in service prior to the effective date of the proposed regulations, be permitted to continue operating under the miscellaneous equipment rules for the life of the equipment. These suggestions are in general considered meritorious and suitable changes have been made in the proposed regulations to provide for reasonable amortization periods.

3. The parties interested in the industrial applications were generally opposed to the adoption of the proposed rules. These parties contend that industrial ultrasonic equipment is generally manufactured and used in the same manner as industrial heating equipment and should, therefore, be subject to the same technical limitations that apply to industrial heating equipment. These parties point out that most industrial ultrasonic equipments operate on frequencies below 450 kc, i. e., below the broadcast band; and that they are now designing equipment with a power output of 25 to 100 kw.

4. The Commission has given these comments careful consideration and is of the opinion that the rules pertaining to these higher powered ultrasonic equipments should be liberalized. The rules attached hereto, therefore, provide for higher permissible fields on frequencies below 490 kc, depending on power, a higher limit for radio frequency energy on the power lines and delete the proposed requirement for a rectified and filtered power supply.

5. Further liberalization is provided for ultrasonic equipments operating below 90 kc and generating less than 500 watts of radio frequency power in that such equipment is not required to be type approved or certificated. The exemption is based on the consideration that equipment in this category has not been shown to be a source of interference. Notwithstanding this exemption, these equipments must fully comply with the technical limitations for ultrasonic equipment. If the Commission finds that industry self policing (in the matter of building complying equipment) is not effective, or that this equipment actually is a source of interference the exemption will be promptly withdrawn.

6. In view of the numerous ultrasonic devices presently in use, provision has been made for their continued certification under the general requirements for miscellaneous devices for a period of ten years.

7. In light of the foregoing: *It is ordered*, That pursuant to the authority of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, that Part 18 of the Commission's rules is amended as set forth below, effective March 1, 1955.

Adopted: January 27, 1955.

Released: January 31, 1955.

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

1. Amend paragraph (d) of § 18.2 to read as follows:

(d) Miscellaneous equipment shall include apparatus other than that defined in or excepted by paragraphs (b) and (c) of this section in which radio frequency energy is applied to materials to produce physical, biological, or chemical effects such as heating, ionization of gases, mechanical vibrations, hair removal and acceleration of charged particles which do not involve communications or the use of radio receiving equipment.

2. Add new paragraph (e) to § 18.2 to read as follows:

(e) Ultrasonic equipment is a special type of miscellaneous equipment which includes any apparatus which generates radio frequency energy on frequencies above 20 kc and utilizes that energy to excite or drive an electro-mechanical transducer for the production and transmission of ultrasonic energy for industrial, scientific, medical or other purposes.

3. Add a new centerhead "Ultrasonic Equipment" including §§ 18.70 through 18.84, inclusive, to read as set forth below:

ULTRASONIC EQUIPMENT

Sec.
18.70 Operation without a license.
18.71 Technical limitations.
18.72 Type approval.
18.73 Identification of type approved equipment.
18.74 Effect of certificate of type approval.
18.75 Changes in type approved equipment.
18.76 Withdrawal of certificate of type approval.
18.77 Measurement of field intensity.
18.78 Location of equipment.
18.79 [Reserved.]
18.80 Certification attesting compliance with rules.
18.81 Renewal of certification.
18.82 Certification after maintenance work.
18.83 Interference from complying equipment.
18.84 Effective date.

AUTHORITY: §§ 18.70 to 18.84 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 303)

§ 18.70 *Operation without a license.* Ultrasonic equipment may be operated without a license provided the design and operation complies with the technical limitations for such equipment: *And provided further*, That the equipment has been type approved by the Commission or has been certificated pursuant to the requirements of §§ 18.70 to 18.84 and the certificate is attached to the equipment or is prominently posted in the room in which the equipment is being operated; except that ultrasonic equipment operating on frequencies below 90 kc and generating less than 500 watts of radio frequency power may be operated without license, type approval or certification, if such equipment complies with all other applicable provisions of §§ 18.70 to 18.84.

§ 18.71 *Technical limitations.* (a) Ultrasonic equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to provide adequate suppression of emissions on frequencies outside the ISM frequency bands.

(b) The fundamental frequency of operation shall fall outside the frequency bands 490–510 kc, 2170–2194 kc, 8354–8374 kc.

(c) The varying conditions under which ultrasonic equipment is operated shall not result in radiation exceeding the following limits:

Frequency	Distance	Field
	Feet	*Uv/m*
Up to and including 490 kc.	1,000	$\frac{2400}{\text{Frequency in kc}}$
Over 490 kc up to and including 1600 kc.	100	$\frac{24000}{\text{Frequency in kc}}$
Over 1600 kc exclusive of frequencies in the ISM frequency bands.	100	15.

(d) The operation of ultrasonic equipment on frequencies below 490 kc using radio frequency power in excess of 500 watts shall be in compliance with the requirements of this section except that the maximum radiated field permitted may be increased as the square root of the ratio of the generated radio frequency power to 500 watts: *Provided*, That the radiated field shall in no case exceed the field permitted industrial heating equipment: *And provided further*, That equipment used in predominantly residential areas shall not be permitted the increase in field with power as indicated in this paragraph.

(e) On any frequency above 490 kc, the radio frequency voltage appearing on each power line shall not exceed 200 microvolts. On any frequency below 490 kc, the radio frequency voltage appearing on each power line shall not exceed 1000 microvolts. Measurement shall be made from each power line to ground with the equipment itself both grounded and ungrounded.

NOTE: One method of making conducted interference measurements is described in "Military Specification for Interference Measurement" MIL–I–16910 (SHIPS) dated January 14, 1952, available from the Commanding Officer, Naval Supply Depot, Scotia, 2, New York. Note that this procedure calls for grounding the equipment under test, whereas these rules call for measurements with the equipment both grounded and ungrounded.

§ 18.72 *Type approval.* (a) Manufacturers of ultrasonic equipment desiring to obtain type approval for their equipment may request permission to submit such equipment to the Commission for testing by following the procedure set out in Part 2 of this chapter. The request shall include a statement

that at least 5 units of the model to be submitted are scheduled for manufacture.

(b) To be acceptable for type approval, ultrasonic equipment must meet the following requirements:

(1) The equipment must comply with the technical limitations for ultrasonic equipment.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the rules in this part for at least 5 years under normal operation and with average maintenance.

(c) Additional rules relative to type approval will be found in Part 2 of this chapter.

§ 18.73 *Identification of type approved equipment.* (a) Equipment for which a certificate of type approval has been issued shall be identified by the insertion of the FCC Type Approval Number on the nameplate of the equipment.

(b) In addition to the nameplate, the manufacturer shall furnish each user of type approved equipment a certificate setting forth the conditions under which such equipment shall be operated.

§ 18.74 *Effect of certificate of type approval.* A certificate of type approval issued by the Commission constitutes a recognition that, on the basis of the tests made, the equipment appears to be capable of complying with the technical limitations in the rules in this part, provided such equipment is properly installed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the certificate of type approval except on specific prior approval by the Commission to any changes made.

§ 18.75 *Changes in type approved equipment.* No changes whatsoever may be made in ultrasonic equipment for which a certificate of type approval has been issued except on specific prior approval by the Commission.

§ 18.76 *Withdrawal of certificate of type approval.* (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved, or if any change whatsoever is made in the construction of equipment sold under the certificate of type approval issued by the Commission, without the specific prior approval of the Commission.

(b) The procedure for withdrawal of the certificate of type approval shall be the same as that prescribed for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a certificate of type approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a certificate of type approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new certificate of type approval.

§ 18.77 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy including both fundamental and spurious (including harmonic) emissions, generated by the ultrasonic equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A field intensity meter using loop pickup shall be used for measurements on frequencies up to and including 18 Mc, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc.

(b) The radiation shall be determined along at least 5 radials approximately 72° apart. A smooth curve shall be drawn through the measurements when plotted and the value of field intensity determined from these curves.

§ 18.78 *Location of equipment.* For the purpose of measurements required in order to execute a certification of compliance, the location of the ultrasonic equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 200 feet radius or less, the several units may at the election of the certifying engineer be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by the radius of the smallest circle that encloses the several units.

§ 18.79 [Reserved.]

§ 18.80 *Certification attesting compliance with rules.* (a) A certification attesting compliance with the rules in this part may be affixed or posted for any ultrasonic equipment.

(b) The certification shall be based on an inspection of the equipment and measurements taken at the place of use after the ultrasonic equipment has been assembled and is ready for operation: *Provided however*, That the certifying engineer may, in lieu of measuring the radio frequency voltage on the power lines, base the certification on specifications for the power line filter and test data regarding the radio frequency voltage on the power lines furnished by the manufacturer of the ultrasonic equipment.

(c) The certification may be executed by any engineer skilled in making and interpreting field intensity measurements. The Commission may require such engineer to present proof of his qualifications to make such measurements.

(d) The certification shall contain the following information:

(1) Type and serial number, or other positive identification of the ultrasonic equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certification is based.

(4) If the radio frequency voltage on the power line is not measured, a statement that, based on an inspection of the equipment and study of such test data and specifications as may be furnished by the manufacturer, the equipment can reasonably be expected to meet the requirements for radio frequency voltage on the power lines.

(5) A statement certifying that under the described condition of operation, the certificated equipment may reasonably be expected to meet the requirements of the rules in this part. This statement shall include the period of time over which the equipment may reasonably be expected to comply with the rules in this part.

(6) Date the measurements were made.

(7) Date of certification.

(8) Signature of certifying engineer.

(9) Name and address of employer of certifying engineer, if any.

§ 18.81 *Renewal of certification.* The certification required by §§ 18.70 to 18.84 does not require renewal. However, when the Commission has reason to believe that operation of the equipment concerned may be inconsistent with §§ 18.70 to 18.84, it may require a new certification based on a new set of measurements.

§ 18.82 *Certification after maintenance work.* It shall be the responsibility of the operator of the ultrasonic equipment to have such equipment recertificated when changes have been made that might increase the radiated or conducted interference beyond the limits specified in §§ 18.70 to 18.84.

§ 18.83 *Interference from complying equipment.* In the event of interference to any authorized radio service caused by ultrasonic equipment operated in compliance with §§ 18.70 to 18.84, steps to remedy such interference conditions shall be taken promptly: *Provided*, That in cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emission of type-approved or certificated ultrasonic equipment operating in compliance with §§ 18.70 to 18.84, this section shall not apply.

§ 18.84 *Effective date.* (a) All ultrasonic equipment manufactured on or after July 1, 1955 must comply with the rules in §§ 18.70 to 18.84.

(b) Ultrasonic equipment manufactured prior to July 1, 1955, may be utilized until July 1, 1965, providing it complies either with the rules in §§ 18.70 to 18.84 or with the rules for miscellaneous equipment in § 18.31. After July 1, 1965, all such equipment must comply with the rules in §§ 18.70 to 18.84.

[F. R. Doc. 55-1006; Filed, Feb. 2, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

[Docket No. AO-267]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of a public hearing to be held in the Auditorium, Redlands Farm Labor Camp, Homestead (Modella), Florida, beginning at 10:00 a. m., e. s. t., March 1, 1955, with respect to a proposed marketing agreement and order regulating the handling of limes grown in Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, to proposed additions to such provisions, and to any appropriate modifications thereof.

The Florida Fruit and Vegetable Association, Orlando, Florida, at the request of the Florida Lime Committee, submitted and requested a hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

§ 1001.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1001.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1001.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 1001.4 *Production area.* "Production area" means all of the State of Florida, except the area west of the Suwannee River.

§ 1001.5 *Limes.* "Limes" means all varieties of acid citrus fruits, commonly known as limes, grown in the production area.

§ 1001.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 1001.7 *Committee.* "Committee" means the Florida Lime Administrative Committee established pursuant to § 1001.20.

§ 1001.8 *Grower.* "Grower" is synonymous with producer and means any person who produces limes for market and who has a proprietory interest therein.

§ 1001.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting limes owned by another person) who handles limes or causes limes to be handled.

§ 1001.10 *Handle.* "Handle" means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof in the continental United States or Canada: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

§ 1001.11 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1001.29 (n):

(a) "District 1" shall include Dade and Monroe counties.

(b) "District 2" shall include all of the production area except Dade and Monroe counties.

ADMINISTRATIVE BODY

§ 1001.20 *Establishment and membership.* There is hereby established a Lime Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a handler, or an employee of a handler, of limes in District 2.

§ 1001.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 1001.22 *Nomination*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1001.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings, or represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall partici-

pate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meeting by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 1001.23 *Selection.* From the nominations made pursuant to § 1001.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1001.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1001.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1001.20.

§ 1001.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1001.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1001.22 and 1001.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1001.20.

§ 1001.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1001.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

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

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1001.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes, and, with the approval of the Secretary, to provide for the establishment of research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided,* That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 1001.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided,* That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1001.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 1001.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) a complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the lime industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1001.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 1001.41.

§ 1001.41 *Assessments.* (a) Each person who first handles limes shall, with respect to the limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all limes handled during the applicable fiscal year. In order

to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 1001.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATIONS

§ 1001.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 1001.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas, including foreign competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

§ 1001.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in § 1001.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 1001.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, maturity, and quality (including internal quality and juice content) standards as shall be prescribed, and such standards may include requirements applicable to the handling of any such variety or varieties to destinations within the production area different from those applicable to the handling of the same variety to destinations outside the production area;

(2) Prescribe minimum standards of quality and maturity for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards; and

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the handling of limes.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 1001.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1001.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1001.54 *Exemption certificate.* In the event the handling of limes is regulated pursuant to § 1001.52, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

§ 1001.55 *Inspection and certification.* Whenever the handling of any variety of limes is regulated pursuant to § 1001.52, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided,* That such inspection and certification shall not be required whenever the limes previously have been so inspected and certified. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 1001.56 *Limes not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1001.41, 1001.52, and 1001.55, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for export other than to Canada; (d) for commercial processing into products; or (e) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the

limes will not be used for any purpose not authorized by this section.

REPORTS

§ 1001.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 1001.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 1001.61 *Compliance.* Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§ 1001.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1001.63 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1001.64.

§ 1001.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of limes for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1957, were engaged in producing limes for market and the poll shall be confined to handlers who handled limes in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of limes handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1001.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1001.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinquish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1001.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1001.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1001.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1001.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1001.72 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

§ 1001.73 *Additional parties.* After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 1001.74 *Order with marketing agreement.* Each signatory handler hereby request the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of limes in

the same manner as is provided for in this agreement.*

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 19, Lakeland, Florida.

Done at Washington, D. C., this 28th day of January 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-994; Filed, Feb. 2, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Parts 1, 18, 24, 43, 52]

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

EXTENSION OF TIME FOR COMMENT

In 20 F. R. 232 on January 8, 1955, the Administrator published for 30 days notice, proposed rules, policies, and interpretations implementing Parts 1, 18, 24, 43, and 52 of the Civil Air Regulations as amended by the Civil Aeronautics Board on the same date.

In view of the fact that the Civil Aeronautics Board is extending the time for submission of comments on its proposal from February 10, 1955, until March 1, 1955,[1] the Administrator hereby extends until March 1, 1955, the deadline for comments on the related rules, policies, and interpretations.

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

[F. R. Doc. 55-1001; Filed, Feb. 2, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 18, 24, 43, 52]

[Draft Release 54-27A]

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety Regulation recently circulated Draft Release No. 54-27 and published as a notice of proposed rule making in the FEDERAL REGISTER on January 8, 1955, (20 F. R. 232) notice of proposed amendments to Parts 1, 18, 24, 43, and 52 of the Civil Air Regulations which would eliminate the annual inspection of general aircraft. Reference is made to the January 8, 1955, notice and Draft Release No. 54-27 for a full explanation of the purpose and background of the proposed rules.

The January 8, 1955, notice indicated that all persons desiring to participate in the making of the proposed rule should submit comment to the Civil Aeronautics Board prior to February 10, 1955. In view of the date of the actual notice and more particularly the date on which copies of the Draft Release were made available, the usual amount of time will not be available for comment.

Accordingly, the Bureau is extending the time for submission of comment and the Board will consider written comment submitted prior to March 1, 1955, before taking final action on the proposed rules. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. Copies of such communications will be available after March 4, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: January 31, 1955, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55-1000; Filed, Feb. 2, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 11263; FCC 55-110]

AMATEUR RADIO SERVICE

NOVICE CLASS OPERATOR PRIVILEGES

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

2. The Commission has before it for consideration a petition for rule making filed by the American Radio Relay League requesting that § 12.23 (e) (2) (ii) be amended to provide for operation by Novice Class amateur licensees in the band 7150-7200 kc, instead of the presently available band 7175-7200 kc.

3. Pointing out that "* * * occupancy by Novices in this band has been great * * *" and that "* * * another major difficulty is disruption of communication by strong signals of high frequency broadcast stations * * *," the League stated that: "The space available to Novices is simply not sufficient to permit useful training in order to meet the objectives of the Novice license."

4. Believing that there is sufficient reason to warrant proposing rule making in this matter, the Commission is proposing amendment of § 12.23 (e) (2) (ii) as set forth below.

5. Authority for issuance of the amendment is vested in the Commission by virtue of sections 4 (i) and 303 (f), (g), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 15, 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 four copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 27, 1955.

Released: January 31, 1955.

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

Amendment of § 12.23 (e) (2) (ii) of Part 12, rules governing Amateur Radio Service, is proposed as follows:

(ii) 7150-7200 kc, radiotelegraphy using only type A1 emission.

[F. R. Doc. 55-1004; Filed, Feb. 2, 1955; 8:48 a. m.]

[1] See F. R. Doc. 55-1000, Civil Aeronautics Board, *infra*.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 28, 1955.

An application, serial number Anchorage 026016, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on October 1, 1954, by City of Juneau.

The purposes of the proposed withdrawal: Public Watershed Reserve.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

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

The lands involved in the application are:

Beginning at Corner No. 1, identical with Corner 3 of U. S. Survey No. 375; thence West a distance of 1085.70 feet along the northerly line of U. S. Survey 375 to Corner 2: identical with Corner 10 of U. S. Survey 2077; thence North a distance of 530.64 feet along the easterly line of U. S. Survey 2077 to Corner 3, identical with Corner 9 of U. S. Survey No. 2077; thence North 61 degrees 04 minutes West a distance of 1970.76 feet along the northerly line of U. S. Survey 2077 to Corner 4, identical with Corner 8 of U. S. Survey 2077; thence North a distance of 765.60 feet along the easterly line of U. S. Survey 1903 to Corner 5, identical with Corner 3 of U. S. Survey 1903; thence North 68 degrees 47 minutes East a distance of 5197.53 feet to Corner 6, identical with the northwest corner of the "Arimildia" claim of M. S. 1048–A; thence South 21 degrees 19 minutes East a distance of 1500.00 feet along the westerly line of the "Arimildia" claim of M. S. 1048–A to Corner 7, identical with the southwest corner of the "Arimildia" claim of M. S. 1048–A; thence South 24 degrees 49 minutes West a distance of 3135.90 feet to Corner 8, identical with Corner 6 of Public Water Reserve No. 144; thence North 83 degrees 42 minutes West a distance of 1219.24 feet along the northerly line of Public Water Reserve No. 144 to Corner 1, the place of beginning; said tract containing 321.707 acres, more or less.

HAROLD T. JORGENSON,
Acting Area Administrator.

[F. R. Doc. 55–990; Filed, Feb. 2, 1955; 8:45 a. m.]

COLORADO

RESTORATION ORDER NO. 4 (AREA III) UNDER FEDERAL POWER ACT

JANUARY 25, 1955.

Pursuant to a determination of February 5, 1954 of the Federal Power Commission, Docket No. DA 337—Colorado and in accordance with Order No. 541, sections 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provision of existing withdrawal, the following described lands, so far as they are withdrawn or reserved for power purposes by Power Site Reserve No. 116, are hereby opened to entry, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any and all portions of the land:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 84 W.,
Sec. 9: E½NE¼.

These lands are not suitable for crop production and will not be classified as suitable for disposal under the homestead or desert-land laws.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way, for public highways, or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the above described land in DA 337, Colorado, shall become subject to application, petition, location, and selection, subject to valid existing rights, the provision of existing withdrawals, the requirements of applicable laws and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. Information showing the periods during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office Manager, 429 Post Office Building, Box 1018, Denver, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55–989; Filed, Feb. 2, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC/INDONESIAN CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 6060–11, between the member lines of the Pacific/Indonesian Conference, modifies the basic agreement of that conference (No. 6060) to provide that a member who fails to have a sailing for a period of longer than 90 days shall lose its voting rights with respect to freight rate matters, and if a member fails to have a sailing for a period of 180 days, it will lose all voting rights. The basic conference agreement presently provides that a member who fails to have a sailing for a period longer than 3 months shall lose its voting rights with respect to freight rate matters.

(2) Agreement No. 6150–5, between the member lines of the Continental–U. S. A. Gulf Westbound Freight Conference, modifies the basic agreement of that conference (No. 6150) to fix the maximum rate of brokerage which a member line may pay to bona fide forwarding agents at Continental ports of loading.

(3) Agreement No. 8007, between Shinnihon Steamship Co., Ltd., and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Japan and the Philippines to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia.

(4) Agreement No. 8008, between Geo. S. Bush & Co., Inc., and B. A. McKenzie & Co., Inc., registered freight forwarders, provides that McKenzie will perform customs and forwarding services on behalf of Bush at the Port of Tacoma and Bush will perform customs and forwarding services on behalf of McKenzie at the Port of Seattle. Forwarding fees on export cargoes will be apportioned according to the amount of work performed by each party. Ocean freight brokerage will not be shared by the parties.

(5) Agreement No. 8016, between American President Lines, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from France to the Virgin Islands, with transshipment at New York.

(6) Agreement No. 8240, between the member lines of the Atlantic and Gulf-Straits Settlements, Malay States and Siam Conference (Agreement No. 5870),

is a new agreement of that conference providing for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo from Atlantic and Gulf ports of the United States (including all cargo originating at, moving through or transshipped at said ports) to ports in the Colony of Singapore, Federation of Malaya, Thailand, Colony of Sarawak, Colony of British North Borneo, including Labuan, and the British Protected State of Brunei, either by direct call or by transshipment at ports of call to ports of destination elsewhere within the scope of the agreement. Upon approval this agreement will supersede and cancel the present agreement of the conference (No. 5870).

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 31, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-1009; Filed, Feb. 2, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Barry Bob Sportswear Co., 144 East Blaine Street, McAdoo, Pa., effective 1-21-55 to 1-20-56; 5 learners for normal labor turnover purposes. (Learners are not authorized to be employed in the production of separate skirts, at subminimum wage rates) (ladies' shorts, pedal pushers and playsuits).

Bobanok Corporation, 111 Garrison Avenue, Fort Smith, Ark., effective 1-22-55 to 1-21-56; 10 learners for normal labor turnover purposes. (Learners are not authorized to be employed at subminimum wage rates in the production of separate skirts).

Brunswick Manufacturing Co., Inc., Goodyear Park, Brunswick, Ga., effective 2-5-55 to 2-4-56; 10 learners for normal labor turnover purposes (children's jackets and sportswear).

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa., effective 1-25-55 to 1-24-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Cordele Uniform Co., 621 Eleventh Avenue East, Cordele, Ga., effective 1-20-55 to 1-19-56; 10 learners for normal labor turnover purposes (men's washable service cotton garments).

Delta Manufacturing Co., 3401-09 Kemp Boulevard, Wichita Falls, Tex., effective 1-24-55 to 1-23-56; 4 learners for normal labor turnover purposes (women's and girls' cotton jeans and shorts).

Delta Manufacturing Co., 3401-09 Kemp Boulevard, Wichita Falls, Tex., effective 1-24-55 to 1-23-56; 7 learners for normal labor turnover purposes. (Men's and boys' cotton work clothing).

Diane Frocks, 29 Frothingham Street, Pittston, Pa., effective 1-20-55 to 1-19-56; 5 learners for normal labor turnover purposes (dresses).

Don Juan Manufacturing Co., Hertford, N. C., effective 1-22-55 to 1-21-56; 10 learners for normal labor turnover purposes (men's and boys' sport shirts).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss., effective 1-19-55 to 7-18-55; 50 learners for plant expansion purposes (men's and boys' woven pajamas).

Ely & Walker Factory, Paragould, Ark., effective 1-30-55 to 1-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' sport shirts).

Evergreen Garment Co., Inc., 306 Martin Street, Evergreen, Ala., effective 1-22-55 to 1-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

The Garment Manufacturing Co., Inc., Hicks Street, Lawrenceville, Va., effective 1-21-55 to 1-20-56; 5 learners for normal labor turnover purposes (children's wearing apparel).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa., effective 1-20-55 to 1-19-56; 5 learners for normal labor turnover purposes (girls' shorts).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa., effective 1-20-55 to 1-19-56; 5 learners for normal labor turnover purposes (men's sport shirts).

Greer Shirt Corporation, P. O. Box 390, Greer, S. C., effective 1-24-55 to 1-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport and dress shirts).

Hazlehurst Manufacturing Co., Inc., Vidalia Division, Vidalia, Ga., effective 1-20-55 to 7-19-55; 35 learners for plant expansion purposes (brassieres).

Holiday Wear, Inc., Ridgeland, S. C., effective 1-24-55 to 7-23-55; 20 learners for plant expansion purposes (ladies' cotton dresses).

L & S Manufacturing, 479 South Main Street, Wilkes-Barre, Pa., effective 1-17-55 to 1-16-56; 10 learners for normal labor turnover purposes (dresses).

Lillington Garment Co., Inc., Lillington, N. C., effective 1-12-55 to 1-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and utility shirts).

Lillington Garment Co., Inc., Lillington, N. C., effective 2-1-55 to 7-31-55; 75 learners for plant expansion purposes (sport and utility shirts).

John J. McAuliffe & Co., Rockport, Maine, effective 1-21-55 to 1-20-56; 5 learners for normal labor turnover purposes (infants' dresses and ladies' wear).

The Morelle Manufacturing Co., 4916 Main Avenue, Ashtabula, Ohio, effective 1-19-55 to 1-18-56; 10 learners for normal labor turnover purposes (dresses).

The Mountain Top Co., 220 South Church Street, Hendersonville, N. C., effective 1-21-55 to 1-20-56; 10 learners for normal labor turnover purposes (misses' and children's playwear).

Publix Shirt Corp., Gallitzin, Pa., effective 1-21-55 to 1-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton and rayon sport shirts).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa., effective 2-1-55 to 1-31-56; 10 learners for normal labor turnover purposes (boys' outerwear).

The Watson-Scott Co., Thomasville, Ga., effective 1-20-55 to 1-19-56; 8 learners for normal labor turnover purposes (industrial uniforms).

Ben Weisberg & Co., 54-56 North Main Street, Carbondale, Pa., effective 1-20-55 to 1-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (making children's dresses under contract).

Whittemore Manufacturing Co., Wolfe City, Tex., effective 1-21-55 to 1-20-56; 5 learners for normal labor turnover purposes (children's dresses).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga., effective 2-1-55 to 1-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Acme Hosiery Dye Works, Inc., Pulaski, Va., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Amos Hosiery Mills, Inc., High Point, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Archer Mills, Inc., Columbus, Ga., effective 2-6-55 to 2-5-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Belmont Knitting Co., Belmont, N. C., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Galax Hosiery Mills, Inc., Galax, Va., effective 1-20-55 to 9-30-55; 5 learners for normal labor turnover purposes (seamless hosiery).

Grenada Industries, Inc., Grenada, Miss., effective 1-25-55 to 1-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pa., effective 1-20-55 to 1-19-56; 4 learners for normal labor turnover purposes (seamless hosiery).

Lenoir Hosiery Mills, Inc., Lenoir, N. C., effective 1-21-55 to 1-20-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned hosiery).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to

522.93, as amended September 20, 1954, 19 F. R. 3312.

Mt. Pulaski Telephone & Electric Co., Mt. Pulaski, Ill., effective 1-21-55 to 1-20-56.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special student-worker certificate was issued to the school-operated industry listed below:

Wisconsin Academy, Columbus, Wis., effective 1-17-55 to 8-31-55; in the furniture shop industry in the occupations of assembler (furniture), woodworking machine operator, furniture finisher helper, and related skilled and semiskilled occupations; 20 learners for learning periods of 280 hours at 60 cents per hour, 280 hours at 65 cents per hour, and 280 hours at 70 cent per hour (supplementary certificate).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Undergarments Accessories, Inc., Carolina, P. R., effective 1-7-55 to 7-6-55; 25 learners in the occupation of sewing machine operator, for 160 hours, at 45 cents per hour (shoulder straps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

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

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-991; Filed, Feb. 2, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6992]

SERVICE TO BASRA, IRAQ; INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of investigation of service to Basra, Iraq, as set out in Board Order No. E-8917, and the Pan American service plan changes involved in Docket Nos. 6548 and 6774.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 14, 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 Paul N. Pfeiffer.

Dated at Washington, D. C., January 31, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-1002; Filed, Feb. 2, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3330]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER AUTHORIZING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

JANUARY 28, 1955.

New England Electric System ("NEES"), a registered holding company, and twenty-three of its public-utility subsidiary companies, namely, Amesbury Electric Light Company ("Amesbury"), Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Essex County Electric Company ("Essex"), Granite State Electric Company ("Granite"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), Lawrence Gas Company ("Lawrence Gas"), The Lowell Electric Light Corporation ("Lowell"), The Mystic Power Company ("Mystic Power"), Mystic Valley Gas Company ("Mystic Valley"), The Narragansett Electric Company ("Narragansett"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), Quincy Electric Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Suburban"), Wachusett Gas Company ("Wachusett"), Weymouth Light and Power Company ("Weymouth") and Worcester County Electric Company ("Worcester") (hereinafter collectively referred to as "the borrowing companies") having filed a joint application-declaration with this Commission pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-42 (b) (2), U-43, and U-45 (b) (1) promulgated thereunder regarding the following proposed transactions:

The borrowing companies propose to issue, from time to time but not later than December 31, 1955, short-term unsecured promissory notes (a) to banks in the aggregate principal amount of $74,910,000 and (b) to NEES in the aggregate principal amount of $38,730,000 or a total of $113,640,000. Most of the proposed short-term note financing is for renewal purposes with the 1955 new money requirements of the borrowing companies estimated at $20,070,000. The application-declaration states that the maximum amount of such notes to be outstanding at any one time during the year 1955 (a) with banks will not exceed $47,020,000 and (b) with NEES will not exceed $30,000,000, with the total at all times limited to $58,990,000. Such notes will mature in less than one year and in any event not later than March 31, 1956, and, except as hereinafter described, if issued by an electric company, will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof, and if issued by a gas company, at such interest rate plus ¼ of 1 percent. It is stated that the present prime rate of interest is 3 percent. Central Mass., Lawrence Gas, Mystic Valley, Northampton Gas, North Shore, Norwood and Wachusett are gas companies. With respect to any notes proposed to be issued by the borrowing companies to banks to prepay then outstanding notes payable to NEES, if the interest rate for the notes proposed to be issued exceeds the interest rate on the notes proposed to be prepaid, NEES will file an amendment to the application-declaration setting forth therein the proposed amount of the note or notes and the proposed interest rate thereon which amendment will become effective five days after the filing thereof unless the Commission notifies NEES to the contrary within said five-day period.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES in 1955, (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time during 1955:

TABLE I

[Thousands omitted]

	Aggregate amount of notes proposed to be issued in 1955		Maximum amount of notes to be outstanding during 1955		
	Banks	NEES	Banks	NEES	Banks or NEES
Amesbury	$920	$1,690	-------	-------	$920
Attleboro	-------	2,750	-------	$1,450	-------
Central Massachusetts	1,650	-------	$900	-------	-------
Essex	3,700	1,000	-------	-------	2,300
Granite	1,100	-------	600	-------	-------
Haverhill	2,400	4,200	-------	-------	2,400
Lawrence	7,425	-------	4,000	-------	-------
Lawrence Gas	2,680	-------	1,540	-------	-------
Lowell	11,500	-------	6,000	-------	-------
Mystic Power	300	-------	175	-------	-------
Mystic Valley	3,700	-------	2,550	-------	-------
Narragansett	18,400	-------	9,700	-------	-------
Northampton	885	-------	485	-------	-------
Northampton Gas	-------	1,160	-------	645	-------
North Shore	4,950	2,450	2,650	1,225	-------
Northern	-------	3,240	-------	1,660	-------
Norwood	-------	1,150	-------	615	-------
Quincy	-------	4,110	-------	2,180	-------
Southern	-------	2,680	-------	1,395	-------
Suburban	5,400	2,000	-------	-------	3,100
Wachusett	500	-------	300	-------	-------
Weymouth	-------	5,400	-------	2,800	-------
Worcester	9,400	6,900	-------	-------	9,400
Total	74,910	38,730	28,900	11,970	18,120

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures. The application-declaration indicates that during 1955 certain of the borrowing companies (or a resultant company of the merger of such companies) contemplate the issuance of an aggregate amount of $30,720,000 of permanent securities.

The following table shows for each borrowing company (a) the amount of

unsecured short-term notes outstanding at January 1, 1955, and (b) the amount of such notes estimated to be outstanding at December 31, 1955, after giving effect to the use of the proceeds from the proposed notes and contemplated permanent financing:

TABLE II

[Tthousands omitted]

	Amount of notes outstanding at Jan. 1, 1955		Amount of notes estimated to be outstanding at Dec. 31, 1955	
	Banks	NEES	Banks	NEES
Amesbury		$640	(1)	(1)
Attleboro		1,150		$235
Central Massachusetts	$700		$900	
Essex		800	2,300	
Granite	400		600	
Haverhill		1,600	(1)	(1)
Lawrence	2,925		1,320	(1)
Lawrence Gas	1,040		1,540	
Lowell	5,000		(1)	(1)
Mystic Power	75		175	
Mystic Valley	850		2,550	
Narragansett	5,500		9,700	
Northampton	375		485	
Northampton Gas		440		645
North Shore	2,200	1,225	375	
Northern		1,410		250
Norwood		495		615
Quincy		1,680		500
Southern		1,265		130
Suburban		1,500	3,100	
Wachusett	100		300	
Weymouth		2,150		650
Worcester		5,400	1,900	
Totals	19,165	19,755	25,245	3,025

[1] Assumes merger or consolidation of these companies, and $12,000,000 bond issue of resultant company, Lawrence.

The joint application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $2,400.

The joint application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application-declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

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

[F. R. Doc. 55-992; Filed, Feb. 2, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30192]

ASPHALT FROM EL DORADO, ARK., GROUP TO MISSISSIPPI

APPLICATION FOR RELIEF

JANUARY 31, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Asphalt (asphaltum), in tank-car loads.

From: El Dorado, Norphlet, Oil Hill, Pearson, Smackover, Stephens, and Waterloo, Ark.

To: Points in Mississippi.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3725, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-997; Filed, Feb. 2, 1955; 8:47 a. m.]

[4th Sec. Application 30193]

VEGETABLE CAKE AND MEAL FROM THE SOUTH AND SOUTHWEST TO TEXAS

APPLICATION FOR RELIEF

JANUARY 31, 1955.

The Commisssion is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3972.

Commodities involved: Vegetable cake, vegetable meal, and related articles, carloads.

From: Points in Louisiana, Kansas, Oklahoma, Missouri and Arkansas.

To: Points in Texas.

Grounds for relief: Rail competition, circuity, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 55-998; Filed, Feb. 2, 1955; 8:47 a. m.]

[No. 31687]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of January A. D. 1955.

It appearing, that a petition, dated November 22, 1954, has been filed on behalf of The Apache Railway Company, The Atchison, Topeka and Santa Fe Railway Company, Magma Arizona Railroad Company, and Southern Pacific Company, common carriers by railroad, operating to, from, and between points in the State of Arizona, in interstate and intrastate commerce, averring that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, and Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557; 284 I. C. C. 589 and 289 I. C. C. 395; the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing that the petitioners allege that the Arizona Corporation Commission has refused to authorize or permit them to apply to the transportation of the following commodities and other commodities, as more fully set forth in said petition, moving

intrastate by railroad in Arizona, and to their Arizona intrastate class rates, increases in freight rates and charges thereon corresponding to those approved for interstate application in the proceedings above cited;

Ex Parte No. 168 eight percent increase and Ex Parte No. 175 fifteen percent increase on:
Livestock.
Cottonseed cake and meal.
Hay.
Lime (common or hydrated).
Silica (industrial) sand.
Ores and concentrates.
Sulphuric acid.
Class rates.

Ex Parte No. 168 eight percent increase only on:
Crude perlite rock.
Lime rock generally.

Ex Parte 175 fifteen percent increase only on:
Flotation lime (kiln run lime).
Lime rock from Paul Spur to Douglas.
Grinding balls from Phoenix to Ajo, Ariz.
Volcanic cinders.
Pumice aggregate.
High explosives.
Cement and rhyolitic rock.

It further appearing that the petitioners allege that such refusals cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petitioners rates and charges made or imposed by authority of the State of Arizona:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Arizona for the intrastate transportation of property, made or imposed by authority of the State of Arizona, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte Nos. 168 and 175, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arizona which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission of Arizona at Phoenix, Ariz.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 55-999; Filed, Feb. 2, 1955; 8:47 a. m.]